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Abbreviations and definitions

In this text the following abbreviations and definitions are used:

r.p. = residence permit;

long-term resident's EC r.p. = a residence permit granted to a third-country national upon the acquisition of long-term resident status;

EU = European Union;

L.D.ee = Legislative Decree;

Directive = Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents;

status = long-term resident status;

third countries = non-Member States of the European Union;

long-term resident = third-country national who has long-term resident status;

1st EU Member State = the EU Member State which for the first time granted long-term resident status to a third-country national;

2nd EU Member State = any EU Member State in which the long-term resident exercises the right of residence;

flows decree = Decree adopted by the Italian Prime Minister concerning the temporary planning of entry flows of third-country non-seasonal workers in Italy.

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Quotations

The main source to draw up the part concerning the implementation of Council Directive 2003/109/EC in the 12 EU Member States that are the subject of the present survey was the study “*Conformity checking of the transposition by member States of 10 EC directives in the sector of asylum and immigration*”, carried out by Odysseus Academic Network on behalf of the European Commission. The opinions expressed by the authors of that study do not necessarily reflect the stance of the European Commission.

This text was last updated on 14th July 2009, except where otherwise stated.

Introduction

The Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents was adopted by the Council of the European Union on 25th November 2003. This Directive is extremely important since it states a number of fundamental principles for third-country nationals who have acquired or wish to acquire long-term resident status.

This Directive acknowledges that the area of freedom, security and justice which the EU wants to establish within its borders needs to include measures relating to immigration and safeguarding the rights of third-country nationals. Moreover, the European Council stated that the legal status of third-country nationals should be approximated to that of EU nationals and third-country nationals; hence, those who have resided legally in a Member State at least for five years and who hold a long-term residence permit should be granted a set of uniform rights which are as near as possible to those enjoyed by citizens of the European Union. In addition, the Directive 2003/109/EC acknowledges that the integration of third-country nationals who are long-term residents in EU Member States is a key element in promoting economic and social cohesion.

Furthermore, in order to constitute a genuine instrument for social integration, this Directive states that long-term residents should enjoy equality of treatment with citizens of EU Member States in a wide range of economic and social matters. As importantly, establishing the conditions for third-country nationals who are long-term residents to acquire the right to reside in another EU Member State should contribute to the effective attainment of an internal market as an area in which the free movement of persons is ensured. It could also constitute a major factor of mobility, notably on the Union's employment market.

However, one must remember that some EU countries (United Kingdom, Ireland and Denmark) did not adopt this Directive and are not bound by it or subject to its application. For that reason third-country nationals who reside in those three EU countries cannot enjoy the principles and rights stated in this Directive. Similarly, third-country nationals who are long-term residents in another EU Member State are not entitled to reside in United Kingdom, Ireland and Denmark under the acquisition of long-term resident status.

Describing the main contents of the Council Directive, this Guide aims to inform third-country nationals who have acquired or wish to acquire long-term resident status on the **possibility to exercise the right to**

mobility for a period exceeding three months in the 12 EU Member States which are bound by its application, and which were members of the EU on the date of the entry into force of this Directive (23rd January 2004). Therefore, this Guide analyses for each one of the 12 EU Member States whether:

- a. the Directive was transposed into national law;
- in addition, if the Directive was transposed, it analyses whether:
- b. the long-term resident's right to reside in a 2nd EU Member State for over three months was numerically limited;
 - c. the long-term resident who wish to reside in a 2nd EU Member State for over three months may apply for a residence permit in that country while still residing in the territory of the 1st EU Member State;
 - d. the long-term resident who wish to reside in a 2nd EU Member State for over three months needs to apply for an entry visa in that country.

Finally, for Italy only, this Guide analyses:

- e. the terms to acquire the status and the consequent EC residence permit for long-term residents.

Eventually, particular attention shall be paid to the following. After the publication of this Guide, in the 12 EU Member States here examined important changes may occur in the norms for the transposition of this Directive; due to such changes the content of this text may lose its validity. For this reason the reader is strongly recommended to keep up to date through the most accessible sources. Those sources include the official website: *Europa – Gateway to the European Union* (link *EUR-Lex, Access to European Union law*) <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:72003L0109:EN:NOT>, where a list of the transposition measures of Council Directive 2003/109/EC in EU Member States is published and regularly updated.

Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents

This Directive aims at the harmonisation of EU Member States policies on the followings:

- the terms for conferring and withdrawing long-term resident status and the rights pertaining thereto;
- the terms to enable long-term residents to reside in a 2nd EU Member State.

This Directive applies to third-country nationals residing legally in the territory of a EU Member State. However, the Directive does not apply to third-country nationals residing legally on the basis of:

1. studies or vocational training;
2. a temporary protection, or who have applied for authorisation to reside on that basis and are awaiting a decision on their application;
3. a subsidiary form of protection, in accordance with international obligations, or who have applied for authorisation to reside on that basis and are awaiting a decision on their application;
4. asylum, or who have applied for recognition as refugees and whose application has not yet given rise to a final decision;
5. an “au pair” work, a seasonal work, or a work posted by a service provider for the purposes of cross-border provision of services;
6. other special legal status governed by international Conventions on diplomatic relations, on consular relations, on special missions or on the representation of states in their relations with international organisations of a universal character.

The status is granted to those who have resided legally and continuously within the territory of a EU Member State for five years immediately prior to the submission of the relevant application. Periods of residence for the reasons referred to in *sub 5.* and *sub 6.* shall not be taken into account for the purposes of calculating that period; regarding the cases covered in *sub 1.* only half of the periods of residence may be taken into account. Periods of absence from the territory of the EU Member State shall not interrupt that period and shall be taken into account for the five year calculation only where they are shorter than six consecutive months and do not exceed in total ten months.

In order to acquire the status third-country nationals have to provide evidence that they have, for themselves and for dependent family members:

- a. stable and regular resources which are sufficient to maintain themselves, without recourse to the social assistance system of the EU Member State concerned;
- b. sickness insurance in respect of all risks normally covered for his/her own nationals in the Member State concerned.

The EU Member State concerned may require third-country nationals to comply with integration conditions, in accordance with national law. It may also refuse to grant long-term resident status on grounds of public policy or public security, yet not on grounds of economic considerations.

To acquire the status the third-country national shall lodge an application with the competent authorities of the EU Member State in which he/she resides. The application shall be accompanied by documentary evidence to be determined that he/she meets the conditions set out in *sub a.* and *sub b.*, as well as, if required, by a valid travel document or its certified copy. That documentary evidence may also include documentation with regard to appropriate accommodation. The competent national authorities shall give the third-country national written notification of the decision as soon as possible and in any event not later than six months from the date on which the application was lodged.

The status shall be permanent. However, long-term residents shall no longer be entitled to maintain their status in the following cases:

- i. fraudulent acquisition of the status;
- ii. expulsion measures;
- iii. absence from the EU territory for a period of twelve consecutive months.

EU Member States are entitled to withdraw the long-term resident his/her status in cases where he/she constitutes a threat to public policy, yet without taking a decision to expel him/her. In this case the third-country national is authorised to remain in the territory of the EU Member State which withdrew his/her status, if he/she fulfils the conditions provided for in its national legislation.

The long-term resident who acquired his/her status also in another EU Member State is no longer entitled to maintain his/her status in the 1st EU Member State. In any case after six years of absence from the territory of the 1st EU Member State, the long-term resident loses his/her status in that country. However, in the above-mentioned case – for example in case of absences due to the pursuit of studies – and in the case referred to in *sub iii.*, the 1st EU Member State shall provide for a facilitated procedure for the re-acquisition of the status.

Member States shall issue a long-term resident's EC residence permit to long-term residents; the r.p. shall be valid at least for five years, and shall, upon application if required, be automatically renewable on expiry. The expiry of a long-term resident's EC r.p. shall in no case entail withdrawal or loss of the status. Where an application for long-term resident status is rejected or that status is withdrawn or lost or the long-term resident's EC r.p. is not renewed and an expulsion measure has been adopted (which shall not be founded on economic considerations, but solely on an actual threat to public policy or public security), the third-country national has the right to lodge an appeal in the EU Member State concerned.

