

Right to family reunification

1999/0258(CNS) - 06/12/2003

The European Parliament is preparing itself for a challenge with the Council of Ministers concerning the new Directive on the right to family reunification by third country nationals residing lawfully in the territory of the Member States (adopted in September 2003). The Legal Affairs Committee voted unanimously to sue EU countries in the European Court of Justice over the provision in a "family reunification directive" agreed by Member States in February 2003. MEPs argued the article enforcing tests on children aged 12 or more contradicts Article 8 of the 1950 European Convention on Human Rights. According to Rule 91 of the Parliament's Rules of Procedure, the President shall bring an action on behalf of Parliament in accordance with the recommendation of the committee responsible. At the start of the following part-session, he may put to plenary the decision on maintaining the action. Should plenary rule against the action by a majority of the votes cast, he shall withdraw it. Should the President bring an action contrary to the recommendation of the committee responsible, he shall put to plenary, at the start of the following part-session, the decision on maintaining the action. At the 28 February-1 March 2003 meeting of the Justice and Home Affairs Council, Member States reached political agreement on terms of this third and final proposal. However, the European Parliament had not examined the proposal again. Indeed, it was not until 9 April 2003 that the Parliament adopted, in plenary assembly, the report of the Freedom and Citizens' Rights Committee, Justice and Home Affairs.