Free movement of persons: right of third-country nationals to travel the Community

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The Committee notes that the proposal is pursuant to the objectives set out in Article 7a of the EC Treaty. The Committee endorses the Commission proposal to eliminate obstacles to the free movement of third-country nationals by applying the same criteria at internal borders as at external borders. Reference is made in particular to the recently approved Regulation specifying the third countries whose nationals must be in possession of a visa (the "visa" Regulation), and to the "external borders" Convention (as yet unapproved). Together, these instruments introduce two principles: a) equivalence between residence permits issued by a Member State and visas; b) mutual recognition of the visa, whereby visas are issued according to harmonized criteria and are valid throughout the EU. The Committee also makes specific comments on the following points: - the concept of "sufficient means of subsistence" and the related implementing provisions; - the status of third-country nationals who are resident in EEA countries; - the provisions concerning public order. In conclusion, the Committee endorses the proposal subject to certain specific comments. The Committee thinks that the Directive should be approved separately from the one on the elimination of checks at internal borders, as the right to travel can be exercised whether or not checks are retained. Moreover, the existence of the Schengen Agreement allows both these possibilities to co-exist within the Community. The Committee also thinks that the proposal can be adopted without waiting for approval of the flanking measures on the crossing of external borders, and that the part which does not relate to these measures (i.e. concerning third-country nationals lawfully resident in a Member State) can enter into force immediately. The Committee therefore asks the Council to approve the proposal forthwith, so as to put an end to a serious shortcoming in the EU's internal market and guarantee an incontrovertible right, namely the right to travel.