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COUNCIL DIRECTIVE

of 15 October 1968

on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families

(68/360/EEC)

(OJ L 257, 19.10.1968, p. 13)

Amended by:

		Official Journal		
		No	page	date
►**A1**	Act of Accession of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland	L 73	14	27.3.1972
	(adapted by Council Decision of 1 January 1973)	L 2	1	1.1.1973
►**A2**	Act of Accession of Greece	L 291	17	19.11.1979
►**A3**	Act of Accession of Spain and Portugal	L 302	23	15.11.1985
►**A4**	Act of Accession of Austria, Sweden and Finland	C 241	21	29.8.1994
	(adapted by Council Decision 95/1/EC, Euratom, ECSC)	L 1	1	1.1.1995
►**A5**	Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded	L 236	33	23.9.2003

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COUNCIL DIRECTIVE

of 15 October 1968

on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families

(68/360/EEC)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 49 thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament ([1]);

Having regard to the Opinion of the Economic and Social Committee ([2]);

Whereas Council Regulation (EEC) No 1612/68 ([3]) fixed the provisions governing freedom of movement for workers within the Community; whereas, consequently, measures should be adopted for the abolition of restrictions which still exist concerning movement and residence within the Community, which conform to the rights and privileges accorded by the said Regulation to nationals of any Member State who move in order to pursue activities as employed persons and to members of their families;

Whereas the rules applicable to residence should, as far as possible, bring the position of workers from other Member States and members of their families into line with that of nationals;

Whereas the co-ordination of special measures relating to the movement and residence of foreign nationals, justified on grounds of public policy, public security or public health, is the subject of the Council Directive of 25 February 1964, ([4]) adopted in application of Article 56 (2) of the Treaty;

HAS ADOPTED THIS DIRECTIVE:

Article 1

Member States shall, acting as provided in this Directive, abolish restrictions on the movement and residence of nationals of the said States and of members of their families to whom Regulation (EEC) No 1612/68 applies.

Article 2

1. Member States shall grant the nationals referred to in Article 1 the right to leave their territory in order to take up activities as employed persons and to pursue such activities in the territory of another Member State. Such right shall be exercised simply on production of a valid identity card or passport. Members of the family shall enjoy the same right as the national on whom they are dependent.

2. Member States shall, acting in accordance with their laws, issue to such nationals, or renew, an identity card or passport, which shall state in particular the holder's nationality.

3. 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 on which the holder may lawfully leave the country, its period of validity shall be not less than five years.

([1]) OJ No 268, 6.11.1967, p. 10.
([2]) OJ No 298, 7.12.1967, p. 10.
([3]) OJ No L 257, 19.10.1968, p. 2.
([4]) OJ No 56, 4.4.1964, p. 850/64.

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4. Member States may not demand from the nationals referred to in Article 1 any exit visa or any equivalent document.

Article 3

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

2. No entry visa or equivalent document may be demanded save from members of the family who are not nationals of a Member State. Member States shall accord to such persons every facility for obtaining any necessary visas.

Article 4

1. Member States shall grant the right of residence in their territory to the persons referred to in Article 1 who are able to produce the documents listed in paragraph 3.

2. As proof of the right of residence, a document entitled 'Residence Permit for a National of a Member State of the EEC' shall be issued. This document must include a statement that it has been issued pursuant to Regulation (EEC) No 1612/68 and to the measures taken by the Member States for the implementation of the present Directive. The text of such statement is given in the Annex to this Directive.

3. For the issue of a Residence Permit for a National of a Member State of the EEC, Member States may require only the production of the following documents;

— by the worker:

(a) the document with which he entered their territory;

(b) a confirmation of engagement from the employer or a certificate of employment;

— by the members of the worker's family:

(c) the document with which they entered the territory;

(d) a document issued by the competent authority of the State of origin or the State whence they came, proving their relationship;

(e) in the cases referred to in Article 10 (1) and (2) of Regulation (EEC) No 1612/68, a document issued by the competent authority of the State of origin or the State whence they came, testifying that they are dependent on the worker or that they live under his roof in such country.

4. A member of the family who is not a national of a Member State shall be issued with a residence document which shall have the same validity as that issued to the worker on whom he is dependent.

Article 5

Completion of the formalities for obtaining a residence permit shall not hinder the immediate beginning of employment under a contract concluded by the applicants.

Article 6

1. The residence permit:

(a) must be valid throughout the territory of the Member State which issued it;

(b) must be valid for at least five years from the date of issue and be automatically renewable.

2. Breaks in residence not exceeding six consecutive months and absence on military service shall not affect the validity of a residence permit.