

Basic information	
<p>2022/0131(COD)</p> <p>COD - Ordinary legislative procedure (ex-codecision procedure) Directive</p>	Procedure completed
<p>Single Permit Directive. Recast</p> <p>Subject</p> <p>4.15.08 Work, employment, wages and salaries: equal opportunities women and men, and for all 4.15.12 Workers protection and rights, labour law 7.10 Free movement and integration of third-country nationals 7.10.04 External borders crossing and controls, visas 7.10.08 Migration policy</p> <p>Legislative priorities</p> <p>Joint Declaration 2022 Joint Declaration 2023-24</p>	

Key players				
European Parliament	Committee responsible		Rapporteur	Appointed
	LIBE	Civil Liberties, Justice and Home Affairs	MORENO SÁNCHEZ Javier (S&D)	05/09/2022
			Shadow rapporteur	
			DÜPONT Lena (EPP)	
			OETJEN Jan-Christoph (Renew)	
			STRIK Tineke (Greens /EFA)	
		JAKI Patryk (ECR)		
		VANDENDRIESSCHE Tom (ID)		
		ARVANITIS Konstantinos (The Left)		
Committee for opinion		Rapporteur for opinion	Appointed	
EMPL	Employment and Social Affairs (Associated committee)	JONGERIUS Agnes (S&D)	28/09/2022	
Committee for opinion on the recast technique		Rapporteur for opinion	Appointed	

	JURI Legal Affairs	ADAMOWICZ Magdalena (EPP)	01/01/2023
Council of the European Union			
European Commission	Commission DG	Commissioner	
	Migration and Home Affairs	JOHANSSON Ylva	

Key events			
Date	Event	Reference	Summary
27/04/2022	Legislative proposal published	COM(2022)0655 	Summary
22/06/2022	Committee referral announced in Parliament, 1st reading		
20/10/2022	Referral to associated committees announced in Parliament		
23/03/2023	Vote in committee, 1st reading		
23/03/2023	Committee decision to open interinstitutional negotiations with report adopted in committee		
13/04/2023	Committee report tabled for plenary, 1st reading	A9-0140/2023	Summary
17/04/2023	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
19/04/2023	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71)		
23/01/2024	Approval in committee of the text agreed at 1st reading interinstitutional negotiations		
12/03/2024	Debate in Parliament		
13/03/2024	Decision by Parliament, 1st reading	T9-0146/2024	Summary
13/03/2024	Results of vote in Parliament		
12/04/2024	Act adopted by Council after Parliament's 1st reading		
24/04/2024	Final act signed		
30/04/2024	Final act published in Official Journal		

Technical information	
Procedure reference	2022/0131(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Recast
Legislative instrument	Directive
Legal basis	Rules of Procedure EP 57_o

Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/08940

Documentation gateway				
European Parliament				
Document type	Committee	Reference	Date	Summary
Committee draft report		PE738.493	21/11/2022	
Amendments tabled in committee		PE739.729	08/12/2022	
Committee opinion	EMPL	PE736.589	25/01/2023	
Specific opinion	JURI	PE745.456	23/03/2023	
Committee report tabled for plenary, 1st reading/single reading		A9-0140/2023	13/04/2023	Summary
Text adopted by Parliament, 1st reading/single reading		T9-0146/2024	13/03/2024	Summary
Council of the EU				
Document type		Reference	Date	Summary
Draft final act		00093/2023/LEX	24/04/2024	
European Commission				
Document type		Reference	Date	Summary
Legislative proposal		COM(2022)0655 	27/04/2022	Summary
Document attached to the procedure		SEC(2022)0201	28/04/2022	
Document attached to the procedure		SWD(2022)0655 	28/04/2022	
Document attached to the procedure		SWD(2022)0656 	28/04/2022	
Commission response to text adopted in plenary		SP(2024)350	22/07/2024	
National parliaments				
Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	ES_PARLIAMENT	COM(2022)0655	20/09/2022	
Contribution	CZ_SENATE	COM(2022)0655	20/10/2022	
Contribution	PT_PARLIAMENT	COM(2022)0655	21/12/2022	

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES2745/2022	26/10/2022	
CofR	Committee of the Regions: opinion	CDR3942/2022	30/11/2022	

