

Free movement of persons: national long-stay visa. Initiative France

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The committee adopted the report by Gérard DEPREZ (EPP-ED, B) amending the French initiative under the consultation procedure. While it endorsed the initiative, the committee felt that the legal basis of the proposal should be modified as it was incorrect in relation to the objective as stated in the explanatory memorandum accompanying the initiative - i.e. to facilitate the free movement, within the Schengen area, of holders of national long-stay visas pending the issue of their residence permits. This would enable them to be placed on an equal footing with other third country nationals and not be penalised, in terms of their freedom of movement, by virtue of the cumbersome administrative procedures which meant that Member States sometimes took weeks if not months to issue residence permits. The report therefore proposed that Article 62(3) should be taken as the legal basis and hence that Article 21 of Chapter 4 of the Convention implementing the Schengen Agreement (rather than Article 18 of Chapter 3 as currently proposed) should be amended. It argued that, in order to satisfy the stated objective of the French initiative, it would be enough to add a new paragraph to Article 21 stating that the first paragraph of that article "shall also apply to aliens who are holders of a long-stay visa issued by a Member State pending the issue of their residence permit". The Common Consular Instructions should also be amended accordingly to bring them into line with the amendment to Article 21 of the Schengen Convention.