TABLE OF CORRESPONDENCE BETWEEN DIRECTIVE 2004/38/EC AND NATIONAL TRANSPOSITION MEASURES

	Provision of Directive 2004/38/EC	Transposing provision of the national legislation
	Article 1	
	Subject	
	irective lays down:	Art. 1
(a)	the conditions governing the exercise of the right of free movement	
	and residence within the territory of the Member States by Union	
	citizens and their family members;	
(b)	the right of permanent residence in the territory of the Member	
	States for Union citizens and their family members;	
(c)	the limits placed on the rights set out in (a) and (b) on grounds of	
	public policy, public security or public health.	
	Article 2	
	Definitions	
For the	e purposes of this Directive:	Art. 2
1)	"Union citizen" means any person having the nationality of a	Art. 2 pkt 3
Memb	er State;	1
2)	"Family member" means:	Art. 2 pkt 4
(a)	the spouse;	
(b)	the partner with whom the Union citizen has contracted a registered	
	partnership, on the basis of the legislation of a Member State, if the	
	legislation of the host Member State treats registered partnerships	
	as equivalent to marriage and in accordance with the conditions	
	laid down in the relevant legislation of the host Member State;	
(c)	the direct descendants who are under the age of 21 or are	
	dependants and those of the spouse or partner as defined in point	
	(b);	
(d)	the dependent direct relatives in the ascending line and those of	
	the spouse or partner as defined in point (b);	
3)	"Host Member State" means the Member State to which a Union	Nie wymaga transpozycji
	citizen moves in order to exercise his/her right of free movement	
	and residence.	
	Article 3	
	Beneficiaries	
1. This Directive shall apply to all Union citizens who move to or		Art. 1
reside in a Member State other than that of which they are a national, and		

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to their family members as defined in point 2 of Article 2 who accompany or	
join them.	
2. Without prejudice to any right to free movement and residence the	Art. 77 pkt 9 zmieniający art. 53 ust. 5 pkt 2 ustawy z dnia 13
persons concerned may have in their own right, the host Member State	czerwca 2003 r. o cudzoziemcach
shall, in accordance with its national legislation, facilitate entry and	
residence for the following persons:	
(a) any other family members, irrespective of their nationality, not	j.w.
falling under the definition in point 2 of Article 2 who, in the country	
from which they have come, are dependants or members of the household of the Union citizen having the primary right of	
residence, or where serious health grounds strictly require the	
personal care of the family member by the Union citizen;	
(b) the partner with whom the Union citizen has a durable	Nie wymaga transpozycji
relationship, duly attested.	- 1.0 1.)
The host Member State shall undertake an extensive examination of the	Nie wymaga transpozycji w przedmiotowej ustawie
personal circumstances and shall justify any denial of entry or residence to	Art. 7 KPA
these people.	
Article 4	
Right of exit	
1. Without prejudice to the provisions on travel documents applicable	Nie wymaga transpozycji w przedmiotowej ustawie
to national border controls, all Union citizens with a valid identity card or	Art. 52 ust. 2 Konstytucji RP
passport and their family members who are not nationals of a Member	
State and who hold a valid passport shall have the right to leave the territory of a Member State to travel to another Member State.	
2. No exit visa or equivalent formality may be imposed on the persons	j.w.
to whom paragraph 1 applies.	J. W.
3. Member States shall, acting in accordance with their laws, issue to	Nie wymaga transpozycji w przedmiotowej ustawie
their own nationals, and renew, an identity card or passport stating their	Art. 4 ustawy z dnia 29 listopada 1990 r. o paszportach
nationality.	Art. 23 ustawy z dnia 13 lutego 1984 r. o funkcjach konsulów w
·	Rzeczypospolitej Polskiej
4. The passport shall be valid at least for all Member States and for	Nie wymaga transpozycji w przedmiotowej ustawie
countries through which the holder must pass when travelling between	Art. 1 ustawy o paszportach oraz j.w.
Member States. Where the law of a Member State does not provide for	
identity cards to be issued, the period of validity of any passport on being	
issued or renewed shall be not less than five years. Article 5	
Right of entry	
Without prejudice to the provisions on travel documents applicable	Art. 9. ust. 1.
to national border controls, Member States shall grant Union citizens leave	A1t. 7. ust. 1.
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Provision of Directive 2004/38/EC	Transposing provision of the national legislation
to enter their territory with a valid identity card or passport and shall grant	
family members who are not nationals of a Member State leave to enter	
their territory with a valid passport.	i w
No entry visa or equivalent formality may be imposed on Union citizens. 2. Family members who are not nationals of a Member State shall	j.w. Art. 9 ust. 2 i 3
only be required to have an entry visa in accordance with Regulation (EC)	
No 539/2001 or, where appropriate, with national law. For the purposes of	Art. 24 ust. 4
this Directive, possession of the valid residence card referred to in Article	Art. 44 ust. 3
10 shall exempt such family members from the visa requirement.	
Member States shall grant such persons every facility to obtain the	Nie wymaga transpozycji w przedmiotowej ustawie
necessary visas. Such visas shall be issued free of charge as soon as	Rubryka 4 część IV ust. 5 załącznika do ustawy z dnia 9
possible and on the basis of an accelerated procedure.	września 2000 r. o opłacie skarbowej
3. The host Member State shall not place an entry or exit stamp in the	Art. 24 ust. 4
passport of family members who are not nationals of a Member State	Art. 44 ust. 3
provided that they present the residence card provided for in Article 10.	Ait. 44 ust. 3
4. Where a Union citizen, or a family member who is not a national of	Art. 11 ust. 3
a Member State, does not have the necessary travel documents or, if	AII. II usi. 5
required, the necessary visas, the Member State concerned shall, before	
turning them back, give such persons every reasonable opportunity to	
obtain the necessary documents or have them brought to them within a	
reasonable period of time or to corroborate or prove by other means that	
they are covered by the right of free movement and residence. 5. The Member State may require the person concerned to report	Nie wymaga transpozycji w przedmiotowej ustawie
his/her presence within its territory within a reasonable and non-	
discriminatory period of time. Failure to comply with this requirement may	Art. 10 ustawy z dnia 10 kwietnia 1974 r. o ewidencji ludności
make the person concerned liable to proportionate and non-discriminatory	i dowodach osobistych
sanctions.	
Article 6	
Right of residence for up to three months	A . 12
1. Union citizens shall have the right of residence on the territory of another Member State for a period of up to three months without any	Art. 12
conditions or any formalities other than the requirement to hold a valid	
identity card or passport.	
2. The provisions of paragraph 1 shall also apply to family members in	j.w.
possession of a valid passport who are not nationals of a Member State,	
accompanying or joining the Union citizen.	

