

**DIRECTORATE-GENERAL INTERNAL POLICIES**  
**DIRECTORATE C - Citizens Rights and Constitutional Affairs**

**ANNEX II**

**TERMS OF REFERENCE OF THE SERVICES**

**TO BE PROVIDED UNDER THE SERVICE CONTRACT**

**IP/C/LIBE/FWC/2018-086/LOT 2**

**FOR A STUDY ON**

**The European Commission's proposals in the Legal migration  
package**

# 1. SUBJECT AND DESCRIPTION OF THE CONTRACT

## 1.1 BACKGROUND

The European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE) has requested a study on 'The European Commission's proposals in the Legal migration package'.

In accordance with the Tampere conclusions<sup>1</sup>, the EU seeks to build a comprehensive immigration policy in which legally residing non-EU nationals, referred to as third-country nationals (TCNs), should be treated fairly and have rights and obligations comparable to those of EU citizens.

Whilst Member States alone decide on the volumes of legal migrants they wish to admit, the EU can support them with practical and operational tools. Over the past two decades, the EU has developed a legal framework largely harmonising Member States' conditions of entry and residence for non-EU nationals.

The 2004 Common Basic Principles<sup>2</sup> for Immigrant Integration Policy represent the base of EU actions in the area of integration. The 2005-2010 Common Agenda for Integration<sup>3</sup> provides the framework for the implementation of EU integration. In June 2016, the Commission adopted an Action Plan on the integration of third-country nationals<sup>4</sup>, which provided a comprehensive framework to support Member States' efforts in developing and strengthening their integration policies. In 2016, the Council adopted Council Conclusions<sup>5</sup> on the integration of third-country nationals. On 24 November 2020, the Commission presented a new EU action plan on integration and inclusion (2021-2027)<sup>6</sup>, building on the former action plan.

The 2019 'Fitness Check'<sup>7</sup> underlined that more could be done to increase the impact of the EU legal migration framework on the EU's demographic and migration challenges.

The European Parliament has adopted several resolutions calling for enhanced paths for legal migration. In April 2016<sup>8</sup>, Parliament highlighted the need for a comprehensive labour migration policy for TCNs, and for better integration of TCN migrants, in order to meet the European Union's goals for smart, sustainable and inclusive growth, as well as to fill gaps identified in the European Union's labour market. In July 2016<sup>9</sup>, Parliament called on the EU to take action and ensure refugees are swiftly and fully integrated into the labour market and society.

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<sup>1</sup> [https://www.europarl.europa.eu/summits/tam\\_en.htm](https://www.europarl.europa.eu/summits/tam_en.htm).

<sup>2</sup> [https://ec.europa.eu/migrant-integration/library-document/common-basic-principles-immigrant-integration-policy-eu\\_en](https://ec.europa.eu/migrant-integration/library-document/common-basic-principles-immigrant-integration-policy-eu_en).

<sup>3</sup> <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0389:FIN:en:PDF>.

<sup>4</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52016DC0377&qid=1632298272980>.

<sup>5</sup> <https://data.consilium.europa.eu/doc/document/ST-15312-2016-INIT/en/pdf>.

<sup>6</sup> [https://ec.europa.eu/migrant-integration/news/ec-reveals-its-new-eu-action-plan-integration-and-inclusion-2021-2027\\_en](https://ec.europa.eu/migrant-integration/news/ec-reveals-its-new-eu-action-plan-integration-and-inclusion-2021-2027_en).

<sup>7</sup> [https://ec.europa.eu/home-affairs/policies/migration-and-asylum/legal-migration-and-integration/legal-migration-fitness-check\\_en](https://ec.europa.eu/home-affairs/policies/migration-and-asylum/legal-migration-and-integration/legal-migration-fitness-check_en).

<sup>8</sup> Resolution of 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration, P8\_TA(2016)0102, paragraphs 121 and 123, European Parliament; [https://www.europarl.europa.eu/doceo/document/TA-8-2016-0102\\_EN.html?redirect](https://www.europarl.europa.eu/doceo/document/TA-8-2016-0102_EN.html?redirect).

<sup>9</sup> European Parliament resolution of 5 July 2016 on refugees: social inclusion and integration into the labour market (2015/2321(INI)), available at: [https://www.europarl.europa.eu/doceo/document/TA-8-2016-0297\\_EN.html?redirect](https://www.europarl.europa.eu/doceo/document/TA-8-2016-0297_EN.html?redirect).

In May 2021<sup>10</sup>, Parliament put forward recommendations on improving the intra-EU mobility of third-country nationals, improving relations with non-EU countries, enhancing legal pathways and further developing the EU's legislative framework on these matters.

