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

1995/0199(CNS) - 20/03/1997 - Modified legislative proposal

In its amended proposal for a Council directive, the Commission incorporates two types of amendments adopted by Parliament: (a) those aiming to usefully supplement the arrangements laid down in the proposals by: - inserting a new recital providing for equality of treatment regarding declaration of their presence in a Member State as between beneficiaries of the right to travel and citizens of the Union, - including among the categories excluded from the scope of the directive persons exercising lucrative or non-lucrative activities, - limitating the residence permit to 6 months, - imposing a clear obligation on beneficiaries of the right to travel, namely to leave the Member State should they no longer satisfy the conditions enabling them to reside temporarily in that state; (b) those aiming to confirm the Community basis for the two proposals by: - inserting a reference to Article 3(d) of the EC Treaty, thus more closely integrating the proposals into the framework of the internal market, - inserting the date of 31 December 1992 alongside the reference to Article 7a of the EC Treaty in the first recital of the proposal. Finally, the Commission accepts Parliament's amendment to the effect that Member States must 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 that Convention.