

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

CHAPTER II

CONDITIONS OF ADMISSION

Article 8

Grounds for rejection

1 Member States shall reject an application for authorisation for the purpose of seasonal work where:

- a Articles 5 or 6 are not complied with; or
- b the documents presented for the purpose of Articles 5 or 6 were fraudulently acquired, or falsified, or tampered with.

2 Member States shall, if appropriate, reject an application for authorisation for the purpose of seasonal work where:

- a the employer has been sanctioned in accordance with national law for undeclared work and/or illegal employment;
- b the employer's business is being or has been wound up under national insolvency laws or no economic activity is taking place; or
- c the employer has been sanctioned under Article 17.

3 Member States may verify whether the vacancy in question could be filled by nationals of the Member State concerned or by other Union citizens, or by third-country nationals lawfully residing in that Member State, in which case they may reject the application. This paragraph shall apply without prejudice to the principle of preference for Union citizens as expressed in the relevant provisions of the relevant Acts of Accession.

4 Member States may reject an application for authorisation for the purpose of seasonal work where:

- a the employer has failed to meet its legal obligations regarding social security, taxation, labour rights, working conditions or terms of employment, as provided for in applicable law and/or collective agreements;
- b within the 12 months immediately preceding the date of the application, the employer has abolished a full-time position in order to create the vacancy that the employer is trying to fill by use of this Directive; or
- c the third-country national has not complied with the obligations arising from a previous decision on admission as a seasonal worker.

5 Without prejudice to paragraph 1, any decision to reject an application shall take account of the specific circumstances of the case, including the interests of the seasonal worker, and respect the principle of proportionality.

6 Grounds for refusing the issuing of a short-stay visa are regulated in the relevant provisions of the Visa Code.