

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 9

Withdrawal of the authorisation for the purpose of seasonal work

1 Member States shall withdraw the authorisation for the purpose of seasonal work where:

- a the documents presented for the purpose of Articles 5 or 6 were fraudulently acquired, or falsified, or tampered with; or
- b the holder is staying for purposes other than those for which he or she was authorised to stay.

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

- a Articles 5 or 6 are not or are no longer complied with;
- b 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;
- c the employer has not fulfilled its obligations under the work contract; or
- d 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.

4 Member States may withdraw the authorisation for the purpose of seasonal work if the third-country national applies for international protection under Directive 2011/95/EU of the European Parliament and of the Council⁽¹⁾ or for protection in accordance with national law, international obligations or practice of the Member State concerned.

5 Without prejudice to paragraph 1, any decision to withdraw the authorisation 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 annulment or revocation of a short-stay visa are regulated in the relevant provisions of the Visa Code.

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- (1) Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted ([OJ L 337, 20.12.2011, p. 9](#)).