Basic information

1995/0199(CNS) CNS - Consultation procedure Directive	Procedure lapsed or withdrawn
Free movement of persons: right of third-country nationals to travel the Community **Subject** 7.10 Free movement and integration of third-country nationals	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties and Internal Affairs	LINZER Milan (PPE)	06/09/1995

Committee for opinion	Rapporteur for opinion	Appointed
JURI Legal Affairs, Citizens' Rights	MARTIN David (PSE)	28/11/1995

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	1933	1996-06-04
Competitiveness (Internal Market, Industry, Research and Space)	1970	1996-11-26
Competitiveness (Internal Market, Industry, Research and Space)	1929	1996-05-28
Competitiveness (Internal Market, Industry, Research and Space)	1886	1995-11-23

Key events

Date	Event	Reference	Summary
12/07/1995	Decision by Parliament	COM(1995)0346	Summary
12/07/1995	Legislative proposal published	COM(1995)0346	Summary
09/10/1995	Committee referral announced in Parliament		
23/11/1995	Debate in Council		
28/05/1996	Debate in Council		Summary
04/06/1996	Debate in Council		Summary
26/06/1996	Vote in committee		Summary

26/06/1996	Committee report tabled for plenary, 1st reading/single reading	A4-0218/1996	
16/07/1996	Debate in Parliament		Summary
26/11/1996	Debate in Council		Summary
20/03/1997	Modified legislative proposal published	COM(1997)0106	Summary
11/12/2001	End of procedure in Parliament		
11/12/2001	Additional information		Summary

Technical information

Procedure reference	1995/0199(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (before Amsterdam) E 100
Stage reached in procedure	Procedure lapsed or withdrawn
Committee dossier	LIBE/4/07147

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0218/1996 OJ C 211 22.07.1996, p. 0003	26/06/1996	
Text adopted by Parliament, 1st reading/single reading		T4-0518/1996 OJ C 347 18.11.1996, p. 0050-0062	23/10/1996	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(1995)0346 OJ C 306 17.11.1995, p. 0005	12/07/1995	Summary
Modified legislative proposal	COM(1997)0106	20/03/1997	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
CofR	Committee of the Regions: opinion	CDR0023/1996 OJ C 129 02.05.1996, p. 0046	17/01/1996	Summary
	Economic and Social Committee:	CES0252/1996		

EESC	opinion, report	OJ C 153 28.05.1996, p. 0038	28/02/1996	Summary

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

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

1995/0199(CNS) - 17/01/1996

The Committee of the Regions welcomed the Commission's proposal for a directive on the right of third-country nationals to travel in the Community and on the abolition of controls at internal borders, these measures representing an important contribution to the free movement of persons as guaranteed by the single European market. This freedom of movement, which allowed third-country nationals to make visits of short duration to all EU Member States, would especially promote travel and tourism within the Community. As regards the provision of services by European undertakings employing third-country nationals who were required to travel to the territory of another Member State in order to perform these services, the CoR, while respecting the conditions imposed by the Member State concerned, stated that it supported the idea of a special entry permit being issued to the employees (third-country nationals) of the aforementioned undertakings. In addition, the CoR drew attention to the fact that the regions of the European Union were attempting to help third-country nationals escape their isolation by introducing an improved integration policy that would eradicate social conflict. Integration could also be promoted through actions in the field of cultural and education policy. In this connection the CoR recalled the decision taken by the Council on 30 November 1994 regarding a joint action on 'facilities for the movement of students who are third-country nationals residing in a Member State', and regretted that this joint action did not establish facilities for the movement of third-country nationals who had unlimited leave to remain and of nationals participating in group travel activities (e.g. sporting associations and cultural excursions). However, freedom of movement for third-country nationals could not be introduced at the expense of public security. The CoR underlined the need for certain measures to be adopted in order to offset any deficiencies that might arise in respect of security and for work to continue on the directives even after the introduction of measures deriving from the third pillar. Finally, with a view implementing more effectively, within the single market, greater freedom of movement for EU citizens and third-country nationals, the CoR advocated that at the Intergovernmental Conference of 1996 the key areas of justice and home affairs should no longer be entrusted to intergovernmental cooperation but rather should be incorporated into the EC Treaty.

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

1995/0199(CNS) - 26/11/1996

The Council took note of the announcement by Mr MONTI that following the opinions submitted by Parliament the Commission proposed to make certain amendments to its proposals for a directive concerning the abolition of checks at internal borders and the right of third-country nationals to travel within the Community. However, the Commission did not intend to amend its proposal on the abolition of restrictions to the right of travel and residence within the Community of workers and their families, and on the abolition of restrictions to the right of travel and residence within the Community of nationals of Member States as far as the establishment and provision of services was concerned.