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Article 7 Right of residence for more than three months	
1. All Union citizens shall have the right of residence on the territory of another Member State for a period of longer than three months if they:	
(a) are workers or self-employed persons in the host Member State; or	Art. 13 ust. 1 pkt 1
(b) have sufficient resources for themselves and their family members not to become a burden on the social assistance system of the host Member State during their period of residence and have comprehensive sickness insurance cover in the host Member State; or	Art. 13 ust. 1 pkt 2
(c) — are enrolled at a private or public establishment, accredited or financed by the host Member State on the basis of its legislation or administrative practice, for the principal purpose of following a course of study, including vocational training; and — have comprehensive sickness insurance cover in the host Member State and assure the relevant national authority, by means of a declaration or by such equivalent means as they may choose, that they have sufficient resources for themselves and their family members not to become a burden on the social assistance system of the host Member State during their period of residence; or	Art. 13 ust. 1 pkt 3
(d) are family members accompanying or joining a Union citizen who satisfies the conditions referred to in points (a), (b) or (c).	Art. 15.
2. The right of residence provided for in paragraph 1 shall extend to family members who are not nationals of a Member State, accompanying or joining the Union citizen in the host Member State, provided that such Union citizen satisfies the conditions referred to in paragraph 1(a), (b) or (c).	j.w.
3. For the purposes of paragraph 1(a), a Union citizen who is no longer a worker or self-employed person shall retain the status of worker or self-employed person in the following circumstances:	
(a) he/she is temporarily unable to work as the result of an illness or accident;	Art. 14 ust. 1 pkt 1
(b) he/she is in duly recorded involuntary unemployment after having been employed for more than one year and has registered as a job-seeker with the relevant employment office;	Art. 14 ust. 1 pkt 2

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(c) he/she is in duly recorded involuntary unemployment after completing a fixed-term employment contract of less than a year or after having become involuntarily unemployed during the first twelve months and has registered as a job-seeker with the relevant employment office. In this case, the status of worker shall be retained for no less than six months;	Art. 14 ust. 2
(d) he/she embarks on vocational training. Unless he/she is involuntarily unemployed, the retention of the status of worker shall require the training to be related to the previous employment.	Art. 14 ust. 1 pkt 3
4. By way of derogation from paragraphs 1(d) and 2 above, only the spouse, the registered partner provided for in Article 2(2)(b) and dependent children shall have the right of residence as family members of a Union citizen meeting the conditions under 1(c) above. Article 3(2) shall apply to his/her dependent direct relatives in the ascending lines and those of his/her spouse or registered partner.	Art. 15. pkt 2.
Article 8	
Administrative formalities for Union citizens	
1. Without prejudice to Article 5(5), for periods of residence longer than three months, the host Member State may require Union citizens to register with the relevant authorities.	Art. 17.
2. The deadline for registration may not be less than three months	Art. 20 ust. 2
from the date of arrival. A registration certificate shall be issued immediately, stating the name and address of the person registering and	Art. 24. ust. 1 i 2
the date of the registration. Failure to comply with the registration	Art. 27
requirement may render the person concerned liable to proportionate and	
non-discriminatory sanctions.	Art. 68 pkt 1
3. For the registration certificate to be issued, Member States may only require that	Art. 20 ust. 3 i 4.
 Union citizens to whom point (a) of Article 7(1) applies present a valid identity card or passport, a confirmation of engagement from the employer or a certificate of employment, or proof that they are self-employed persons; 	j.w.
 Union citizens to whom point (b) of Article 7(1) applies present a valid identity card or passport and provide proof that they satisfy the conditions laid down therein; 	j.w.
 Union citizens to whom point (c) of Article 7(1) applies present a valid identity card or passport, provide proof of enrolment at an accredited establishment and of comprehensive sickness insurance 	j.w.

