



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 27 October 2011

16058/11

**Inte rinstitutional File:
2007/0229 (COD)**

LIMITE

**MIGR 164
SOC 917
CODEC 1815**

COVER NOTE

from: Mr. Stefano Manservigi, Director General of the Directorate-General
Home Affairs of the European Commission

date of receipt: 26 October 2011

to: Mr. Jan Tombiński, Ambassador, Permanent Representation of Poland

Subject: 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

Delegations will find attached a copy of a letter concerning the above-mentioned subject.



EUROPEAN COMMISSION
DIRECTORATE-GENERAL HOME AFFAIRS

The Director General

Brussels, 26 10 2011
Home/B1/BS/ss(2011)

Dear Ambassador, *Dear Jan*

In view of the discussions in the Council, please find enclosed the Commission's position on explanatory documents in the 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.

you

[Handwritten signature]

Stefano Manservigi

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SGE11/10891
REÇU LE: 26. 10. 2011
DEST. PRINC:
DEST. COP:
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Commission position on explanatory documents

The Commission considers that explanatory documents are necessary in order to improve the quality of information on the transposition of the directive for the following reasons:

1. Large scope, functioning as a framework Directive:

The Single Permit Directive is considered as a framework Directive, the obligation to indicate the right to work will affect all residence permits¹ even if they were issued for different purposes (family, study reasons for example). Moreover the Directive gives a right of equal treatment to all legally residing third-country workers² irrespective of their status (initial admission purpose, residence title etc.) and therefore **has a very large scope** and will potentially affect a large number of immigrants.

2. Impact or amending various branches of the national legal order

The Single Permit Directive provides for the right of equal treatment for third-country workers **in a wide range of policy area**:

- working conditions (pay, health and safety, collective rights etc);
- education and vocational training,
- recognition of diplomas;
- social security (including healthcare);
- export of pensions once they are paid;
- tax benefits;
- access to goods and services including procedure for housing and
- advice services of employment offices.

In order to implement these equal treatment provisions of the Directive, **Member States will have to act in different policy fields** (social policy, employment policy, education or taxation). In technical terms this could mean **modification to a wide variety of legislative acts**. Without explanatory documents on the actual changes made, it would require important resources to track the ways and methods of transposition in all Member States. Explanatory documents will help to **improve the quality of information** on the transposition of Union directives.

¹ Issued under Regulation (EC) 1030/2002 as amended by Regulation (EC) 380/2008

² The scope is subject to a list of exception but the aim is to target migrant workers in general.

3. Information on rights

As already indicated, the Directive ensures the right to equal treatment in a wide range of policy fields for third-country workers. Explanatory documents on the part of the Member States would help to **identify how these rights are exactly ensured** at national level.

4. Proportionality

Given the broad and crosscutting nature of this Directive - both as regards its personal scope and the targeted policy area - the estimated additional administrative burden to provide for explanatory documents is proportionate to the aim pursued (i.e. to enable verification of effective transposition). In view of the above it is suggested that Member States undertake the notification of their transposition **measures with one or more documents explaining the relationship** between the components of the directive and the corresponding parts of national transposition instruments.