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

1995/0199(CNS) - 12/07/1995 - Legislative proposal

1) OBJECTIVE: To grant third-country nationals, who are legally present in the territory of a Member State, the right to cross the internal borders of the European Union and to travel or stay in the territory of a Member State for a short period of time. 2) SUBSTANCE: 1. Member States shall grant third-country nationals the right to travel within the European Union provided: * they hold a residence permit which has been issued by another Member State; * or have entered the territory of the Union for a stay of short duration: * and are subject to the need for a visa by all Member States (summary 4.6b); * or are exempted from the need for a visa by one, several or all Member States (summary 4.6b). 2. In addition, the right to travel is dependent on the possession of a valid travel document and sufficient means of subsistence. 3. Holders of resident permits: * holders of residence permits may travel in the territory of other Member States for a maximum uninterrupted period of 3 months; * procedure for the notification by each Member State of a list of the residence permits which it issues and on the basis of which the right to travel may be exercised. This list is published by the Commission in the Official Journal of the European Communities; * the Member State having issued a person with a residence permit is responsible for the presence of that person in the territory of the European Union. 4. Holders of visas which are valid throughout the European Union and are mutually recognized

for the crossing of the EU's external borders: * holders of this type of visa may travel in the territory of Member States for the period of stay authorized by the visa; * holders of this same visa, which is only required by several Member States, may travel in the territory of all the Member States for the period of stay authorized by the visa; * any Member State can give authorization for the period of stay of a third-country national in its territory to be extended beyond the 3-month period. 5. Third-country nationals who are exempt from the need for a visa: * third-country nationals who are exempted from the need for a visa by all Member States are authorized to travel for a maximum duration of three months during a period of six months commencing on the date of first entry; * third-country nationals who are not subject to the need for a visa by certain Member States only have the right to travel for a maximum duration of three months, during a six-month period, in the territory of Member States which do not require them to hold a visa. 6. General provisions relating to the readmission and expulsion of third-country nationals. 7. Any Member State can require persons exercising the right to travel to report their presence on its territory. Source: European Commission - Info92 - 10/95

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.

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

1995/0199(CNS) - 04/06/1996

Following the discussion held by the Internal Market Council on 28 May, and in response to a request made at that time by the French delegation in particular, the Council examined a number of issues that had been raised by the proposal for a directive put forward by the Commission on 24 August 1995. In this connection, the Council noted the statements made by several delegations, which indicated among other things that as well as pursuing the objective of providing freedom of movement for persons within the Community the proposals concerned important issues such as immigration and homeland security. It had been recognised that these aspects, along with accompanying measures designed to achieve the effective abolition of internal border checks, came under the provisions of the third pillar. One of the delegations repeated that it was opposed in principle to the approach being adopted by the Commission, though this did not rule out some element of cooperation in this area between the Member States within the framework of the third pillar. The Commission for its part indicated that it would keep its proposals as they were until Parliament had given its opinion, which was expected in July. In conclusion, the President asked the Permanent Representatives Committee to continue with its work of examining the proposals concerned with a view to the discussions being resumed within the Council (Internal Market/Justice and Home Affairs).

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

1995/0199(CNS) - 28/02/1996 - Economic and Social Committee: opinion, report

The Committee notes that the proposal is pursuant to the objectives set out in Article 7a of the EC Treaty. The Committee endorses the Commission proposal to eliminate obstacles to the free movement of third-country nationals by applying the same criteria at internal borders as at external borders. Reference is made in particular to the recently approved Regulation specifying the third countries whose nationals must be in possession of a visa (the "visa" Regulation), and to the "external borders" Convention (as yet unapproved). Together, these instruments introduce two principles: a) equivalence between residence permits issued by a Member State and visas; b) mutual recognition of the visa, whereby visas are issued according to harmonized criteria and are valid throughout the EU. The Committee also makes specific comments on the following points: - the concept of "sufficient means of subsistence" and the related implementing provisions; - the status of third-country nationals who are resident in EEA countries; - the provisions concerning public order. In conclusion, the Committee endorses the proposal subject to certain specific comments. The Committee thinks that the Directive should be approved separately from the one on the elimination of checks at internal borders, as the right to travel can be exercised whether or not checks are retained. Moreover, the existence of the Schengen Agreement allows both these possibilities to co-exist within the Community. The

Committee also thinks that the proposal can be adopted without waiting for approval of the flanking measures on the crossing of external borders, and that the part which does not relate to these measures (i.e. concerning third-country nationals lawfully resident in a Member State) can enter into force immediately. The Committee therefore asks the Council to approve the proposal forthwith, so as to put an end to a serious shortcoming in the EU's internal market and guarantee an incontrovertible right, namely the right to travel.

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

1995/0199(CNS) - 28/05/1996

The aim of the current proposal was to give concrete expression to the objective of Article 7a of the EC Treaty, namely to create an area without internal borders in which the free movement of goods, services, capital and persons was guaranteed, by creating such an area in the domain of the free movement of persons, which was the only domain in which the objective had still to be fully realised. Parliament had yet to deliver an opinion on the matter. Having concluded its debate, the Council asked the Permanent Representatives Committee to continue its examination of the proposal.

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.