In November 2021<sup>11</sup>, Parliament called on the Commission to submit a legislative proposal with provisions on: an EU talent pool for legal non-EU migrants; admittance schemes for various categories of third-country workers; a framework for talent partnerships between Member States and non-EU countries; a Union-wide transnational advisory service network for legal migrant workers. Parliament also made recommendations for the improvement of several relevant directives.

On 27 April 2022, the Commission adopted a **Legal migration package**, the aim of which is to provide a more effective framework for legal pathways to the EU: a Communication on skills and talents<sup>12</sup> and two recast proposals: on the Single Permit Directive (2011/98/EU)<sup>13</sup> and on the Long-Term Residents Directive (2003/109/EC)<sup>14</sup>.

The action follows up on the Commission's Communication on a New Pact on Migration and Asylum<sup>15</sup>, which underlined the need to address the main shortcomings of the EU policy on legal migration, responding to the overall objective of attracting the skills and talent the EU needs.

The revision of the **Single Permit Directive** aims to streamline the application procedure and make it more effective. The proposal includes new requirements to strengthen the safeguards and equal treatment of nationals of non-EU countries as compared to EU citizens and improve their protection from labour exploitation.

The revision of the **Long-Term Residents Directive** aims to facilitate the acquisition of the EU long-term residence and to enhance the rights of long-term residents and their family members.

The Commission is also proposing enhanced operational cooperation at EU level between Member States as well as with partner countries, with the aim of agreeing on the first **Talent Partnerships** by the end of 2022, following up on the launch<sup>16</sup> of Talent Partnerships in June 2021. It proposes the **EU Talent Pool**, the first EU-wide platform and matching tool, as well as a pilot initiative addressing new arrivals from Ukraine, that should start by summer 2022.

Finally, the Commission is exploring further potential avenues for legal migration to the EU in the medium to longer term by focusing on policies around three areas of action: **care, youth** and **innovation**.

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<sup>10</sup> European Parliament resolution of 20 May 2021 on new avenues for legal labour migration (2020/2010(INI)), available at: [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0260\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0260_EN.html).

<sup>11</sup> European Parliament resolution of 25 November 2021 with recommendations to the Commission on legal migration policy and law (2020/2255(INL)), available at: [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0472\\_EN.html](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0472_EN.html).

<sup>12</sup> [https://ec.europa.eu/home-affairs/communication-attracting-skills-and-talent-eu\\_en](https://ec.europa.eu/home-affairs/communication-attracting-skills-and-talent-eu_en).

<sup>13</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2022%3A655%3AFIN&qid=1651221925581>.

<sup>14</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2022%3A650%3AFIN&qid=1651218479366>.

<sup>15</sup> [COM/2020/609 final](#)

<sup>16</sup> [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_2921](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_2921).

## 1.2 SCOPE AND OBJECTIVES OF THE RESEARCH

The aim of the study is to analyze the proposals in the new Legal migration package, their interaction with other instruments and thus provide support to the European Parliament's work on this package. For each part of the Commission proposals, it is to present the current situation and explain what the proposal is going to change, assessing its impact, including available figures, and assess the overall appropriateness of the relevant proposal.

The study shall cover **the following proposals**:

- Proposal for a directive of the European Parliament and of the Council on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (recast)<sup>17</sup>;
- Proposal for a directive of the European Parliament and of the Council concerning the status of third-country nationals who are long-term residents (recast)<sup>18</sup>;

The study shall also examine the other measures set out in the operational and forward-looking pillars of the Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on 'Attracting skills and talent to the EU' (COM(2022) 657 final)<sup>19</sup>.

The study should be based on concrete quantitative and qualitative evidence, existing available data, studies and analysis from various sources and documents from national and international institutions. It should provide specific discussions of the issues outlined in the sections below. It should conclude with policy recommendations addressed to the most relevant actors - including to the European Parliament and to the Council. Relevant information (e.g. legislative developments or policy documents) during the elaboration of the study shall be taken into account to ensure that it is up-to-date on the date of publication.

If feasible, analysis could be enriched by interviews with relevant stakeholders at European and national level.

### OBJECTIVES

The study should address among others, the following aspects:

- **Mapping the legal changes in the proposals**, compared to the legislation in force and/or the political agreements reached in pending files;
  - Mapping of the novel elements as opposed to those already existing, for each legislative proposal, assessing the Commission's relevant justifications;
- **Assessment of the European Commission's proposals as to their:**
  - **Effectiveness and relevance:** Are the proposals apt to close the current problems and gaps encountered?
  - **Efficiency:** Do the responses proposed by the Commission solve the legal and policy issues identified in the implementation assessments on the current acquis and in the Fitness Check? Would other choices achieve the same benefits at lesser cost?