cover and the declaration or equivalent means referred to in point (c) of Article 7(1). Member States may not require this declaration to refer to any specific amount of resources. 4. Member States may not lay down a fixed amount which they regard as "sufficient resources", but they must take into account the personal situation of the person concerned. In all cases this amount shall not be higher than the threshold below which nationals of the host Member State become eligible for social assistance, or, where this criterion is not applicable, higher than the minimum social security pension paid by the host Member State. 5. For the registration certificate to be issued to family members of a valid identity card or passport; (a) a valid identity card or passport; (b) a document attesting to the existence of a family relationship or of a registered partnership; (c) where appropriate, the registration certificate of the Union citizen whom they are accompanying or joining; (d) in cases falling under points (c) and (d) of Article 2(2), documentary evidence that the conditions laid down therein are met; (e) in cases falling under Article 3(2)(a), a document issued by the relevant authority in the country of origin or country from which they are arriving certifying that they are dependants or members of the household of the Union citizen, or proof of the existence of serious health grounds which strictly require the personal care of the family member by the Union citizen, or proof of the existence of serious health grounds which strictly require the personal care of the family member by the Union citizen, or proof of the existence of serious health grounds which strictly require the personal care of the family member by the Union citizen, or proof of the existence of serious health grounds which strictly require the personal care of the family member of the family members who are not nationals of a Member State, where the planned peri	Provision of Directive 2004/38/EC	Transposing provision of the national legislation
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be less than three months from the date of arrival.	be less than three months from the date of arrival.	
3. Failure to comply with the requirement to apply for a residence card Art. 68 pkt 2	3. Failure to comply with the requirement to apply for a residence card	Art 68 nkt 2
may make the person concerned liable to proportionate and non-		111. 00 pht 2

Provision of Directive 2004/38/EC	Transposing provision of the national legislation
discriminatory sanctions.	
Article 10	
Issue of residence cards	
1. The right of residence of family members of a Union citizen who are	Art. 20 ust. 5.
not nationals of a Member State shall be evidenced by the issuing of a	Art. 27
document called "Residence card of a family member of a Union citizen" no	1111. 27
later than six months from the date on which they submit the application. A	
certificate of application for the residence card shall be issued immediately.	1 + 20 + 2:4
2. For the residence card to be issued, Member States shall require	Art. 20 ust. 3 i 4.
presentation of the following documents:	
(a) a valid passport;	j.w.
(b) a document attesting to the existence of a family relationship or of a	j.w.
registered partnership;	
(c) the registration certificate or, in the absence of a registration	j.w.
system, any other proof of residence in the host Member State of	
the Union citizen whom they are accompanying or joining;	
(d) in cases falling under points (c) and (d) of Article 2(2), documentary	j.w.
evidence that the conditions laid down therein are met;	1:
(e) in cases falling under Article 3(2)(a), a document issued by the	j.w.
relevant authority in the country of origin or country from which they are arriving certifying that they are dependants or members of the	
household of the Union citizen, or proof of the existence of serious	
health grounds which strictly require the personal care of the family	
member by the Union citizen;	
(f) in cases falling under Article 3(2)(b), proof of the existence of a	j.w.
durable relationship with the Union citizen.	J
Article 11	
Validity of the residence card	
1. The residence card provided for by Article 10(1) shall be valid for	Art. 24 ust. 5
five years from the date of issue or for the envisaged period of residence of	
the Union citizen, if this period is less than five years.	
2. The validity of the residence card shall not be affected by	Art. 40 ust. 1 i 2
temporary absences not exceeding six months a year, or by absences of a	
longer duration for compulsory military service or by one absence of a	
maximum of twelve consecutive months for important reasons such as	
pregnancy and childbirth, serious illness, study or vocational training, or a	
posting in another Member State or a third country. Article 12	
Arucie 12	