The long-term resident shall enjoy equal treatment with nationals of the EU Member States that granted him/her the status as regards:

- A. access to employment and self-employment activity, provided such activities do not entail even occasional involvement in the exercise of public authority, and conditions of employment and working conditions, including conditions regarding dismissal and remuneration;
- B. education and vocational training, including study grants;
- C. recognition of professional diplomas, certificates and other qualifications;
- D. social security, social assistance and social protection;
- E. tax benefits;
- F. access to goods and services and the supply of goods and services made available to the public and to procedures for obtaining houses;
- G. freedom of association and affiliation and membership of an organisation representing workers or employers or of an organisation whose members are engaged in a specific occupation, including the benefits conferred by such organisations;
- H. free access to the entire territory of the Member State, within the limits provided for by the national legislation for reasons of security.

With respect to the provisions of *sub B.*, *sub D.*, *sub E.*, *sub F.* and *sub G.*, the 1st EU Member State may restrict equal treatment to cases where the registered or usual place of residence of the long-term resident, or that of family members for whom he/she claims benefits, lies within national territory. In addition, EU Member States may restrict equal treatment with nationals as follows:

- they may retain restrictions to access to employment or self-employed activities in cases where, in accordance with national or

Community legislation, these activities are reserved to nationals, EU or European Economic Area citizens;

- they may require proof of appropriate language proficiency for access to education and training, whereas access to university may be subject to the fulfilment of specific educational prerequisites.

Finally, EU Member States may limit equal treatment in respect of social assistance and social protection to core benefits.

A long-term resident has the right to reside in a 2nd EU Member State for a period exceeding three months on the following grounds:

- exercise of an employed or self-employed activity;
- pursuit of studies or vocational training;
- other purposes.

However, EU Member States may limit the total number of long-term residents entitled to be granted right of residence, provided that such limitations are already set out for the admission of third-country nationals in the existing national legislation at the time of the adoption of this Directive.

Long-term residents are not entitled to exercise an economic activity in a 2nd EU Member State as:

1. employed workers posted by a service provider for the purposes of cross-border provision of services;
2. providers of cross-border services.

EU Member States may decide the conditions under which long-term residents may move to a 2nd EU Member State with a view to exercise an economic activity as seasonal workers.

Long-term residents who wish to reside in a 2nd EU Member State shall apply to the competent authorities of that country for a residence permit no later than three months after entering the territory of the 2nd EU Member State. Member States may accept that the long-term resident submits the application for a r.p. to the competent authorities of the 2nd EU Member State concerned while still residing in the territory of the 1st EU Member State.

The 2nd EU Member State may require long-term residents to provide evidence that they have, for themselves and the members of their families:

- a. stable and regular resources, which are sufficient to maintain themselves, without recourse to national social assistance;
- b. sickness insurance covering all risks within the national territory normally covered for its own nationals.

EU Member States may require long-term residents who wish to reside within their national territory to comply with integration measures, in accordance with national law. This condition shall not apply where the

long-term residents concerned have been required to comply with integration conditions in the 1st EU Member State. However, long-term residents may be required to attend language courses.

The application for a residence permit in the 2nd EU Member State shall be accompanied by:

- i. documentary evidence, to be determined by the 2nd EU Member State national law, that the persons concerned meets the relevant conditions;
- ii. long-term resident's EC r.p. issued by the 1st EU Member State;
- iii. a valid travel document or its certified copy.

Such documentary evidence may also include documentation with regard to appropriate accommodation.

In case of application for a residence permit in an employed capacity, the 2nd EU Member State may require long-term residents to provide evidence:

- A. if they are in an employed capacity, that they have an employment contract or a statement by the employer that they are hired under the conditions provided for by national legislation;
- B. if they are in a self-employed capacity, that they have the appropriate funds which are needed, in accordance with national law, to exercise an economic activity in such capacity, presenting the necessary documents and permits.

Long-term residents that resided with the members of their families in the 1st EU Member State and who have the right to reside in a 2nd EU Member State are entitled to be accompanied or joined by:

- the spouse;
- his/her own or his/her spouse's minor children, including children adopted in accordance with a decision taken by the competent authority in the 1st EU Member State or a decision which is automatically enforceable due to international obligations of that Member State or must be recognised in accordance with international obligations;
- his/her minor children including adopted children where he/she has custody and the children are dependent on him/her;
- the minor children including adopted children of the spouse where the spouse has custody and the children are dependent on him/her.

