

4.4.64

OFFICIAL JOURNAL OF THE EUROPEAN COMMUNITIES

845/64

COUNCIL DIRECTIVE

of 25 February 1964

on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services

(64/220/EEC)

THE COUNCIL OF THE EUROPEAN ECONOMIC COMMUNITY,

Having regard to the Treaty establishing the European Economic Community, and in particular Articles 54 and 63 thereof;

Having regard to the General Programmes¹ for the abolition of restrictions on freedom of establishment and on freedom to provide services, and in particular Title II of each programme;

Having regard to the proposal from the commission;

Having regard to the Opinion of the European Parliament²;

Having regard to the Opinion of the Economic and Social Committee³;

Whereas freedom of movement of persons as provided for in the Treaty and in Title II of each of the General Programmes for the Abolition of restrictions on freedom of establishment and on freedom to provide services entails the abolition of restrictions on movement and residence within the Community for nationals of Member States wishing to establish themselves or to provide services within the territory of another Member State;

Whereas freedom of establishment can be fully attained only if a right of permanent residence is granted to the persons who are to enjoy freedom of establishment; whereas freedom to provide services entails that persons providing and receiving services should have the right of residence for the time during which the services are being provided;

Whereas this Directive does not affect measures justified on grounds of public policy, public security or

public health; whereas, in pursuance of Article 56 (2) of the Treaty, co-ordination of such measures is to be dealt with in a separate Directive;

HAS ADOPTED THIS DIRECTIVE:

Article 1

1. Member States shall, acting as provided in this Directive, abolish restrictions on the movement and residence of:

- (a) nationals of a Member State who are established or who wish to establish themselves in another Member State in order to pursue activities as self-employed persons, or who wish to provide services in that State;
- (b) nationals of Member States wishing to go to another Member State as recipients of services;
- (c) the spouse and the children under twenty-one years of age of such nationals, irrespective of their nationality;
- (d) the relatives in the ascending and descending lines of such nationals and of their spouse who are dependent on them, irrespective of the nationality of such relatives.

2. Member States shall give sympathetic consideration to the case of any other member of the family of any person referred to in paragraph 1 (a) or (b) who is dependent on that person and living under the same roof.

Article 2

1. Member States shall grant to the persons referred to in Article 1 the right to enter their territory merely on production of a valid identity card or passport.

2. No entry visa or equivalent document shall be required, save in respect of persons covered by sub-

¹ OJ No 2, 15.1.1962, pp. 32/62 and 36/62.

² OJ No 33, 4.3.1963, p. 479/63.

³ OJ No 56, 4.4.1964, p. 849/64.

paragraphs (c) and (d) of Article 1 (1) who do not have the nationality of a Member State. Member States shall endeavour to afford to such persons every facility for obtaining any necessary visas.

Article 3

1. Each Member State shall grant the right of permanent residence to nationals of other Member States who establish themselves within its territory in order to pursue activities as self-employed persons, when the restrictions on these activities have been abolished pursuant to the Treaty.

As proof of this right a document (hereinafter called a 'residence permit') shall be issued. This document shall be valid for not less than five years and shall be automatically renewable.

Any national of a Member State who does not come within the provisions of the preceding subparagraphs but who is authorised under the laws of another Member State to pursue an activity within its territory shall be granted a residence permit valid for a period not less than that of the authorisation granted for the pursuit of the activity in question.

2. The right of residence for persons providing and receiving services shall be of equal duration with the period during which the services are provided.

Where such period exceeds three months, the Member State in the territory of which the services are performed shall issue a residence permit as proof of that right.

Where the period does not exceed three months, the identity card or passport with which the person concerned entered the territory shall be sufficient to cover his stay. The Member State may, however, require the person concerned to report his presence in the territory.

3. The right of residence of members of a family shall be the same as that of the national on whom they are dependent.

Article 4

Subject to any measures taken in particular cases on grounds of public policy or public security, the right of residence shall be effective throughout the territory of the Member State concerned.

Article 5

An applicant for a residence permit shall not be required by a Member State to produce anything other than the following, namely:

- (a) the identity card or passport with which he or she entered the territory;
- (b) proof that he or she comes within one of the classes of person referred to in Article 3.

Article 6

1. Member States shall, acting in accordance with their laws, issue to their nationals referred to in Article 1, and renew, an identity card or passport, which shall state in particular its holder's nationality and shall entitle him or her to leave and re-enter the country freely.

2. The passport must be valid at least for all Member States and for countries through which the holder must pass when travelling between Member States. Where a passport is the only document with which the holder may lawfully leave the country, its period of validity shall be not less than five years.

Article 7

Residence permits, passports and identity cards granted in pursuance of this Directive shall be issued and renewed free of charge or on payment of a sum not exceeding their administrative costs. This provision shall apply also to documents and certificates required for the issue or renewal of such permits, passports and identity cards.

Article 8

Member States shall not derogate from the provisions of this Directive save on grounds of public policy, public security or public health.

Article 9

Member States shall within six months of notification of this Directive put into force the measures necessary to comply with its provisions and shall forthwith inform the Commission thereof.

Article 10

This Directive is addressed to the Member States.

Done at Brussels, 25 February 1964.

For the Council

The President

H. FAYAT