Provision of Directive 2004/38/EC	Transposing provision of the national legislation
Retention of the right of residence by family members in the event of death or departure of the Union citizen	
1. Without prejudice to the second subparagraph, the Union citizen's death or departure from the host Member State shall not affect the right of residence of his/her family members who are nationals of a Member State.	Art. 16 ust. 1
Before acquiring the right of permanent residence, the persons concerned must meet the conditions laid down in points (a), (b), (c) or (d) of Article 7(1).	Art. 37 ust. 1
2. Without prejudice to the second subparagraph, the Union citizen's death shall not entail loss of the right of residence of his/her family members who are not nationals of a Member State and who have been residing in the host Member State as family members for at least one year before the Union citizen's death.	Art. 16 ust. 3 pkt 1
Before acquiring the right of permanent residence, the right of residence of the persons concerned shall remain subject to the requirement that they are able to show that they are workers or self-employed persons or that they have sufficient resources for themselves and their family members not to become a burden on the social assistance system of the host Member State during their period of residence and have comprehensive sickness insurance cover in the host Member State, or that they are members of the family, already constituted in the host Member State, of a person satisfying these requirements. "Sufficient resources" shall be as defined in Article 8(4).	Art. 37 ust. 2
Such family members shall retain their right of residence exclusively on a personal basis.	j.w.
3. The Union citizen's departure from the host Member State or his/her death shall not entail loss of the right of residence of his/her children or of the parent who has actual custody of the children, irrespective of nationality, if the children reside in the host Member State and are enrolled at an educational establishment, for the purpose of studying there, until the completion of their studies.	Art. 16 ust. 2
Article 13 Retention of the right of residence by family members in the event of divorce, annulment of marriage or termination of registered partnership	
1. Without prejudice to the second subparagraph, divorce, annulment of the Union citizen's marriage or termination of his/her registered partnership, as referred to in point 2(b) of Article 2 shall not affect the right	Art. 16. ust. 1

of residence of his/her family members who are nationals of a Member State. Before acquiring the right of permanent residence, the persons concerned must meet the conditions laid down in points (a), (b), (c) or (d) of Article 7(1). 2. Without prejudice to the second subparagraph, divorce, annulment of marriage or termination of the registered partnership referred to in point 2(b) of Article 2 shall not entail loss of the right of residence of a Union citizen's family members who are not nationals of a Member State where: (a) prior to initiation of the divorce or annulment proceedings or termination of the registered partnership has lasted at least three years, including one year in the host Member State, or (b) by agreement between the spouses or the partners referred to in point 2(b) of Article 2 or by court order, the spouse or partner who is not a national of a Member State has custody of the Union citizen's children; or (c) this is warranted by particularly difficult circumstances, such as having been a victim of domestic violence while the marriage or registered partnership was subsisting, or (d) by agreement between the spouses or partners referred to in point 2(b) of Article 2 or by court order, the spouse or partner who is not a national of a Member State has the right of access to a minor child, provided that the court has ruled that such access must be in the host Member State, and for as long as is required. Before acquiring the right of permanent residence, the right of residence of the persons concerned shall remain subject to the requirement that they are able to show that they are workers or self-employed persons or that they have sufficient resources for themselves and their family members not to become a burden on the social assistance system of the host Member State, or that they have sufficient resources for themselves and their family members on to become a burden on the social assistance system of the host Member State, of a person satisfying these requirements. "Sufficient resources	Provision of Directive 2004/38/EC	Transposing provision of the national legislation
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Article 14		J.W.

Provision of Directive 2004/38/EC	Transposing provision of the national legislation
1. Union citizens and their family members shall have the right of	Project ustawy nie przewiduje ograniczeń prawa pobytu ze względu
residence provided for in Article 6, as long as they do not become an	na fakt obciążenia dla systemu pomocy społecznej
unreasonable burden on the social assistance system of the host Member State.	
2. Union citizens and their family members shall have the right of	Art. 28
residence provided for in Articles 7, 12 and 13 as long as they meet the	
conditions set out therein.	Art. 29
In specific cases where there is a reasonable doubt as to whether a Union	Przepis fakultatywny
citizen or his/her family members satisfies the conditions set out in Articles 7, 12 and 13, Member States may verify if these conditions are fulfilled.	
This verification shall not be carried out systematically.	
3. An expulsion measure shall not be the automatic consequence of a	Art. 54 ust. 1.
Union citizen's or his or her family member's recourse to the social	
assistance system of the host Member State.	
4. By way of derogation from paragraphs 1 and 2 and without	j.w.
prejudice to the provisions of Chapter VI, an expulsion measure may in no	
case be adopted against Union citizens or their family members if: (a) the Union citizens are workers or self-employed persons, or	
(b) the Union citizens entered the territory of the host Member State in	
order to seek employment. In this case, the Union citizens and their	
family members may not be expelled for as long as the Union	
citizens can provide evidence that they are continuing to seek	
employment and that they have a genuine chance of being	
engaged.	
Article 15 Procedural safeguards	
The procedures provided for by Articles 30 and 31 shall apply by	Art. 6
analogy to all decisions restricting free movement of Union citizens and	Art. 9, 107, 127 KPA
their family members on grounds other than public policy, public security or	
public health.	
2. Expiry of the identity card or passport on the basis of which the	Art. 54 ust. 1
person concerned entered the host Member State and was issued with a	
registration certificate or residence card shall not constitute a ground for expulsion from the host Member State.	
3. The host Member State may not impose a ban on entry in the	Art. 11 ust. 4
context of an expulsion decision to which paragraph 1 applies.	7.1.1.1.00.1
Article 16	
General rule for Union citizens and their family members	