Additional information

Source	Document	Date
EP Research Service	Briefing	06/06/2024
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency				
Name	Role	Committee	Date	Interest representatives
JONGERIUS Agnes	Rapporteur for opinion	EMPL	20/11/2023	FNV
JONGERIUS Agnes	Rapporteur for opinion	EMPL	13/11/2023	ETUC PICUM
JONGERIUS Agnes	Rapporteur for opinion	EMPL	25/10/2023	ETUC PICUM
JONGERIUS Agnes	Rapporteur for opinion	EMPL	18/10/2023	FNV
JONGERIUS Agnes	Rapporteur for opinion	EMPL	11/10/2023	ETUC PICUM
JONGERIUS Agnes	Rapporteur for opinion	EMPL	20/09/2023	ETUC PICUM
STRIK Tineke	Shadow rapporteur	LIBE	31/08/2023	Platform for International Cooperation on Undocumented Migrants
MORENO SÁNCHEZ Javier	Rapporteur	LIBE	06/02/2023	Caritas Europa PICUM
JONGERIUS Agnes	Rapporteur for opinion	EMPL	19/12/2022	FNV
JONGERIUS Agnes	Rapporteur for opinion	EMPL	23/11/2022	IRU
JONGERIUS Agnes	Rapporteur for opinion	EMPL	10/11/2022	FNV
JONGERIUS Agnes	Rapporteur for opinion	EMPL	28/10/2022	Academic experts
JONGERIUS Agnes	Rapporteur for opinion	EMPL	25/10/2022	ETUC
STRIK Tineke	Shadow rapporteur	LIBE	20/10/2022	Federatie Nederlandse Vakbeweging
JONGERIUS Agnes	Rapporteur for opinion	EMPL	13/10/2022	PICUM

JONGERIUS Agnes	Rapporteur for opinion	EMPL	11/10/2022	EFFAT
JONGERIUS Agnes	Rapporteur for opinion	EMPL	10/10/2022	FNV
MORENO SÁNCHEZ Javier	Rapporteur	LIBE	05/09/2022	Labor Mobility Partnership
SIPPEL Birgit	Rapporteur	LIBE	08/06/2022	EUROPEAN TRADE UNION CONFEDERATION Ludovic Voet
MORENO SÁNCHEZ Javier	Rapporteur	LIBE	07/06/2022	ETUC

Other Members

Transparency		
Name	Date	Interest representatives
SIPPEL Birgit	06/02/2023	Bundesvereinigung der Deutschen Arbeitgeberverbände e.V.

Final act	
Directive 2024/1233 OJ OJ L 30.04.2024	Summary

Single Permit Directive. Recast

2022/0131(COD) - 13/04/2023 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Javier MORENO SÁNCHEZ (S&D, ES) 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).

The committee responsible recommended that the European Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Scope

Members specified that the proposed Directive should also apply to third-country nationals 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**.

Single application procedure

The amended text stated that an application to issue, amend or renew a single permit should be submitted by way of a harmonised single application procedure. Member States should 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 should 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, the Member State concerned should 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.

Time limits

Members set a limit of **90 days** for reaching a decision on an application for a single permit, from the current four months. This time limit would be shortened to **45 days** if the applicant were selected through an **EU talent partnership** or already holds a single permit in another EU country.

The single permit should 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.

Rights on the basis of the single permit

Under the revised rules, there will be a simplified procedure to allow the worker to change employer. Member States should 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.

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

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

Single Permit Directive. Recast

2022/0131(COD) - 30/04/2024 - Final act

PURPOSE: to establish a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State.

LEGISLATIVE ACT: Directive (EU) 2024/1233 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).

CONTENT: this directive lays down:

- 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;
- a **common set of rights** to third-country workers legally residing in a Member State, irrespective of the purposes for which they were initially admitted to the territory of that Member State, based on equal treatment with nationals of that Member State.

The law, which updates the 2011 directive currently in place, aims to attract the skills and talent the EU needs and to address shortcomings as regards legal migration to the EU.

Scope

This directive applies to third-country nationals who: (a) apply to reside in a Member State for the purpose of work; (b) 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; or (c) have been admitted to a Member State for the purpose of work in accordance with Union or national law.

Single application procedure

An application to issue, amend or renew a single permit shall be submitted by way of a single application procedure. Member States should determine whether applications for a single permit are to be submitted by the third-country national or by the third-country national's employer. Alternatively, Member States may allow applications to be submitted by either of the two.

A **third-country worker** can submit an application from the territory of a third-country or, if he or she is a holder of a valid residence permit, from within the EU. If a Member State decides to issue the single permit, this decision will serve as both **residence permit and work permit**.

Competent authority

Member States should designate an authority competent to receive the application and to issue the single permit. The competent authority should adopt a decision on the application for a single permit as soon as possible and in any event within **90 days** of the date of submission of a complete application. The time limit should cover checking the labour market situation where such a check is carried out in connection with an individual application for a single permit. The time limit for a decision may exceptionally be extended for an **additional 30 days** in cases of complex applications.

Procedural safeguards

Reasons shall be given in the written notification of a decision rejecting an application to issue, amend or renew a single permit, or a decision withdrawing a single permit on the basis of criteria provided for by Union or national law. A decision rejecting the application to issue, amend or renew or a decision withdrawing a single permit should take account of the specific circumstances of the case and respect the principle of proportionality. Such a decision should be open to legal challenge in the Member State concerned.

