Union citizenship: free movement and residence for citizens and their families within the Member States' territory

2001/0111(COD) - 15/04/2003 - Modified legislative proposal

The European Parliament adopted 82 amendments. Most have been accepted by the Commission and concern the following: - "family member" includes a registered partner or someone in a duly attested durable relationship if the host State recognises the situation of unmarried couples; - other family members have the right of entry and residence where there are serious health or humanitarian grounds for doing so; - a visa must be issued no later than one week after the submission of the application and must be free of charge; - family members may not be refused a residence card solely on the grounds that their visa has expired prior to the submission of an application for a card; - the validity of the card will not be affected by temporary absences not exceeding 6 months or by longer absences under certain circumstances; - divorce will not affect residence rights if the marriage or partnership has lasted at least two years; - family members must be resident for a continuous period of four years to acquire the right of permanent residence, if they are not nationals of a Member State; - Member States must inform the commission of any decision to remove a Union citizen or their family members; - Member States may require a medical examination within six months of the date of arrival; - the Directive will apply from 01 /07/05. A report will be submitted no later than 01/07/08. The Commission did not accept several amendments. Amongst those rejected was the amendment recognising the same sex spouse and registered partner in accordance with the legislation of the home Member State, and non-married partners in accordance with the practice of the home or host Member State. The Commission feels that harmonisation of the conditions of residence of Union citizens in Member States of which they are not nationals must not result in the imposition on certain Member States of amendments to family law legislation. This is an area that does not fall within the Community's legislative jurisdiction. Couples from other Member States must be treated in the same way as the nationals of the host Member State.