Provision of Directive 2004/38/EC	Transposing provision of the national legislation
1. Union citizens who have resided legally for a continuous period of	Art. 35
five years in the host Member State shall have the right of permanent	
residence there. This right shall not be subject to the conditions provided for	
in Chapter III.	
2. Paragraph 1 shall apply also to family members who are not	Art. 36
nationals of a Member State and have legally resided with the Union citizen	
in the host Member State for a continuous period of five years.	110
3. Continuity of residence shall not be affected by temporary	Art. 40 ust. 1 i 2
absences not exceeding a total of six months a year, or by absences of a longer duration for compulsory military service, or by one absence of a	
maximum of twelve consecutive months for important reasons such as	
pregnancy and childbirth, serious illness, study or vocational training, or a	
posting in another Member State or a third country.	
4. Once acquired, the right of permanent residence shall be lost only	Art. 48 ust. 3
through absence from the host Member State for a period exceeding two	
consecutive years.	
Article 17	
Exemptions for persons no longer working in the host Member State	
and their family members	
1. By way of derogation from Article 16, the right of permanent	Art. 38 ust. 1
residence in the host Member State shall be enjoyed before completion of a	
continuous period of five years of residence by:	
(a) workers or self-employed persons who, at the time they stop	Art. 38 ust. 1 pkt 1
working, have reached the age laid down by the law of that	
Member State for entitlement to an old age pension or workers who cease paid employment to take early retirement, provided that they	
have been working in that Member State for at least the preceding	
twelve months and have resided there continuously for more than	
three years.	
If the law of the host Member State does not grant the right to an	Nie wymaga transpozycji w przedmiotowej ustawie
old age pension to certain categories of self-employed persons, the	Ustawa z dnia 17 grudnia 1998 r. o emeryturach i rentach z
age condition shall be deemed to have been met once the person	Funduszu Ubezpieczeń Społecznych
concerned has reached the age of 60;	, ,
(b) workers or self-employed persons who have resided continuously	Art. 38 ust. 1 pkt 2
in the host Member State for more than two years and stop working	1
there as a result of permanent incapacity to work.	
If such incapacity is the result of an accident at work or an	Art. 38 ust. 5
occupational disease entitling the person concerned to a benefit	
payable in full or in part by an institution in the host Member State,	

Provision of Directive 2004/38/EC	Transposing provision of the national legislation
no condition shall be imposed as to length of residence;	
(c) workers or self-employed persons who, after three years of	Art. 38 ust. 1 pkt 3
continuous employment and residence in the host Member State,	1
work in an employed or self-employed capacity in another Member	
State, while retaining their place of residence in the host Member	
State, to which they return, as a rule, each day or at least once a	
week.	
For the purposes of entitlement to the rights referred to in points (a)	Art. 38 ust. 2 i 3
and (b), periods of employment spent in the Member State in which	
the person concerned is working shall be regarded as having been	
spent in the host Member State.	
Periods of involuntary unemployment duly recorded by the relevant	Art. 38 ust. 6
employment office, periods not worked for reasons not of the person's own	
making and absences from work or cessation of work due to illness or	
accident shall be regarded as periods of employment.	
2. The conditions as to length of residence and employment laid down	
in point (a) of paragraph 1 and the condition as to length of residence laid	
down in point (b) of paragraph 1 shall not apply if the worker's or the self-	
employed person's spouse or partner as referred to in point 2(b) of Article 2	
is a national of the host Member State or has lost the nationality of that	
Member State by marriage to that worker or self-employed person.	
3. Irrespective of nationality, the family members of a worker or a self-	
employed person who are residing with him in the territory of the host	
Member State shall have the right of permanent residence in that Member	
State, if the worker or self-employed person has acquired himself the right	
of permanent residence in that Member State on the basis of paragraph 1.	
4. If, however, the worker or self-employed person dies while still	
working but before acquiring permanent residence status in the host	
Member State on the basis of paragraph 1, his family members who are	
residing with him in the host Member State shall acquire the right of	
permanent residence there, on condition that:	
(a) the worker or self-employed person had, at the time of death,	Art. 39 ust. 2 pkt 1
resided continuously on the territory of that Member State for two	•
years; or	
(b) the death resulted from an accident at work or an occupational	Art. 39 ust. 2 pkt 2
disease; or	1
(c) the surviving spouse lost the nationality of that Member State	
following marriage to the worker or self-employed person.	skutek małżeństwa z cudzoziemcem
Article 18	

