

Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast)

CHAPTER VI

MOBILITY BETWEEN MEMBER STATES

Article 29

Long-term mobility of researchers

1 In relation to researchers who hold a valid authorisation issued by the first Member State and who intend to stay in order to carry out part of their research in any research organisation in one or several second Member States for more than 180 days per Member State, the second Member State shall either:

- a apply Article 28 and allow the researcher to stay on the territory on the basis of and during the period of validity of the authorisation issued by the first Member State; or
- b apply the procedure provided for in paragraphs 2 to 7.

The second Member State may define a maximum period of the long-term mobility of a researcher which shall not be less than 360 days.

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

- a the second Member State may require the researcher, the research organisation in the first Member State or the research organisation in the second Member State to transmit the following documents:
 - (i) a valid travel document, as provided for in point (a) of Article 7(1), and a valid authorisation issued by the first Member State;
 - (ii) evidence that the researcher has sickness insurance for all the risks normally covered for nationals of the Member State concerned as provided for in point (c) of Article 7(1);
 - (iii) evidence that during the stay the researcher will have sufficient resources to cover subsistence costs without having recourse to the Member State's social assistance system, as provided for in point (e) of Article 7(1), as well as the travel costs to the first Member State in the cases referred to in point (b) of Article 32(4);
 - (iv) the hosting agreement in the first Member State as referred to in Article 10 or, if the second Member State so requires, a hosting agreement concluded with the research organisation in the second Member State;
 - (v) where not specified in any of the documents presented by the applicant, the planned duration and dates of the mobility.

The second Member State may require the applicant to provide the address of the researcher concerned in its territory. Where the national law of the second Member State

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requires an address to be provided at the time of application and the researcher concerned does not yet know his or her future address, that Member State shall accept a temporary address. In such a case, the researcher shall provide his or her permanent address at the latest at the time of the issuance of the authorisation for long-term mobility.

The second Member State may require the applicant to present the documents in an official language of that Member State or in any official language of the Union determined by 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 complete application was submitted to the competent authorities of the second Member State;
- c the researcher shall not be required to leave the territories of the Member States in order to submit an application and shall not be subject to a visa requirement;
- d the researcher shall be allowed to carry out part of the research in the research organisation 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) neither the period referred to in Article 28(1) nor the period of validity of the authorisation issued by the first Member State have expired; and
 - (ii) if the second Member State so requires, the complete application has been submitted to the second Member State at least 30 days before the long-term mobility of the researcher 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 researcher has started, the second Member State may request that the application for long-term mobility be submitted at least 30 days before the short-term mobility ends.

3 The second Member State may reject an application for long-term mobility where:

- a the conditions set out in point (a) of paragraph 2 are not complied with;
- b one of the grounds for rejection set out in Article 20, with the exception of point (a) of paragraph 1 of that Article, applies;
- c the researcher's authorisation in the first Member State expires during the procedure; or
- d where applicable, the maximum duration of stay referred to in the second subparagraph of paragraph 1 has been reached.

4 Researchers 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.

5 Where the second Member State takes a positive decision on the application for long-term mobility as referred to in paragraph 2 of this Article, the researcher shall be issued an authorisation in accordance with Article 17(4). The second Member State shall inform the competent authorities of the first Member State when an authorisation for long-term mobility is issued.

6 The second Member State may withdraw the authorisation for long-term mobility where:

- a the conditions set out in point (a) of paragraph 2 or in paragraph 4 of this Article are not or are no longer complied with; or

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- b one of the grounds of withdrawal of an authorisation, as set out in Article 21, with the exception of point (a) of paragraph (1), point (f) of paragraph (2) and paragraphs (3), (5) and (6) of that Article, applies.

7 When a Member State takes a decision on long-term mobility, paragraphs 2 to 5 of Article 34 apply accordingly.