Limiting of admission of third-country nationals: pursuit of independent professional activity

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In this resolution, the Council defines the principles which should guide Member States when restricting entry to third country nationals for the purpose of exercising an independent professional activity: - scope: these principles: . apply to individual third country nationals wishing to exercise an independent professional activity in the Community on a personal basis or in the form of a company, . do not apply to persons with the right of freedom of movement under Community law (nationals of the EC and the EEA and members of their families) or to nationals authorised to reside in the Community in order to reunite families or to third country nationals with rights under bilateral agreements (GATT etc.); . do not affect the right of these people to set up a company. - conditions of admission: a Member State may admit a third party national for the purpose of exercising an independent activity if it appears that the person in question (who must in all events meet current conditions of admission and residency in that state): . will add value (investments, innovation, transfer of technology, job creation) to the economy of the country in question or, in the case of artists, has something to offer that state; . is, by all evidence, not seeking paid employment. If a person has been admitted in order to exercise an independent activity, his permit will not allow him to seek paid employment and care should be taken to ensure that the person in question does not subsequently take up paid employment (unless he has a long-term or permanent resident's permit). Principles governing service providers from third countries have also been included. They may provide their services for a specific assignment limited in time, after which they must, in principle, leave the country (the same applies to students, seasonal workers and other casual labour); - admission procedure: the request to admit a national must be addressed to the relevant authorities in the host state via that state's consul or embassy in the country of origin. The request should be accompanied by information and documents which prove that the activity complies with the principles of the resolution (e.g. information on the type, extent and duration of the activity, available funds, qualifications and integrity of the person, memorandum and articles of association of the company etc.). The permit to exercise the activity must be stamped in the national's passport and may be renewed (subject to verification of proper exercise of the activity). These principles are not legally binding on the Member States but they should make an effort to bring their legislation into line with them by 1 January 1996 (avoiding more lenient measures). If Member States decide to amend their legislation in this area, these principles must be complied with.