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<sup>17</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2022%3A655%3AFIN&qid=1651221925581>.

<sup>18</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2022%3A650%3AFIN&qid=1651218479366>.

<sup>19</sup> [https://ec.europa.eu/home-affairs/communication-attracting-skills-and-talent-eu\\_en](https://ec.europa.eu/home-affairs/communication-attracting-skills-and-talent-eu_en).

- **Legal coherence:** How well do the different parts of the package work together? How well do they fit in with the rest of the legal migration acquis?
- **Factual coherence:** How do lessons learnt on the ground feed into the proposals? How would the new systems work on the ground? What would be required, overall, and more specifically from (selected) Member States to put the new procedures in place? Assessment of the impact of the Commission's proposals on existing bottlenecks (e.g. length of procedures) and, vice versa, the impact of these bottlenecks on the feasibility of the Commission's proposals?
- **Fundamental rights compliance:** Assessment of elements of the proposals that raise questions as to fundamental rights compliance when applied in practice.

Following the assessment of the proposals, the study shall contain **conclusions and concrete, legally sound and clearly formulated policy recommendations** on all of them, in order to support the LIBE Committee's work on the new package in the future draft reports and amendments phase.

The study shall take into account existing research on the topic, among others the following EP research:

- Exploring New Avenues for Legislation for Labour Migration to the European Union<sup>20</sup> (European Parliament, Policy Department for Constitutional Affairs, September 2015);
- The cost of non-Europe in the area of legal migration<sup>21</sup> (European Parliament, European Parliamentary Research Service, March 2019);
- Legal migration policy and law, European added value assessment (European Parliament, European Parliamentary Research Service, September 2021)<sup>22</sup>.

## 2. TIMELINE AND DELIVERABLES

**A detailed outline** of the study (including a tentative table of contents) shall be delivered within one month of the signing of the contract. Any comments on the outline from the Policy Department shall be taken into consideration by the contractor.

An **interim version** of the study shall be delivered at the latest on 3 October 2022.

At the latest **on 15 November 2022, a draft final version** of the study, which shall be as complete as possible, as well as a draft executive summary, shall be delivered to the Policy Department. **The final study shall be delivered to the Policy Department at the latest on 1 December 2022.** It shall take into consideration any comments made by the Policy Department on the draft final version. The total length of the final study should be approximately between 60 and 80 pages excluding annexes.

The detailed outline as well as the draft final and the final study shall be submitted in Word format by email to [georgiana.sandu@ep.europa.eu](mailto:georgiana.sandu@ep.europa.eu) and [poldepc-finance@ep.europa.eu](mailto:poldepc-finance@ep.europa.eu).

<sup>20</sup> [https://www.europarl.europa.eu/RegData/etudes/STUD/2015/536452/IPOL\\_STU\(2015\)536452\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2015/536452/IPOL_STU(2015)536452_EN.pdf).

<sup>21</sup> [https://www.europarl.europa.eu/RegData/etudes/STUD/2019/631736/EPRS\\_STU\(2019\)631736\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2019/631736/EPRS_STU(2019)631736_EN.pdf).

<sup>22</sup> [https://www.europarl.europa.eu/RegData/etudes/STUD/2021/694211/EPRS\\_STU\(2021\)694211\\_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/STUD/2021/694211/EPRS_STU(2021)694211_EN.pdf).

### 3. DRAFTING, FORMATTING & LAYOUT

The study will be **overseen, edited and published** by the Policy Department for Citizens' Rights and Constitutional Affairs. While preparing the study, the author(s) shall ensure **efficient communication and exchange of views** with the Policy Department. The **formal approval and acceptance** of the final product by the Policy Department requires **that all its observations have been considered** - while respecting the author's right to establish their own ideas - **and that the study fully complies with the terms of reference.**

The Policy Department for Citizens' Rights and Constitutional Affairs is the only interlocutor for the authors. **No version or draft of the study can be shared with anybody else not being part of the research**, as the copyright of the study (in process and final) belongs exclusively to the European Parliament, see section 5.

The study shall be drafted in English. It shall be either drawn up or proof-read by a native English speaker, and consequently be of a standard indistinguishable from that of a native speaker.

The study shall meet the highest linguistic and typographical quality standards. It shall be drafted in a concise, non-technical language, allowing Members to readily gain an overview of the specific subject, independent of their prior knowledge.

