

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 II

CONDITIONS OF ADMISSION

Article 8

Withdrawal or non-renewal of the intra-corporate transferee permit

1 Member States shall withdraw an intra-corporate transferee permit in any of the following cases:

- a where it was fraudulently acquired, or falsified, or tampered with;
- b where the intra-corporate transferee is residing in the Member State concerned for purposes other than those for which he or she was authorised to reside;
- c where the host entity was established for the main purpose of facilitating the entry of intra-corporate transferees.

2 Member States shall, if appropriate, withdraw an intra-corporate transferee permit where the employer or the host entity has been sanctioned in accordance with national law for undeclared work and/or illegal employment.

3 Member States shall refuse to renew an intra-corporate transferee permit in any of the following cases:

- a where it was fraudulently acquired, or falsified, or tampered with;
- b where the intra-corporate transferee is residing in the Member State concerned for purposes other than those for which he or she was authorised to reside;
- c where the host entity was established for the main purpose of facilitating the entry of intra-corporate transferees;
- d where the maximum duration of stay as defined in Article 12(1) has been reached.

4 Member States shall, if appropriate, refuse to renew an intra-corporate transferee permit where the employer or the host entity has been sanctioned in accordance with national law for undeclared work and/or illegal employment.

5 Member States may withdraw or refuse to renew an intra-corporate transferee permit in any of the following cases:

- a where Article 5 is not or is no longer complied with;
- b where the employer or the host entity has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;
- c where the employer's or the host entity's business is being or has been wound up under national insolvency laws or if no economic activity is taking place;
- d where the intra-corporate transferee has not complied with the mobility rules set out in Articles 21 and 22.

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.

6 Without prejudice to paragraphs 1 and 3, any decision to withdraw or to refuse to renew an intra-corporate transferee permit shall take account of the specific circumstances of the case and respect the principle of proportionality.