

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 20

Mobility

Third-country nationals who hold a valid intra-corporate transferee permit issued by the first Member State may, on the basis of that permit and a valid travel document and under the conditions laid down in Article 21 and 22 and subject to Article 23, enter, stay and work in one or several second Member States.

Article 21

Short-term mobility

1 Third-country nationals who hold a valid intra-corporate transferee permit issued by the first Member State shall be entitled to stay in any second Member State and work in any other entity, established in the latter and belonging to the same undertaking or group of undertakings, for a period of up to 90 days in any 180-day period per Member State subject to the conditions laid down in this Article.

2 The second Member State may require the host entity in the first Member State to notify the first Member State and the second Member State of the intention of the intra-corporate transferee to work in an entity established in the second Member State.

In such cases, the second Member State shall allow the notification to take place either:

- a at the time of the application in the first Member State, where the mobility to the second Member State is already envisaged at that stage; or
- b after the intra-corporate transferee was admitted to the first Member State, as soon as the intended mobility to the second Member State is known.

3 The second Member State may require the notification to include the transmission of the following documents and information:

- a evidence that the host entity in the second Member State and the undertaking established in a third country belong to the same undertaking or group of undertakings;
- b the work contract and, if necessary, the assignment letter, which were transmitted to the first Member State in accordance with point (c) of Article 5(1);
- c where applicable, documentation certifying that the intra-corporate transferee fulfils the conditions laid down under the national law of the Member State concerned for Union citizens to exercise the regulated profession to which the application relates;
- d a valid travel document, as provided for in point (f) of Article 5(1); and
- e where not specified in any of the preceding documents, the planned duration and dates of the mobility.

The second Member State may require those documents and that information to be presented in an official language of that Member State.

4 Where the notification has taken place in accordance with point (a) of paragraph 2, and where the second Member State has not raised any objection with the first Member State in accordance with paragraph 6, the mobility of the intra-corporate transferee to the second Member State may take place at any moment within the period of validity of the intra-corporate transferee permit.

5 Where the notification has taken place in accordance with point (b) of paragraph 2, the mobility may be initiated after the notification to the second Member State immediately or at any moment thereafter within the period of validity of the intra-corporate transferee permit.

6 Based on the notification referred to in paragraph 2, the second Member State may object to the mobility of the intra-corporate transferee to its territory within 20 days from having received the notification, where:

- a the conditions set out in point (b) of Article 5(4) or in point (a), (c) or (d) of paragraph 3 of this Article are not complied with;
- b the documents presented were fraudulently acquired, or falsified, or tampered with;
- c the maximum duration of stay as defined in Article 12(1) or in paragraph 1 of this Article has been reached.

The competent authorities of the second Member State shall inform without delay the competent authorities of the first Member State and the host entity in the first Member State about their objection to the mobility.

7 Where the second Member State objects to the mobility in accordance with paragraph 6 of this Article and the mobility has not yet taken place, the intra-corporate transferee shall not be allowed to work in the second Member State as part of the intra-corporate transfer. Where the mobility has already taken place, Article 23(4) and (5) shall apply.

8 Where the intra-corporate transferee permit is renewed by the first Member State within the maximum duration provided for in Article 12(1), the renewed intra-corporate transferee permit shall continue to authorise its holder to work in the second Member State, subject to the maximum duration provided for in paragraph 1 of this Article.

9 Intra-corporate transferees who are considered to pose a threat to public policy, public security or public health shall not be allowed to enter or to stay on the territory of the second Member State.

Article 22

Long-term mobility

1 In relation to third-country nationals who hold a valid intra-corporate transferee permit issued by the first Member State and who intend to stay in any second Member State and work in any other entity, established in the latter and belonging to the same undertaking or group of undertakings, for more than 90 days per Member State, the second Member State may decide to:

- a apply Article 21 and allow the intra-corporate transferee to stay and work on its territory on the basis of and during the period of validity of the intra-corporate transferee permit issued by the first Member State; or
- b apply the procedure provided for in paragraphs 2 to 7.

2 Where an application for long-term mobility is submitted:

- a the second Member State may require the applicant to transmit some or all of the following documents where they are required by the second Member State for an initial application:
 - (i) evidence that the host entity in the second Member State and the undertaking established in a third country belong to the same undertaking or group of undertakings;
 - (ii) a work contract and, if necessary, an assignment letter, as provided for in point (c) of Article 5(1);
 - (iii) where applicable, documentation certifying that the third-country national fulfils the conditions laid down under the national law of the Member State concerned for Union citizens to exercise the regulated profession to which the application relates;
 - (iv) a valid travel document, as provided for in point (f) of Article 5(1);
 - (v) evidence of having, or, if provided for by national law, having applied for, sickness insurance, as provided for in point (g) of Article 5(1).

The second Member State may require the applicant to provide, at the latest at the time of issue of the permit for long-term mobility, the address of the intra-corporate transferee concerned in the territory of the second Member State.

The second Member State may require those documents and that information to be presented in an official language of that Member State;

- b the second Member State shall take a decision on the application for long-term mobility and notify the decision to the applicant in writing as soon as possible but not later than 90 days from the date on which the application and the documents provided for in point (a) were submitted to the competent authorities of the second Member State;
 - c the intra-corporate transferee shall not be required to leave the territories of the Member States in order to submit the application and shall not be subject to a visa requirement;
 - d the intra-corporate transferee shall be allowed to work in the second Member State until a decision on the application for long-term mobility has been taken by the competent authorities, provided that:
 - (i) the time period referred to in Article 21(1) and the period of validity of the intra-corporate transferee permit issued by the first Member State has not expired; and
 - (ii) if the second Member State so requires, the complete application has been submitted to the second Member State at least 20 days before the long-term mobility of the intra-corporate transferee starts;
 - e an application for long-term mobility may not be submitted at the same time as a notification for short-term mobility. Where the need for long-term mobility arises after the short-term mobility of the intra-corporate transferee has started, the second Member State may request that the application for long-term mobility be submitted at least 20 days before the short-term mobility ends.
- 3 Member States may reject an application for long-term mobility where:
- a the conditions set out in point (a) of paragraph 2 of this Article are not complied with or the criteria set out in Article 5(4), Article 5(5) or Article 5(8) are not complied with;
 - b one of the grounds covered by point (b) or (d) of Article 7(1) or by Article 7(2), (3) or (4) applies; or

- c the intra-corporate transferee permit expires during the procedure.

4 Where the second Member State takes a positive decision on the application for long-term mobility as referred to in paragraph 2, the intra-corporate transferee shall be issued with a permit for long-term mobility allowing the intra-corporate transferee to stay and work in its territory. This permit shall be issued using the uniform format laid down in Regulation (EC) No 1030/2002. Under the heading ‘type of permit’, in accordance with point (a)6.4 of the Annex to Regulation (EC) No 1030/2002, the Member States shall enter: ‘mobile ICT’. Member States may also add an indication in their official language or languages.

Member States may indicate additional information relating to the employment activity during the long-term mobility of the intra-corporate transferee in paper format, and/or store such data in electronic format as referred to in Article 4 of Regulation (EC) No 1030/2002 and point (a)16 of the Annex thereto.

5 Renewal of a permit for long-term mobility is without prejudice to Article 11(3).

6 The second Member State shall inform the competent authorities in the first Member State where a permit for long-term mobility is issued.

7 Where a Member State takes a decision on an application for long-term mobility, Article 8, Article 15(2) to (6) and Article 16 shall apply accordingly.

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.

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.