

Directive 2014/66/EU of the European Parliament and of the Council
of 15 May 2014 on the conditions of entry and residence of third-
country nationals in the framework of an intra-corporate transfer

CHAPTER V

INTRA-EU MOBILITY

Article 23

Safeguards and sanctions

1 Where the intra-corporate transferee permit is issued by a Member State not applying the Schengen *acquis* in full and the intra-corporate transferee crosses an external border, the second Member State shall be entitled to require as evidence that the intra-corporate transferee is moving to the second Member State for the purpose of an intra-corporate transfer:

- a a copy of the notification sent by the host entity in the first Member State in accordance with Article 21(2); or
- b a letter from the host entity in the second Member State that specifies at least the details of the duration of the intra-EU mobility and the location of the host entity or entities in the second Member State.

2 Where the first Member State withdraws the intra-corporate transferee permit, it shall inform the authorities of the second Member State immediately.

3 The host entity of the second Member State shall inform the competent authorities of the second Member State of any modification which affects the conditions on which basis the mobility was allowed to take place.

4 The second Member State may request that the intra-corporate transferee immediately cease all employment activity and leave its territory where:

- a it has not been notified in accordance with Article 21(2) and (3) and requires such notification;
- b it has objected to the mobility in accordance with Article 21(6);
- c it has rejected an application for long-term mobility in accordance with Article 22(3);
- d the intra-corporate transferee permit or the permit for long-term mobility is used for purposes other than those for which it was issued;
- e the conditions on which the mobility was allowed to take place are no longer fulfilled.

5 In the cases referred to in paragraph 4, the first Member State shall, upon request of the second Member State, allow re-entry of the intra-corporate transferee, and, where applicable, of his or her family members, without formalities and without delay. That shall also apply if the intra-corporate transferee permit issued by the first Member State has expired or has been withdrawn during the period of mobility within the second Member State.

6 Where the holder of an intra-corporate transferee permit crosses the external border of a Member State applying the Schengen *acquis* in full, that Member State shall consult the Schengen information system. That Member State shall refuse entry or object to the mobility of persons for whom an alert for the purposes of refusing entry and stay has been issued in the Schengen information system.

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7 Member States may impose sanctions against the host entity established on its territory in accordance with Article 9, where:

- a the host entity has failed to notify the mobility of the intra-corporate transferee in accordance with Article 21(2) and (3);
- b the intra-corporate transferee permit or the permit for long-term mobility is used for purposes other than those for which it was issued;
- c the application for an intra-corporate transferee permit has been submitted to a Member State other than the one where the longest overall stay takes place;
- d the intra-corporate transferee no longer fulfils the criteria and conditions on the basis of which the mobility was allowed to take place and the host entity fails to notify the competent authorities of the second Member State of such a modification;
- e the intra-corporate transferee started to work in the second Member State, although the conditions for mobility were not fulfilled in case Article 21(5) or point (d) of Article 22(2) applies.