Limiting of admission of third-country nationals: pursuit of independent professional activity

1994/2216(COS) - 22/09/1995 - Text adopted by Parliament, single reading

The European Parliament adopted the report by Mr LEHNE (PPE, D), which opened by decrying the method used to consult Parliament on this text. The text should be considered a text as defined in Article K.6 of the Treaty on European Union, which stipulates that the European Parliament must be consulted on the main aspects of activities under the Community's third pillar (cooperation in justice/internal affairs) to which this text belongs. Parliament took the view, in the general part of its resolution, that the Commission's right of initiative was a fundamental element and that the Commission had a political obligation not to leave the initiative to the Member States or the Presidency of the Council in the areas covered by Articles K.1 to K.6. It called on the Commission to take a more active approach in this area by proposing binding texts and submitting them to Parliament for consultation. In the specific part of its resolution, Parliament approved the general thrust of the resolution, provided that the Council took account of the amendments proposed in its opinion and the Commission submitted a duly reasoned legislative proposal on the basis of a suitable article of the Treaty. The amendments proposed in the resolution seek to: - extend the categories of persons to whom the resolution does not apply: . third country nationals legally resident and authorized to exercise an economic activity in a Member State, . refugees as defined in the Geneva Convention; - abolish provisions which impeded the integration of immigrants by excluding independent economic activity once paid work had been taken; - add a 12th principle stating that the resolution implied no restriction on the rights to which third country nationals might be entitled under Community law. In the last part of its resolution, Parliament stated that the draft resolution could only be considered as a temporary measure and that the Council was acting in breach of Article K.6 of the Treaty by introducing a binding legal rule without first consulting the European Parliament.