The final study shall include an **"Executive Summary"** of a maximum of 6 pages proportionate to the length of the study. In addition, an **abbreviated executive summary** of a maximum of 7500 characters without spaces including footnotes shall be submitted. **The independently drafted executive summary** (not just a reproduction of the key findings or the study itself) shall summarise the main findings of the study and policy recommendations. Discussion and description of methodology should be minimal. **Please note that the executive summary shall be a stand-alone, self-explaining text which will be translated and published separately by the European Parliament's services.**

The study shall include "Key Findings" ahead of each main chapter. It shall also include policy recommendations.

The contractor shall observe the drafting and layout rules as defined in the **Word template** provided in the invitation email for this procedure. **The use of this template is mandatory.** For the preparation of bibliographies as well as for acronyms, abbreviations, statistical symbols, units of measurement, countries, territories and currencies, punctuation in figures and all other issues which are not dealt with in the above mentioned template, the contractor must apply the [Inter-institutional Style Guide](#).

All data used for the production of charts is to be provided in MS-Excel sheets for editing purposes. No scanned or low-definition images and charts should be used.

Before submitting the study to the European Parliament, the contractor shall ensure that it is thoroughly edited and proofread.

Please note that papers are routinely submitted by the European Parliament's services through plagiarism detection software. The European Parliament also remains the sole copyright owner of the research conducted. Any reproduction of the paper or its parts requires a prior authorization from the European Parliament and has to follow rules established by the European Parliament's services.

**The policy analyst responsible for the research paper is Georgiana SANDU, [georgiana.sandu@ep.europa.eu](mailto:georgiana.sandu@ep.europa.eu), whom you can contact for any further information.**

## 4. PRESENTATION OF THE RESEARCH

The contractor is required to present the study to the LIBE Committee of the European Parliament in Brussels. The availability of the expert(s) for the possible presentation is part of the contract.

## 5. INTELLECTUAL PROPERTY

Special attention is drawn to the clauses concerning copyright (Framework contract, Specific Terms and Conditions, Articles I.4 (4) and I.16, General Conditions, Article II.9.5 and section 5.4 of Annex I - Global Terms of Reference). Any intellectual property rights associated with the study shall belong to the European Parliament. The contractor or the author(s) shall not reproduce or publish the paper under his own name **except after being authorised to do so by the Parliament in writing** (see section 5.4 of the Global Terms of Reference). If such authorisation is given, any publication of the paper shall clearly indicate that it has been commissioned by the Policy Department for Citizens' Rights and Constitutional Affairs of the European Parliament. The cover page and layout of the paper **shall not be altered or changed without prior authorisation of the Policy Department**.

When delivering the results, the contractor must warrant that, for any use that the contracting authority may envisage within the limits set in this contract, **the results and the pre-existing material incorporated in the results are free of claims from creators or from any third parties and all the necessary pre-existing rights have been obtained or licensed**.

If there are pre-existing rights, e.g. for which either free use is allowed, or for which a licence has been granted, or the right as such has been obtained, or for the case that subcontractors have transferred their rights to the contractor, the contractor must establish a list of all pre-existing rights to the results of this contract or parts thereof, including identification of the rights' owners. If there are no pre-existing rights to the results, the contractor must provide a declaration to that effect.

The European Parliament's services will provide a template for this declaration to the winning contractor of the request for services.

## 6. BUDGET

For information purposes only, and without this representing any engagement from any of the contracting or financing authorities, kindly note that

- the maximum budget available for this service is **35.000 EUR covering all tasks executed and expenses incurred**.

The European Parliament is exempt from all customs duties, direct and indirect taxes and other duties. It follows, therefore, that the prices must be net of VAT.

The **working time for the presentation** shall not be included in the price of the study: the contractor needs to indicate these working time costs on a separate line in the offer, see section 6.1.2 of the Global terms of reference (Annex I of the Framework Contract). Working time costs will have to be in line with the daily rates for the specific service.

The **travel costs** for up to two experts will be reimbursed separately and need not be quoted, see section 7 of the Global terms of reference.

The budget covering "all tasks executed and expenses incurred" means that **study plus presentation must remain within the maximum budget available**. The only amount not included is the flat reimbursement for travel, which will be paid on top according to

Section 7 of the Global Terms of Reference. Please note that an offer exceeding the maximum amount is unacceptable under the Financial Regulation, and we have to reject such an offer.

## **7. DUTY OF INFORMATION**

In line with section 5.3 of the Global Terms of Reference, the contractor must notify the European Parliament's administration:

- of any previous services performed for national and international public or private entities, including European Institutions and Agencies, in the area which is the subject matter of the request; and
- of work for, interests in or a formal role within a private sector body, political party, NGO, faith group or similar, active in the field covered by the research project.