Provision of Directive 2004/38/EC	Transposing provision of the national legislation
Acquisition of the right of permanent residence by certain family members who are not nationals of a Member State	
Without prejudice to Article 17, the family members of a Union citizen to whom Articles 12(2) and 13(2) apply, who satisfy the conditions laid down therein, shall acquire the right of permanent residence after residing legally for a period of five consecutive years in the host Member State.	Art. 37 ust. 1 i 2
Article 19 Document certifying permanent residence for Union citizens	
1. Upon application Member States shall issue Union citizens entitled to permanent residence, after having verified duration of residence, with a document certifying permanent residence.	Art. 41 ust. 1, Art. 43 ust. 1
2. The document certifying permanent residence shall be issued as soon as possible.	Art. 47
Article 20 Permanent residence card for family members who are not nationals of a Member State	
1. Member States shall issue family members who are not nationals of a Member State entitled to permanent residence with a permanent residence card within six months of the submission of the application. The permanent residence card shall be renewable automatically every ten years.	Art. 41 ust. 2 Art. 45, Art. 46 ust. 4 Art. 47
 The application for a permanent residence card shall be submitted before the residence card expires. Failure to comply with the requirement to apply for a permanent residence card may render the person concerned liable to proportionate and non-discriminatory sanctions. Interruption in residence not exceeding two consecutive years shall 	Art. 43 ust. 3, Art. 68 pkt 3
not affect the validity of the permanent residence card.	7.1. 10 001 0.
Article 21 Continuity of residence	
For the purposes of this Directive, continuity of residence may be attested by any means of proof in use in the host Member State. Continuity of residence is broken by any expulsion decision duly enforced against the person concerned.	Art. 40 ust. 3 Art. 75 KPA
Article 22 Territorial scope	
The right of residence and the right of permanent residence shall cover the whole territory of the host Member State. Member States may impose	Nie wymaga transpozycji w przedmiotowej ustawie

Provision of Directive 2004/38/EC	Transposing provision of the national legislation
territorial restrictions on the right of residence and the right of permanent	
residence only where the same restrictions apply to their own nationals. Article 23	
Related rights	
Irrespective of nationality, the family members of a Union citizen who have	Art. 13 ust. 2
the right of residence or the right of permanent residence in a Member State shall be entitled to take up employment or self-employment there.	Art. 79 pkt 4 i 5 zmieniający art. 87 i 88 ustawy o promocji zatrudnienia i instytucjach rynku pracy oraz art. 80 pkt 1 zmieniający art. 13 ustawy o swobodzie działalności gospodarczej
Article 24 Equal treatment	
1 Subject to such specific provisions as are expressly provided for in the Treaty and secondary law, all Union citizens residing on the basis of this Directive in the territory of the host Member State shall enjoy equal treatment with the nationals of that Member State within the scope of the Treaty. The benefit of this right shall be extended to family members who are not nationals of a Member State and who have the right of residence or permanent residence.	Nie wymaga transpozycji w przedmiotowej ustawie
2. By way of derogation from paragraph 1, the host Member State shall not be obliged to confer entitlement to social assistance during the first three months of residence or, where appropriate, the longer period provided for in Article 14(4)(b), nor shall it be obliged, prior to acquisition of the right of permanent residence, to grant maintenance aid for studies, including vocational training, consisting in student grants or student loans to persons other than workers, self-employed persons, persons who retain such status and members of their families.	Nie wymaga transpozycji w przedmiotowej ustawie
Article 25 General provisions concerning residence documents	
1. Possession of a registration certificate as referred to in Article 8, of a document certifying permanent residence, of a certificate attesting submission of an application for a family member residence card, of a residence card or of a permanent residence card, may under no circumstances be made a precondition for the exercise of a right or the completion of an administrative formality, as entitlement to rights may be attested by any other means of proof.	Rozdział 8 Przepisy poszczególnych ustaw zostały zmienione tak, aby posiadanie dokumentów wydawanych na podstawie ustawy nie było warunkiem do korzystania z określonych praw lub podjęcia czynności administracyjnych
2. All documents mentioned in paragraph 1 shall be issued free of charge or for a charge not exceeding that imposed on nationals for the	Art. 33

Provision of Directive 2004/38/EC	Transposing provision of the national legislation
issuing of similar documents.	Art. 52
Article 26	
Checks	
Member States may carry out checks on compliance with any requirement	Przepis fakultatywny
deriving from their national legislation for non-nationals always to carry their	· · · · · · · · · · · · · · · · · · ·
registration certificate or residence card, provided that the same	
requirement applies to their own nationals as regards their identity card. In	
the event of failure to comply with this requirement, Member States may	
impose the same sanctions as those imposed on their own nationals for	
failure to carry their identity card.	
Article 27	
General principles	A . 74 1
1. Subject to the provisions of this Chapter, Member States may restrict the freedom of movement and residence of Union citizens and their	Art. 54 ust. 1
family members, irrespective of nationality, on grounds of public policy,	
public security or public health. These grounds shall not be invoked to	
serve economic ends.	
2. Measures taken on grounds of public policy or public security shall	j.w.
comply with the principle of proportionality and shall be based exclusively	
on the personal conduct of the individual concerned. Previous criminal	
convictions shall not in themselves constitute grounds for taking such	
measures.	
The personal conduct of the individual concerned must represent a	j.w.
genuine, present and sufficiently serious threat affecting one of the fundamental interests of society. Justifications that are isolated from the	
particulars of the case or that rely on considerations of general prevention	
shall not be accepted.	
3. In order to ascertain whether the person concerned represents a	Art. 23
danger for public policy or public security, when issuing the registration	THL 25
certificate or, in the absence of a registration system, not later than three	
months from the date of arrival of the person concerned on its territory or	
from the date of reporting his/her presence within the territory, as provided	
for in Article 5(5), or when issuing the residence card, the host Member	
State may, should it consider this essential, request the Member State of	
origin and, if need be, other Member States to provide information	
concerning any previous police record the person concerned may have. Such enquiries shall not be made as a matter of routine. The Member State	
Such enquines shall not be made as a matter of routine. The Member State	