Rights on the basis of the single permit

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

- enter and reside in the territory of the Member State issuing the single permit, provided that the holder meets all admission requirements;
- have free access to the entire territory of the Member State issuing the single permit within the limits provided for by national law;

- exercise the specific employment activity authorised under the single permit in accordance with national law;
- be informed about the holder's own rights linked to the permit.

Change of employer

The revised directive allows a single permit holder to change employer. During the period of validity of a single permit, Member States may:

- require that a change of employer be **notified** to the competent authorities in the Member State concerned;
- require that a change of employer be subject to a **check of the labour market situation** if the Member State concerned carries out checks of the labour market situation, for applications for a single permit;
- require a **minimum period** during which the single permit holder is required to work for the first employer.

Unemployment

Unemployment in itself should not constitute a reason for withdrawing a single permit provided that the total period of unemployment does not exceed **three months** during the period of validity of a single permit, or **six months** if the third-country national has been a holder of the single permit for more than two years. The Member State may allow a single permit holder to be unemployed for a longer period.

For periods of unemployment longer than three months, Member States may require single permit holders to provide evidence of having sufficient resources to maintain themselves without recourse to the social assistance system of the Member State concerned.

Right to equal treatment

Third-country workers should enjoy equal treatment with nationals of the Member State where they reside with regard to at least: (i) terms of employment and working conditions, including with regard to remuneration, dismissal, working hours, leave and holidays and the equal treatment of men and women, as well as health and safety at the workplace; (ii) the right to strike and take industrial action and to freedom of association and affiliation and membership of an organisation representing workers or employers; (iii) education and vocational training.

ENTRY INTO FORCE: 20.5.2024.

TRANSPOSITION: no later than 21.5.2026.

Single Permit Directive. Recast

2022/0131(COD) - 13/03/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 465 votes to 122, with 27 abstentions, a legislative resolution 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).

The European Parliament's position adopted at first reading under the ordinary legislative procedure amends the proposal as follows:

Subject matter and scope

This Directive lays down 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. It should apply to third-country nationals who apply to reside in a Member State for the purpose of work but should not apply to third-country nationals: (i) who are posted for as long as they are posted; (ii) who are beneficiaries of protection in accordance with national law, international obligations or the practice of a Member State.

Single application procedure

An application to issue, amend or renew a single permit should 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.

An application for a single permit should be considered and examined either where the third-country national is residing outside the territory of the Member State to which that third-country national wishes to be admitted, or where that third-country national is already residing in the territory of that Member State as a holder of a valid residence permit. A Member State may also accept, in accordance with its national law, applications for a single permit submitted by other third-country nationals who are legally present in its territory.

Single permit

The competent authority should adopt a decision on the application for a single permit as soon as possible and in any event within **90 days** of the date of submission of a complete application. The time limit to take a decision may be extended for an additional period of **30 days**, in exceptional and duly justified circumstances linked to the complexity of the application. The period may be extended for an additional period of 15 days, in exceptional and duly justified circumstances.

Information, fees

Member States should make easily accessible, and provide upon request to the third-country national and the future employer adequate information on all the documentary evidence needed for an application, and, where appropriate, on the applicable fees. They may require the payment of fees for the processing of applications in accordance with this Directive. The level of fees required by a Member State for the processing of applications should **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.

Change of employer

Member States should allow a single permit holder to change employer. During the period of validity of a single permit, Member States may:

- (a) require that a change of employer be **notified** to the competent authorities in the Member State concerned, in accordance with procedures laid down in national law;
- (b) require that a change of employer be subject to a **check of the labour market situation** if the Member State concerned carries out checks of the labour market situation, for applications for a single permit;
- (c) require a **minimum period** during which the single permit holder is required to work for the first employer. This minimum period should not exceed the duration of the employment contract or the period of validity of the permit. It should, in any event, not exceed six months. Member States should allow a single permit holder to change employer before the expiration of that minimum period in duly justified cases of a serious breach by the employer of the terms and conditions of the employment relationship.

Where the Member State requires that a change of employer be notified, the right of the single permit holder to change employer may be suspended for a maximum period of **45 days** from the date on which the notification to the national competent authorities was made.

Unemployment

Unemployment in itself should not constitute a reason for withdrawing a single permit provided that:

- (a) the total period of unemployment does not exceed three months during the period of validity of a single permit, or **six months** if the third-country national has been a holder of the single permit for more than two years;
- (b) the beginning and, where applicable, the end of any period of unemployment is notified to the competent authorities of the Member State concerned, in accordance with the relevant national procedures.