The minor children must be below the age of majority set by the law of the 1st EU Member State and must not be married. In addition, family members of a long-term-resident other than those above-mentioned and who resided

with him/her in the 1st EU Member State may be authorised by the 2nd EU Member State to accompany or join him/her.

Family members of long-term residents who wish to accompany or join him/her in a 2nd EU Member State shall submit the application for a residence permit to its competent authorities within three months since they have entered the country. EU Member States may accept the application for a r.p. by the family members of long-term residents to their competent authorities while they still reside in the territory of the 1st EU Member State. The 2nd EU Member State may require the family members concerned to present with their application for a residence permit:

- their long-term resident's EC r.p. or the r.p. issued by the 1st EU Member State, and a valid travel document or their certified copies;
- evidence that they have resided as members of the family of the long-term resident in the 1st EU Member State;
- evidence that they have stable and regular resources which are sufficient to maintain themselves without recourse to social assistance of the Member State concerned or that the long-term resident has such resources and insurance for them, as well as sickness insurance covering all risks within its territory.

EU Member States may refuse applications for residence from long-term residents or their family members where they constitutes a threat to public policy or public security. Such decision shall not be based on economic considerations. Within four months from the date of the submission of those applications, the 2nd EU Member State may decide to issue the long-term resident and his/her family members with residence permits that may be renewable on expiry, if required. The 2nd EU Member State shall inform the 1st EU Member State of its decision. The 2nd EU Member State shall issue members of the long-term resident's family with renewable residence permits valid for the same period as the permit issued to the long-term resident. Where an application for a r.p. is rejected, or the r.p. is not renewed or is withdrawn, the person concerned shall have the right to lodge an appeal in the 2nd EU Member State. As soon as they have received the r.p. in the 2nd EU Member State, long-term residents shall enjoy equal treatment in the same areas and under the same conditions of the 1st EU Member State.

Long-term residents who have been granted residence permit in a 2nd EU Member State may exercise an employed or self-employed activity.

Until the long-term resident has obtained his/her status within its territory, the 2nd EU Member State may decide to refuse to renew or to

withdraw the residence permit and to oblige the person concerned and his/her family members to leave its territory in the following cases:

1. on grounds of public policy or public security;
2. where the conditions for residence there are no longer met;
3. where he/she is not lawfully residing in the Member State concerned.

If the 2nd EU Member State adopts one of the above-mentioned measures, the 1st EU Member State shall immediately readmit the person concerned and his/her family members. In such case, the 2nd EU Member State shall notify the 1st EU Member State of its decision. Furthermore, until the long-term resident has obtained his/her status within its territory, the 2nd EU Member State may adopt a decision to remove him/her from the territory of the European Union - without prejudice to the obligation to readmission in the 1st EU Member State -, in accordance with and under the relevant guarantees, on serious grounds of public policy or public security. In such cases, when adopting the said decision, the 2nd EU Member State shall consult the 1st EU Member State. If the long-term resident and his/her family members are removed from the 2nd EU Member State, under *sub 2.* and *sub 3.*, the removal decision may not be accompanied by a permanent ban on residence. The obligation to readmit in the 1st EU Member State shall be without prejudice to the possibility of the long-term resident and his/her family members moving to a 3rd EU Member State.

Upon application and where the relevant conditions are met, the 2nd EU Member State shall grant long-term residents their status. In such cases, the 2nd EU Member State shall notify its decision to the 1st EU Member State. The procedure and guarantees set out by this Directive shall apply in the 2nd EU Member State for the presentation, examination or rejection of application, or for the issuance of the long-term resident's EC residence permit.

Right to mobility in the transposition of Council Directive 2003/109/EC by the States bound by its implementation which were members of the European Union at the time of its entry into force

1. Austria

a. Transposition of the Directive into national law: YES.

b. Limit on the total number of long-term residents who have acquired the status in another EU Member State and who wish to reside in Austria for a period exceeding three months: YES. Since 1997 Austrian authorities annually issue a law which defines the share of different categories of third-country nationals (including long-term residents who have acquired the status in another EU Member State) to be admitted in its national territory within fixed numerical limits. In fact, family members who meet the conditions to accompany or join long-term residents in Austria are not subject to such numerical limits.

c. Possibility for long-term residents who have acquired the status in another EU Member State and who wish to reside in Austria for a period exceeding three months to submit the application for a residence permit while still residing in the territory of the 1st EU Member State: YES. Though not specifically set out by national law, according to the information provided by the Interior Ministry, long-term residents may exercise that right at Austrian diplomatic and consular missions.

d. Obligation for long-term residents who have acquired the status in another EU Member State and who wish to reside in Austria for a period exceeding three months to apply for an entry visa: NO.

