Basic information

1994/2216(COS) COS - Procedure on a strategy paper (historic)	Procedure completed
Limiting of admission of third-country nationals: pursuit of independent professional activity **Subject** 7.10.08 Migration policy	

Key players

European Parliament	**Committee responsible**	**Rapporteur**	**Appointed**
	LIBE Civil Liberties and Internal Affairs	LEHNE Klaus-Heiner (PPE)	24/01/1995
	Committee for opinion	**Rapporteur for opinion**	**Appointed**
	JURI Legal Affairs, Citizens' Rights	MARTIN David (PSE)	22/02/1995
Council of the European Union			

Key events

Date	Event	Reference	Summary
30/11/1994	Non-legislative basic document published	11218/1994	Summary
20/01/1995	Committee referral announced in Parliament		
18/07/1995	Vote in committee		Summary
18/07/1995	Committee report tabled for plenary	A4-0185/1995	
20/09/1995	Debate in Parliament		
22/09/1995	End of procedure in Parliament		
16/10/1995	Final act published in Official Journal		

Technical information

Procedure reference	1994/2216(COS)
Procedure type	COS - Procedure on a strategy paper (historic)
Procedure subtype	Commission strategy paper
Legal basis	Rules of Procedure EP 101o

Stage reached in procedure	Procedure completed
Committee dossier	LIBE/4/06294

Documentation gateway				
European Parliament				
Document type	**Committee**	**Reference**	**Date**	**Summary**
Committee report tabled for plenary, single reading		A4-0185/1995 OJ C 269 16.10.1995, p. 0009	18/07/1995	
Text adopted by Parliament, single reading		T4-0428/1995 OJ C 269 16.10.1995, p. 0193-0202	22/09/1995	Summary
Council of the EU				
Document type		**Reference**	**Date**	**Summary**
Non-legislative basic document		11218/1994	30/11/1994	Summary

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

1994/2216(COS) - 30/11/1994 - Non-legislative basic document

In this resolution, the Council defines the principles which should guide Member States when restricting entry to third country nationals for the purpose of exercising an independent professional activity: - scope: these principles: . apply to individual third country nationals wishing to exercise an independent professional activity in the Community on a personal basis or in the form of a company, . do not apply to persons with the right of freedom of movement under Community law (nationals of the EC and the EEA and members of their families) or to nationals authorised to reside in the Community in order to reunite families or to third country nationals with rights under bilateral agreements (GATT etc.); . do not affect the right of these people to set up a company. - conditions of admission: a Member State may admit a third party national for the purpose of exercising an independent activity if it appears that the person in question (who must in all events meet current conditions of admission and residency in that state): . will add value (investments, innovation, transfer of technology, job creation) to the economy of the country in question or, in the case of artists, has something to offer that state; . is, by all evidence, not seeking paid employment. If a person has been admitted in order to exercise an independent activity, his permit will not allow him to seek paid employment and care should be taken to ensure that the person in question does not subsequently take up paid employment (unless he has a long-term or permanent resident's permit). Principles governing service providers from third countries have also been included. They may provide their services for a specific assignment limited in time, after which they must, in principle, leave the country (the same applies to students, seasonal workers and other casual labour); - admission procedure: the request to admit a national must be addressed to the relevant authorities in the host state via that state's consul or embassy in the country of origin. The request should be accompanied by information and documents which prove that the activity complies with the principles of the resolution (e.g. information on the type, extent and duration of the activity, available funds, qualifications and integrity of the person, memorandum and articles of association of the company etc.). The permit to exercise the activity must be stamped in the national's passport and may be renewed (subject to verification of proper exercise of the activity). These principles are not legally binding on the Member States but they should make an effort to bring their legislation into line with them by 1 January 1996 (avoiding more lenient measures). If Member States decide to amend their legislation in this area, these principles must be complied with.

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.