The Member State may allow a single permit holder to be unemployed for a longer period. For periods of unemployment longer than three months, Member States may require single permit holders to provide evidence of having **sufficient resources** to maintain themselves without recourse to the social assistance system of the Member State concerned.

Where the competent authorities of the Member State establish that there are reasonable grounds to believe that a single permit holder has experienced particularly exploitative working conditions, that Member State should **extend the allowed period of unemployment by three months**.

Right to equal treatment

Third-country workers should enjoy equal treatment with nationals of the Member State where they reside with regard to at least: (i) terms of employment and working conditions, including with regard to remuneration, dismissal, working hours, leave and holidays and the equal treatment of men and women, as well as health and safety at the workplace; (ii) the right to strike and take industrial action and to freedom of association and affiliation and membership of an organisation representing workers or employers; (iii) education and vocational training.

Single Permit Directive. Recast

2022/0131(COD) - 27/04/2022 - Legislative proposal

PURPOSE: to recast the Directive 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.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: the vast majority of migrants arrive in Europe legally. In 2019, EU Member States issued more than three million first residence permits to third-country nationals, of which more than one million were for employment purposes.

According to available statistics, of all permits issued in 2019, 1 172 028 (39%) were issued for remunerated activities, 928 483 (31%) for family reasons, 395 428 (13%) for education and training purposes and 368 509 (12%) for other reasons.

The evaluation of the Directive in the context of the 2019 fitness check of EU legislation on legal migration and its implementation reports identified **several gaps in the personal and material scope, inconsistencies and shortcomings**, as well as practical problems arising from the application of the Directive by Member States. During the ten years of application of the Directive, the Commission has received several complaints about its implementation by Member States (e.g. failure to comply with the legal deadlines for issuing a single permit or problems related to social security).

This proposal aims to **streamline the single permit application procedure and make it more efficient**. Currently, the overall length of the application procedures discourages employers from recruiting from abroad. Reducing this time should help to increase the attractiveness of the EU and address the labour shortages that the EU faces. It is also important to **strengthen safeguards and equal treatment** between third-country nationals and EU citizens, and to better protect the former against labour exploitation.

This proposal is **part the 'Skills and talent' package of measures** proposed as a follow-up to the Commission's Communication on a New Pact on Migration and Asylum, adopted on 23 September 2020, which underlined the need to address the main shortcomings of the EU policy on legal migration, with the overall objective of attracting skills and talent the EU needs. The package also includes the recast of Directive 2003/109/EC on long-term residents.

CONTENT: the Commission proposes to **update the Single Permit Directive** in order to further streamline the application procedure for a combined residence and work permit, and to strengthen guarantees for equal treatment and protection against labour exploitation.

Scope of application

Several changes in the recast proposal aim to clarify the scope of Directive 2011/98/EU, and in particular the exclusions from the scope. Third-country workers posted from another Member State are excluded from the scope as they are not considered as belonging to the labour market of the Member State to which they are posted. The Directive would also not apply to third-country nationals who have been admitted to the territory of a Member State to work as intra-corporate transferees or as seasonal workers.

The proposal extends the personal scope of the Directive to **persons enjoying protection under national law** who are currently not fully covered by the provisions on equal treatment.

Single application procedure

The recast proposal provides that Member States should allow for a single application for a permit to be made both in the Member State of destination and from a third country and requires Member States to issue the required visa when the requirements laid down by Union or national law are met.

Furthermore, the **four-month period** for the adoption of a decision should also include the issuing of the required entry visa and the time needed to carry out the labour market situation before deciding on an application for a single permit.

Rights on the basis of the single permit

On the basis of the proposed amendments, the single permit would give the right to the third-country national to **change employer** during the period of its validity. Member States should be able to require a notification of the change and be able to check the labour market situation in case a change of employer takes place. The proposal has been clarified to ensure that Member States that withdraw the single permit following the loss of employment allow third-country workers to remain in their territory for at least **three months** during the validity of the permit, in case the single permit holder loses his /her job.

Equal treatment

The proposed amendments clarify that equal treatment will apply to access to private housing and that any restrictions introduced by Member States may only concern access to public housing. They clarify the provisions regarding access to social security coverage and specify that third-country nationals who are authorised to work under a visa would be entitled to family benefits if they work in the Member State concerned for a period exceeding six months.

Monitoring, risk assessment, inspections and penalties and facilitation of complaints

Member States should provide for effective, proportionate and dissuasive sanctions against employers for failure to comply with national provisions adopted pursuant to the Directive, in particular as regards working conditions, freedom of association and membership and access to social security benefits. These measures should include monitoring, risk assessment and, where appropriate, inspection.

In order to improve compliance with the Directive, redress mechanisms would be set up. They should be open not only to single permit holders, but also to third parties who, in accordance with the criteria established by national law, have a legitimate interest in ensuring compliance with the Directive.