(Last updated on 19th March 2009)

2. Belgium

a. Transposition of the Directive into national law: YES.

b. Limit on the total number of long-term residents who have acquired the status in another EU Member State and who wish to reside in Belgium for a period exceeding three months: NO.

c. Possibility for long-term residents who have acquired the status in another EU Member State and who wish to reside in Belgium for a period

exceeding three months to submit the application for a residence permit while still residing in the territory of the 1st EU Member State: YES.

d. Obligation for long-term residents who have acquired the status in another EU Member State and who wish to reside in Belgium for a period exceeding three months to apply for an entry visa: NO.

(Last updated on 7th November 2007)

3. Finland

a. Transposition of the Directive into national law: YES.

b. Limit on the total number of long-term residents who have acquired the status in another EU Member State and who wish to reside in Finland for a period exceeding three months: NO.

c. Possibility for long-term residents who have acquired the status in another EU Member State and who wish to reside in Finland for a period exceeding three months to submit the application for a residence permit while still residing in the territory of the 1st EU Member State: YES. Long-term residents may exercise that right at Finnish diplomatic and consular missions.

d. Obligation for long-term residents who have acquired the status in another EU Member State and who wish to reside in Finland for a period exceeding three months to apply for an entry visa: NO.

(Last updated on 7th November 2007)

4. France

a. Transposition of the Directive into national law: YES.

b. Limit on the total number of long-term residents who have acquired the status in another EU Member State and who wish to reside in France for a period exceeding three months: NO.

c. Possibility for long-term residents who have acquired the status in another EU Member State and who wish to reside in France for a period exceeding three months to submit the application for a residence permit while still residing in the territory of the 1st EU Member State: YES. Long-term residents may exercise that right at French diplomatic and consular missions.

d. Obligation for long-term residents who have acquired the status in another EU Member State and who wish to reside in France for a period exceeding three months to apply for an entry visa: NO.

(Last updated on 1st November 2007)

5. Germany

a. Transposition of the Directive into national law: YES.

b. Limit on the total number of long-term residents who have acquired the status in another EU Member State and who wish to reside in Germany for a period exceeding three months: NO.

c. Possibility for long-term residents who have acquired the status in another EU Member State and who wish to reside in Germany for a period exceeding three months to submit the application for a residence permit while still residing in the territory of the 1st EU Member State: YES.

d. Obligation for long-term residents who have acquired the status in another EU Member State and who wish to reside in Germany for a period exceeding three months to apply for an entry visa: IT DEPENDS. An entry visa:

- is not required to long-term residents who applied for a residence permit in the 1st EU Member State and such State signed the Schengen Agreement;
- is required to long-term residents who applied for a residence permit in the 1st EU Member State and such State did not sign the Schengen Agreement.

(Last updated on 18th September 2007)

6. Greece

a. Transposition of the Directive into national law: YES.

b. Limit on the total number of long-term residents who have acquired the status in another EU Member State and who wish to reside in Greece for a period exceeding three months: NO.

c. Possibility for long-term residents who have acquired the status in another EU Member State and who wish to reside in Greece for a period exceeding three months to submit the application for a residence permit while still residing in the territory of the 1st EU Member State: NO.

d. Obligation for long-term residents who have acquired the status in another EU Member State and who wish to reside in Greece for a period exceeding three months to apply for an entry visa: NO.
(Last updated on 17th September 2007)

7. Italy

a. Transposition of the Directive into national law: YES. This Directive was transposed into national law through L.D. no. 3 of 8th January 2007, which replaced Art. 9 of the so-called “Bossi-Fini” law (L.D. no. 286 of 25th July 1998 and following amendments and additions), by turning the residence card into a long-term resident’s EC r.p.

b. Limit on the total number of long-term residents who have acquired the status in another EU Member State and who wish to reside in Italy for a period exceeding three months: YES. Long-term residents who wish to reside in Italy for employment purposes need a permit (if they are in an employed capacity) and the relevant authorizations (if they are in a self-employed capacity) within the quotas that since 1998 are annually established by the so-called “flows decrees”. Such permits and authorizations are subject to some restrictions:

- numerical limits, since the number is fixed;
- time limits, since applications may be submitted only when the Italian Government issues the flows decree and within a fixed deadline.

