

Tuesday 15 April 2014

P7\_TA(2014)0369

**Conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer \*\*\*I****European Parliament legislative resolution of 15 April 2014 on the proposal for a directive of the European Parliament and of the Council on conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (COM(2010)0378 — C7-0179/2010 — 2010/0209(COD))****(Ordinary legislative procedure: first reading)**

(2017/C 443/50)

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0378),
  - having regard to Article 294(2) and points (a) and (b) of Article 79(2) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0179/2010),
  - having regard to the opinion of the Committee on Legal Affairs on the proposed legal basis,
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to the opinion of the European Economic and Social Committee of 4 May 2011 <sup>(1)</sup>,
  - having regard to the opinion of the Committee of the Regions of 31 March 2011 <sup>(2)</sup>,
  - having regard to the undertaking given by the Council representative by letter of 27 February 2014 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
  - having regard to Rules 55 and 37 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Employment and Social Affairs (A7-0170/2014),
1. Adopts its position at first reading hereinafter set out;
  2. Approves the joint statement by Parliament, the Council and the Commission annexed to this resolution;
  3. Takes note of the Commission statements annexed to this resolution;
  4. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  5. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

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<sup>(1)</sup> OJ C 218, 23.7.2011, p. 101.

<sup>(2)</sup> OJ C 166, 7.6.2011, p. 59.

Tuesday 15 April 2014

**P7\_TC1-COD(2010)0209**

**Position of the European Parliament adopted at first reading on 15 April 2014 with a view to the adoption of Directive 2014/.../EU of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer**

*(As an agreement was reached between Parliament and Council, Parliament's position corresponds to the final legislative act, Directive 2014/66/EU.)*

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**ANNEX TO THE LEGISLATIVE RESOLUTION****JOINT STATEMENT BY PARLIAMENT, THE COUNCIL AND THE COMMISSION**

This Directive establishes an autonomous mobility scheme providing for specific rules, adopted on the basis of points (a) and (b) of Article 79(2) TFEU, regarding the conditions of entry, stay and freedom of movement of a third-country national for the purpose of work as an intra-corporate transferee in Member States other than the one that issued the intra-corporate transferee permit, which are to be considered as a *lex specialis* with respect to the Schengen *acquis*.

Parliament and the Council take note of the Commission's intention to examine whether any action needs to be taken in order to enhance legal certainty as regards the interaction between the two legal regimes, and in particular to examine the need for updating the Schengen Handbook.

**COMMISSION STATEMENTS**

## 1) Statement on the definition of specialist:

The Commission considers that the definition of 'specialist' in point (f) of Article 3 of this Directive is in line with the equivalent definition ('person possessing uncommon knowledge') used in the EU's schedule of specific commitments of the WTO's General Agreement on Trade in Services (GATS). The use of the word 'specialised' instead of 'uncommon' does not entail any change or extension of the GATS definition and is only adapted to the language now in use.

## 2) Statement on the bilateral agreements referred to in points (c) and (d) of Article 18(2):

The Commission will monitor the implementation of points (c) and (d) of Article 18(2) of this Directive in order to assess the possible impact of the bilateral agreements referred to in that Article on the treatment of intra-corporate transferees and on the application of Regulation (EU) No 1231/2010 and take, where necessary, any appropriate measure.

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