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

1995/0199(CNS) - 23/10/1996 - Text adopted by Parliament, 1st reading/single reading

In adopting the report by Mr Milan LINZER (PPE, A), Parliament approved with amendments the Commission proposal for a Council Directive on the right of third-country nationals to travel in the Community. Parliament insisted that the right of third-country nationals legally present in the territory of a Member State to travel in the Community is essential to the implementation of the very concept of an internal market. It also emphasized, in line with the preceding report, that the free movement of persons cannot be made dependent on accompanying measures. Moreover, without substantially modifying the Commission's proposal, Parliament stipulated that: - the maximum duration of stay for a short time may 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. However, the Member State may require them to register with the person providing accommodation if the latter offers accommodation on a commercial basis to a number of persons simultaneously; - 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. Parliament also introduced 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 EP proposed that the Member States should undertake to adhere to the provisions of the European Convention on the Protection of Human Rights and Fundamental Freedoms and not expel to another Member State persons who should be afforded protection in their State on the basis of the Convention. The plenary also rejected a provision contained in the original proposal which provided that Member States could require third-country nationals holding a valid residence permit to be in possession of sufficient means of subsistence covering both the period of their intended stay or transit and their return to the Member State which issued the residence permit.