In addition, with the Departmental Circular No. 400/A/2007/463/P/10.2.2 of 16th February 2007 the Italian Interior Ministry provides that third-country nationals who have resided in EU Member States for a period not exceeding five years may not enjoy the rights provided for by L. D. no. 3 of 8th January 2007, because – according to a questionable opinion –, under this Directive the long-term resident status is granted to third-country nationals who have resided for a minimum of five years in a country which is a member of the European Union for at least five years.

c. Possibility for long-term residents who have acquired the status in another EU Member State and who wish to reside in Italy for a period exceeding three months to submit the application for a residence permit while still residing in the territory of the 1st EU Member State: NO.

d. Obligation for long-term residents who have acquired the status in another EU Member State and who wish to reside in Italy for a period exceeding three months to apply for an entry visa: NO.

e. *Conditions for acquiring long-term resident status and the consequent long-term resident's EC residence permit.* Third-country nationals who:

1. have a valid long-term r.p. (for over three months) for a minimum of five years;
2. prove they have an income not under the annual amount of the social allowance (amounting to € 5.317,65, in 2009);

and who, if required also for their family members:

3. prove they have a legally earned minimum annual income (including the total annual income of cohabiting family members) not under the annual amount of the social allowance, plus half of the amount of the social allowance for each family member to be reunified (yet, in case of two or more children below the age of fourteen, the annual income shall not be under twice the annual amount of the social allowance);
4. prove they have an adequate accommodation which meets the minimum standards set by the regional law for public residential housing or which meets the health and safety standards required by the local health unit (*Azienda unità sanitaria locale*);

may submit their application for long-term resident's EC r.p to the local police headquarters (*Questura*) through the post office (*Poste Italiane*). That application may be submitted for themselves and for the following family members (who are already legally residing in Italy even if for less than five years):

- his/her not legally separated spouse who is over the age of eighteen;
- his/her minor unmarried children, including children of the spouse or born out of wedlock;
- dependent adult children, who are objectively unable to provide for their own needs on account for their state of health which implies total disablement;
- dependent parents.

The application shall be accompanied by:

- i. a copy of a valid travel document;
- ii. extracts from the judicial record and documents by the competent institutions for the registration of relevant outstanding criminal proceedings;
- iii. documentary evidence that he/she meets the conditions set out in *sub 2.*;
- iv. a copy of his/her income tax return or CUD form, issued by his/her employer, and referring to the previous year;

and, if required also for his/her family members:

- v. documentary evidence that they meet the conditions set out in *sub 3.* and *sub 4.*;
- vi. documentary evidence that they meet the conditions set out in *sub i.* and *sub ii.*;
- vii. documentary evidence of the existence of family ties.

The so-called “security decree” provides that long-term resident’s EC r.p. should be granted upon the passing of an Italian language test, which is defined by an Interior Ministry decree. Long-term resident’s EC r.p. is permanent. As against what is stated by Council Directive 2003/109/EC, Italy provided that:

- A. long-term resident’s EC r.p. is not granted to third-country nationals who reside on the Italian territory for a short stay (not exceeding three months);
- B. periods of residence in Italy for the reasons referred to in *sub A.* shall not be taken into account for the purposes of calculating the minimum period of five years, whereas – since no specific reference has been made to periods of residence for study purposes or vocational training – presumably such periods might be taken into account entirely in such calculation;
- C. long-term resident’s EC r.p. is issued within 90 days from the date of application, rather than within six months.

Long-term residents who acquired long-term resident’s EC r.p. may work in an employed or self-employed capacity. Employed workers do not need a “residence contract” (*contratto di soggiorno*).

