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

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The committee adopted the draft report by Mr Milan LINZER by 14 votes to 7 with 2 abstentions. The report emphasized the fact that the right of third-country nationals legally present in a Member State (i.e. residents in possession of a resident's permit in a Member State, persons in possession of a visa from a Member State for a short stay or persons exempted from the need for a visa) to travel in the Community was essential to the very concept of an internal market. The rapporteur considered that the proposal integrated a range of important accompanying measures for abolishing controls at internal borders and welcomed the fact that the Commission had chosen to have it adopted under the 1st pillar. However, the rapporteur felt that, even if it were not adopted, this would not negate the purpose of Article 7A. In this respect, one of the amendments adopted emphasized, in line with the preceding report, that the free movement of persons cannot be made dependent on accompanying measures. In addition, the 20 amendments proposed in the report do not substantially alter the Commission proposal, even though it states that: - a "short stay" should not exceed six months; - whilst Member States may require third-country nationals exercising the right to travel in their territory to report their presence, they may not require them to register if their stay is for less than one month; - persons having the right to travel must leave a Member State's territory without delay if they no longer fulfil the conditions laid down by the directive. The report also introduces some amendments to the Annex laying down a readmission procedure among Member States. This stipulates the conditions for readmission, by a Member State, of third-country nationals who are unlawfully resident in the territory of another Member State. The rapporteur called in particular for Member States to undertake to adhere to the provisions of the European Convention on the Protection of Human Rights and Fundamental Freedoms and not to expel to another Member State persons who should be afforded protection in their State on the basis of the Convention.