Provision of Directive 2004/38/EC	Transposing provision of the national legislation
consulted shall give its reply within two months.	
4. The Member State which issued the passport or identity card shall	Nie wymaga transpozycji w przedmiotowej ustawie
allow the holder of the document who has been expelled on grounds of	Art. 52 ust. 4 Konstytucji
public policy, public security, or public health from another Member State to	
re-enter its territory without any formality even if the document is no longer	
valid or the nationality of the holder is in dispute.	
Article 28	
Protection against expulsion	
1. Before taking an expulsion decision on grounds of public policy or	Art. 58
public security, the host Member State shall take account of considerations	
such as how long the individual concerned has resided on its territory,	
his/her age, state of health, family and economic situation, social and	
cultural integration into the host Member State and the extent of his/her	
links with the country of origin.	
2. The host Member State may not take an expulsion decision against	Art. 55
Union citizens or their family members, irrespective of nationality, who have	
the right of permanent residence on its territory, except on serious grounds	
of public policy or public security.	
3. An expulsion decision may not be taken against Union citizens,	
except if the decision is based on imperative grounds of public security, as	
defined by Member States, if they:	
(a) have resided in the host Member State for the previous ten	Art. 56
years; or	
(b) are a minor, except if the expulsion is necessary for the best	Art. 57
interests of the child, as provided for in the United Nations	Art. 37
Convention on the Rights of the Child of 20 November 1989.	
Article 29	
Public health	
1. The only diseases justifying measures restricting freedom of	Art. 54 ust. 3
movement shall be the diseases with epidemic potential as defined by the	
relevant instruments of the World Health Organisation and other infectious	
diseases or contagious parasitic diseases if they are the subject of	
protection provisions applying to nationals of the host Member State.	
2. Diseases occurring after a three-month period from the date of	Art. 54 ust. 2
arrival shall not constitute grounds for expulsion from the territory.	
3. Where there are serious indications that it is necessary, Member	Przepis fakultatywny
States may, within three months of the date of arrival, require persons	1 120pio isilata y miy
entitled to the right of residence to undergo, free of charge, a medical	
chance to the light of reduction to undergo, mee of sharpe, a medical	

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examination to certify that they are not suffering from any of the conditions	
referred to in paragraph 1. Such medical examinations may not be required	
as a matter of routine.	
Article 30 Notification of decisions	
The persons concerned shall be notified in writing of any decision	Art. 6
taken under Article 27(1), in such a way that they are able to comprehend	Art. 9, 107 KPA
its content and the implications for them.	744 6, 107 14 7
2. The persons concerned shall be informed, precisely and in full, of	Art. 107 KPA
the public policy, public security or public health grounds on which the	Art. 5
decision taken in their case is based, unless this is contrary to the interests	
of State security.	1105177
3. The notification shall specify the court or administrative authority with which the person concerned may lodge an appeal, the time limit for the	Art. 107 KPA
appeal and, where applicable, the time allowed for the person to leave the	Art. 59 ust. 1
territory of the Member State. Save in duly substantiated cases of urgency,	
the time allowed to leave the territory shall be not less than one month from	
the date of notification.	
Article 31	
Procedural safeguards	
1. The persons concerned shall have access to judicial and, where	Nie wymaga transpozycji w przedmiotowej ustawie
appropriate, administrative redress procedures in the host Member State to	Art. 127 § 1 KPA
appeal against or seek review of any decision taken against them on the grounds of public policy, public security or public health.	Art. 52 § 1 ustawy z dnia 30 sierpnia 2002 r Prawo o postępowaniu przed sądami administracyjnymi
2. Where the application for appeal against or judicial review of the	Art. 60
expulsion decision is accompanied by an application for an interim order to	Art. 00
suspend enforcement of that decision, actual removal from the territory may	
not take place until such time as the decision on the interim order has been	
taken, except:	
- where the expulsion decision is based on a previous judicial	
decision; or	
 where the persons concerned have had previous access to judicial review; or 	
 where the expulsion decision is based on imperative grounds of 	
public security under Article 28(3).	
3. The redress procedures shall allow for an examination of the	Nie wymaga transpozycji w przedmiotowej ustawie
legality of the decision, as well as of the facts and circumstances on which	Art. 1 ustawy z dnia 25 lipca 2002 r Prawo o ustroju sądów
the proposed measure is based. They shall ensure that the decision is not	administracyjnych

