

Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast)

CHAPTER I

GENERAL PROVISIONS

Article 2

Scope

1 This Directive shall apply to third-country nationals who apply to be admitted or who have been admitted to the territory of a Member State for the purpose of research, studies, training or voluntary service in the European Voluntary Service. Member States may also decide to apply the provisions of this Directive to third-country nationals who apply to be admitted for the purpose of a pupil exchange scheme or educational project, voluntary service other than the European Voluntary Service or au pairing.

2 This Directive shall not apply to third-country nationals:

- a who seek international protection or who are beneficiaries of international protection in accordance with the Directive 2011/95/EU of the European Parliament and of the Council⁽¹⁾ or who are beneficiaries of temporary protection in accordance with the Council Directive 2001/55/EC⁽²⁾ in a Member State;
- b whose expulsion has been suspended for reasons of fact or of law;
- c who are family members of Union citizens who have exercised their right to free movement within the Union;
- d who enjoy long-term resident status in a Member State in accordance with Council Directive 2003/109/EC⁽³⁾;
- e who enjoy, together with their family members, and irrespective of their nationality, rights of free movement equivalent to those of citizens of the Union under agreements either between the Union and its Member States and third countries or between the Union and third countries;
- f who come to the Union as trainee employees in the context of an intra-corporate transfer under Directive 2014/66/EU;
- g who are admitted as highly qualified workers in accordance with Council Directive 2009/50/EC⁽⁴⁾.

- (1) Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted ([OJ L 337, 20.12.2011, p. 9](#)).
- (2) Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof ([OJ L 212, 7.8.2001, p. 12](#)).
- (3) Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents ([OJ L 16, 23.1.2004, p. 44](#)).
- (4) Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment ([OJ L 155, 18.6.2009, p. 17](#)).