

Council Directive 2003/109/EC of 25 November 2003 concerning
the status of third-country nationals who are long-term residents

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

This Directive determines:

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

Article 2

Definitions

For the purposes of this Directive:

- (a) ‘third-country national’ means any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty;
- (b) ‘long-term resident’ means any third-country national who has long-term resident status as provided for under Articles 4 to 7;
- (c) ‘first Member State’ means the Member State which for the first time granted long-term resident status to a third-country national;
- (d) ‘second Member State’ means any Member State other than the one which for the first time granted long-term resident status to a third-country national and in which that long-term resident exercises the right of residence;
- (e) ‘family members’ means the third-country nationals who reside in the Member State concerned in accordance with Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification⁽¹⁾;
- (f) ‘^{F1}international protection’ means international protection as defined in Article 2(a) of Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted⁽²⁾;
- (g) ‘long-term resident's EC residence permit’ means a residence permit issued by the Member State concerned upon the acquisition of long-term resident status.

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

Textual Amendments

- F1** Substituted by [Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection \(Text with EEA relevance\)](#).

Article 3

Scope

1 This Directive applies to third-country nationals residing legally in the territory of a Member State.

2 This Directive does not apply to third-country nationals who:

- a reside in order to pursue studies or vocational training;
- b are authorised to reside in a Member State on the basis of temporary protection or have applied for authorisation to reside on that basis and are awaiting a decision on their status;
- [^{F1}c are authorised to reside in a Member State on the basis of a form of protection other than international protection or have applied for authorisation to reside on that basis and are awaiting a decision on their status;
- d have applied for international protection and whose application has not yet given rise to a final decision;]
- e reside solely on temporary grounds such as au pair or seasonal worker, or as workers posted by a service provider for the purposes of cross-border provision of services, or as cross-border providers of services or in cases where their residence permit has been formally limited;
- f enjoy a legal status governed by the Vienna Convention on Diplomatic Relations of 1961, the Vienna Convention on Consular Relations of 1963, the Convention of 1969 on Special Missions or the Vienna Convention on the Representation of States in their Relations with International Organisations of a Universal Character of 1975.

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

- a bilateral and multilateral agreements between the Community or the Community and its Member States, on the one hand, and third countries, on the other;
- b bilateral agreements already concluded between a Member State and a third country before the date of entry into force of this Directive;
- [^{F1}c the European Convention on Establishment of 13 December 1955, the European Social Charter of 18 October 1961, the amended European Social Charter of 3 May 1987, the European Convention on the Legal Status of Migrant Workers of 24 November 1977, paragraph 11 of the Schedule to the Convention Relating to the Status of Refugees of 28 July 1951, as amended by the Protocol signed in New York on 31 January 1967, and the European Agreement on Transfer of Responsibility for Refugees of 16 October 1980.]

Textual Amendments

- F1** Substituted by [Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection \(Text with EEA relevance\)](#).

CHAPTER I

Document Generated: 2023-10-01

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- (1) [OJ L 251, 3.10.2003, p. 12.](#)
- (2) [^{F1}[OJ L 304, 30.9.2004, p. 12.](#)]

Textual Amendments

- F1** Substituted by [Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection \(Text with EEA relevance\).](#)