8. Luxembourg

a. Transposition of the Directive into national law: YES.

b. Limit on the total number of long-term residents who have acquired the status in another EU Member State and who wish to reside in Luxembourg for a period exceeding three months: NO.

c. Possibility for long-term residents who have acquired the status in another EU Member State and who wish to reside in Luxembourg for a period exceeding three months to submit the application for a residence permit while still residing in the territory of the 1st EU Member State: YES.

d. Obligation for long-term residents who have acquired the status in another EU Member State and who wish to reside in Luxembourg for a period exceeding three months to apply for an entry visa: NO.

(Last updated on 10th September 2008)

9. The Netherlands

- a. *Transposition of the Directive into national law: YES.*
- b. *Limit on the total number of long-term residents who have acquired the status in another EU Member State and who wish to reside in The Netherlands for a period exceeding three months: NO.*
- c. *Possibility for long-term residents who have acquired the status in another EU Member State and who wish to reside in The Netherlands for a period exceeding three months to submit the application for a residence permit while still residing in the territory of the 1st EU Member State: YES.*
- d. *Obligation for long-term residents who have acquired the status in another EU Member State and who wish to reside in The Netherlands for a period exceeding three months to apply for an entry visa: IT DEPENDS. A special entry visa (called “MVV”) is required only to those who applied for it while still residing in the 1st EU Member State.*
(Last updated on 15th May 2007)

10. Portugal

- a. *Transposition of the Directive into national law: YES.*
- b. *Limit on the total number of long-term residents who have acquired the status in another EU Member State and who wish to reside in Portugal for a period exceeding three months: NO.*
- c. *Possibility for long-term residents who have acquired the status in another EU Member State and who wish to reside in Portugal for a period exceeding three months to submit the application for a residence permit while still residing in the territory of the 1st EU Member State: NO.*
- d. *Obligation for long-term residents who have acquired the status in another EU Member State and who wish to reside in Portugal for a period exceeding three months to apply for an entry visa: NO.*
(Last updated on 9th November 2007)

11. Spain

- a. *Transposition of the Directive into national law: NO.* However, the Court of Justice of the European Communities, with a sentence of 15th November 2007, acknowledged that this Directive has vertical direct effect and, thus,

the rights it entails may be claimed directly by third-country nationals to Spanish public authorities.

b. Limit on the total number of long-term residents who have acquired the status in another EU Member State and who wish to reside in Spain for a period exceeding three months: UNCERTAIN. In the instructions given by the Spanish Government to competent authorities, following the sentence referred to in *sub a.*, no specific information is provided on that matter.

c. Possibility for long-term residents who have acquired the status in another EU Member State and who wish to reside in Spain for a period exceeding three months to submit the application for a residence permit while still residing in the territory of the 1st EU Member State: UNCERTAIN. In the instructions given by the Spanish Government to competent authorities, following the sentence referred to in *sub a.*, no specific information is provided on that matter.

d. Obligation for long-term residents who have acquired the status in another EU Member State and who wish to reside in Spain for a period exceeding three months to apply for an entry visa: NO. In the instructions given by the Spanish Government to competent authorities, following the sentence referred to in *sub a.*, no mention is made to such obligation.

(Last updated on 10th April 2008)

12. Sweden

a. Transposition of the Directive into national law: YES.

b. Limit on the total number of long-term residents who have acquired the status in another EU Member State and who wish to reside in Sweden for a period exceeding three months: NO.

c. Possibility for long-term residents who have acquired the status in another EU Member State and who wish to reside in Sweden for a period exceeding three months to submit the application for a residence permit while still residing in the territory of the 1st EU Member State: YES. Long-term residents may exercise that right at Swedish diplomatic and consular missions.

d. Obligation for long-term residents who have acquired the status in another EU Member State and who wish to reside in Sweden for a period exceeding three months to apply for an entry visa: IT DEPENDS. An entry visa:

- is not required to long-term residents who, as referred to in *sub c.*, applied for a residence permit at a Swedish diplomatic/consular

mission in the 1st EU Member State and are granted it, or to those who wish to apply for a r.p. as they are in Sweden and the 1st EU Member State they came from signed the Schengen Agreement;

- is required to long-term residents who wish to apply for a residence permit as they are in Sweden and the 1st EU Member State they come from did not sign the Schengen Agreement.

(Last updated on 16th May 2007)