

Scientific research: admission to the Community by third-country national researchers, improving mobility

2004/0061(CNS) - 12/10/2005 - Final act

PURPOSE : to contribute to the achievement of the Lisbon objectives by making it easier for researchers easier to enter and move within the Community, in order to increase the attractiveness of the Community for researchers throughout the world.

LEGISLATIVE ACT : Council Directive 2005/71/EC on a specific procedure for admitting third-country nationals for the purposes of scientific research

CONTENT : The Council adopted a Directive on a specific procedure for admitting third-country nationals for purposes of scientific research and a Recommendation to facilitate the admission of third-country nationals to carry out scientific research in the EU. The Directive and the Recommendation are completed by a third text: a Recommendation to facilitate the issue by Member States of uniform short-stay visas for researchers from third countries, which was adopted by the Council on 18 July 2005

The Directive lays down the conditions for the admission of third-country researchers to the

Member States for more than three months for the purposes of carrying out a research project under hosting agreements with research organisations.

The aim of the Directive is to foster the admission and mobility for research purposes of third country nationals in order to make the EU more attractive to researchers from around the world and to boost its position as an international centre for research.

The main elements of the directive are as follows:

Conditions for admission: the directive makes provisions for an accelerated admissions procedure for researchers from third countries. The specific procedure for researchers is based on collaboration between the research organisations and the immigration authorities in the Member States: it gives the former a key role in the admission procedure with a view to facilitating and speeding up the entry and residence of third-country researchers in the Community while preserving Member States' prerogatives with respect to immigration policing. Researchers are no longer required to produce a work permit in addition to a residence permit.

Hosting agreement: A research organisation wishing to host a researcher signs a hosting agreement with the latter whereby the researcher undertakes to complete the research project and the organisation undertakes to host the researcher for that purpose. Research organisations may sign hosting agreements only if the following conditions are met: the research project has been accepted by the relevant authorities in the organisation; during his/her stay the researcher has sufficient monthly resources to meet his/her expenses and return travel costs; during his/her stay the researcher has sickness insurance for all the risks normally covered for nationals of the Member State concerned; the hosting agreement specifies the legal relationship and working conditions of the researchers.

Equal treatment and mobility between Member States: Holders of a residence permit shall be entitled to equal treatment with nationals as regards: recognition of diplomas, certificates and other professional

qualifications in accordance with the relevant national procedures; working conditions, including pay and dismissal; branches of social security; tax benefits; and access to goods and services and the supply of goods and services made available to the public. A third-country national who has been admitted as a researcher will be allowed to carry out part of his/her research in another Member State under the conditions set out in the Directive.

Applications for residence permits: Member States are encouraged to authorise third country researchers who are already legally in their territory to present an application for a residence permit for research directly to the authorities without having to return to their country of origin.

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