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disproportionate, particularly in view of the requirements laid down in Article 28.	
4. Member States may exclude the individual concerned from their	Art. 11 ust. 4
territory pending the redress procedure, but they may not prevent the	Nie wymaga transpozycji w przedmiotowej ustawie
individual from submitting his/her defence in person, except when his/her	Art. 10, 79 § 2 i art. 81 KPA
appearance may cause serious troubles to public policy or public security or	
when the appeal or judicial review concerns a denial of entry to the territory. Article 32	
Duration of exclusion orders	
1. Persons excluded on grounds of public policy or public security	Nie wymaga transpozycji w przedmiotowej ustawie
may submit an application for lifting of the exclusion order after a	Art. 154 § 1 KPA
reasonable period, depending on the circumstances, and in any event after	
three years from enforcement of the final exclusion order which has been validly adopted in accordance with Community law, by putting forward	
arguments to establish that there has been a material change in the	
circumstances which justified the decision ordering their exclusion.	
The Member State concerned shall reach a decision on this application	
within six months of its submission.	
2. The persons referred to in paragraph 1 shall have no right of entry	Art. 11 ust. 1 pkt 1
to the territory of the Member State concerned while their application is	
being considered. Article 33	
Expulsion as a penalty or legal consequence	
Expulsion orders may not be issued by the host Member State as a	Art. 54 ust. 1
penalty or legal consequence of a custodial penalty, unless they conform to	
the requirements of Articles 27, 28 and 29.	
2. If an expulsion order, as provided for in paragraph 1, is enforced	
more than two years after it was issued, the Member State shall check that	
the individual concerned is currently and genuinely a threat to public policy or public security and shall assess whether there has been any material	
change in the circumstances since the expulsion order was issued.	
Article 34	
Publicity	
Member States shall disseminate information concerning the rights and	Nie wymaga transpozycji w przedmiotowej ustawie
obligations of Union citizens and their family members on the subjects	
covered by this Directive, particularly by means of awareness-raising	
campaigns conducted through national and local media and other means of communication.	
communication.	

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Article 35 Abuse of rights	
Member States may adopt the necessary measures to refuse, terminate or	Art. 19 ust. 1 i 2,
withdraw any right conferred by this Directive in the case of abuse of rights or fraud, such as marriages of convenience. Any such measure shall be	Art. 22,
proportionate and subject to the procedural safeguards provided for in	Art. 28 pkt 1,
Articles 30 and 31.	Art. 29 pkt 2 i 3,
	Art. 42 ust. 2 i 3,
	Art. 48 ust. 1 pkt 1, ust. 2 pkt 1 i 3
Article 36	
Sanctions	
Member States shall lay down provisions on the sanctions applicable to	Rozdział 7
breaches of national rules adopted for the implementation of this Directive and shall take the measures required for their application. The sanctions	
laid down shall be effective and proportionate. Member States shall notify	
the Commission of these provisions not later than 30 April 2006 and as	
promptly as possible in the case of any subsequent changes.	
Article 37	
More favourable national provisions	
The provisions of this Directive shall not affect any laws, regulations or	Nie wymaga transpozycji
administrative provisions laid down by a Member State which would be	
more favourable to the persons covered by this Directive. Article 38	
Repeals	
1. Articles 10 and 11 of Regulation (EEC) No 1612/68 shall be	j.w.
repealed with effect from 30 April 2006.	
2. Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC,	j.w.
75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC shall be	
repealed with effect from 30 April 2006. 3. References made to the repealed provisions and Directives shall	i w
be construed as being made to this Directive.	j.w.
Article 39	
Report	
No later than 30 April 2006 the Commission shall submit a report on the	j.w.
application of this Directive to the European Parliament and the Council,	
together with any necessary proposals, notably on the opportunity to extend	

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the period of time during which Union citizens and their family members	
may reside in the territory of the host Member State without any conditions.	
The Member States shall provide the Commission with the information	
needed to produce the report.	
Article 40	
Transposition	
1. Member States shall bring into force the laws, regulations and	Art. 90
administrative provisions necessary to comply with this Directive by 30 April	
2006.	
When Member States adopt those measures, they shall contain a reference	Nie wymaga transpozycji
to this Directive or shall be accompanied by such a reference on the	
occasion of their official publication. The methods of making such reference	
shall be laid down by the Member States.	
2. Member States shall communicate to the Commission the text of	j.w.
the provisions of national law which they adopt in the field covered by this	
Directive together with a table showing how the provisions of this Directive	
correspond to the national provisions adopted.	
Article 41	
Entry into force	:
This Directive shall enter into force on the day of its publication in the	j.w.
Official Journal of the European Union.	
Article 42	
Addressees This Disactive is addressed to the Marshay Otates	1
This Directive is addressed to the Member States.	j.w.