Basic information

2004/0062(CNS) CNS - Consultation procedure Recommendation	Procedure completed
Scientific research: admission of third-country national researchers to the Community, application measures **Subject** 2.20.01 Freedom of movement, right of residence, identity checks 3.50.06 Research staff, researchers	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	PEILLON Vincent (PSE)	05/10/2004

Committee for opinion	Rapporteur for opinion	Appointed
ITRE Industry, Research and Energy	VAKALIS Nikolaos (PPE-DE)	07/10/2004

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2588	2004-06-08
Justice and Home Affairs (JHA)	2683	2005-10-12
Competitiveness (Internal Market, Industry, Research and Space)	2665	2005-06-06

European Commission

Commission DG	Commissioner
Justice and Consumers	

Key events

Date	Event	Reference	Summary
16/03/2004	Legislative proposal published	COM(2004)0178	Summary
08/06/2004	Debate in Council		
15/09/2004	Committee referral announced in Parliament		
16/03/2005	Vote in committee		
16/03/2005	Additional information		Summary

18/03/2005	Committee report tabled for plenary, 1st reading/single reading		
01/04/2005	Committee report tabled for plenary, 1st reading/single reading	A6-0054/2005	
12/04/2005	Decision by Parliament	T6-0088/2005	Summary
06/06/2005	Debate in Council		
12/10/2005	Act adopted by Council after consultation of Parliament		
12/10/2005	End of procedure in Parliament		
03/11/2005	Final act published in Official Journal		

Technical information

Procedure reference	2004/0062(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Recommendation
Legal basis	EC Treaty (after Amsterdam) EC 063
Stage reached in procedure	Procedure completed

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	ITRE	PE350.101	22/02/2005	
Committee opinion	ITRE	PE350.103	22/02/2005	
Committee report tabled for plenary, 1st reading/single reading		A6-0054/2005	01/04/2005	
Text adopted by Parliament, 1st reading/single reading		T6-0088/2005 OJ C 033 09.02.2006, p. 0026-0152 E	12/04/2005	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2004)0178	16/03/2004	Summary

Other institutions and bodies

Institution/body	Document type	Reference	Date	Summary
EESC	Economic and Social Committee: opinion, report	CES1434/2004 OJ C 120 20.05.2005, p. 0060-0063	27/10/2004	
		CDR0168/2004		

CofR	Committee of the Regions: opinion	OJ C 071 22.03.2005, p. 0006-0010	17/11/2004	

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
EP/Council Recommendation 2005/0762 OJ L 289 03.11.2005, p. 0026-0028	Summary

Scientific research: admission of third-country national researchers to the Community, application measures

2004/0062(CNS) - 12/04/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Vincent PEILLON (PES, FR) broadly approving the proposal with a few amendments. Parliament deleted the clause whereby Member States must guarantee third-country nationals the possibility of working as a researcher without any maximum time limit, save where an exception is justified by the needs of the researchers' country of origin. Instead, a clause is inserted stating that a researcher may work without any maximum time limit, save where the third-country national in question is not in possession of a valid passport or equivalent travel document or constitutes a threat to public policy, public security or public health. It added that women should be promoted in scientific research.

Scientific research: admission of third-country national researchers to the Community, application measures

2004/0062(CNS) - 16/03/2004 - Legislative proposal

PURPOSE : facilitating the admission of third-country researchers into the EU. PROPOSED ACT : Council Recommendation. CONTENT : this Recommendation calls on the Member States to adopt a number of practical measures to facilitate the admission of third-country researchers in the European Union. It is being proposed in tandem with a Directive outlining the specific procedures for admitting third-country nationals for research purposes in the EU and within the context of the Lisbon Agenda (please refer to CNS/2004/0061). The Recommendation will make it possible for Member States to take action on a number of points in advance of the Directive's transposition into national law. This is done by calling on the Member States to implement measures, which are in keeping with the Directive. Additionally, the Recommendation outlines measures relating to family reunification and co-operation between the Member States. Matters, which are not specifically addressed in the Directive. The proposed Recommendation covers four areas: - admission for the purposes of research; residence permits; family re-unification and operational co-operation. On the question of "admission for the purposes of research", the main priority is to ensure that researchers from third-countries have rapid and easy access to research posts without any time constraints. The measures being proposed include: - The abolition of work permits to help speed up the admission procedure for researchers in the EU. Member States are asked to choose between waiving permit requirements or granting permits automatically, depending on the formula most suited to their administrative procedures. - Researchers from third-countries should not be subject to quota restrictions. - Access to research posts should not be subject to a maximum time limit. Concerning "resident permits", the set of measures being proposed relate to the duration and issue of residence permits. The specific measures being proposed are: - Permits should be issued quickly and in as straightforward a manner as possible. Member States are asked to set targets for issuing permits within thirty days. - To abolish time limits and ensure that researchers' residence permits can in principle always be renewed. - To ease the transposition of the Directive by calling on Member States to harmonise their procedures. Implementing such measures early will help build up a system of trust between the immigration authorities and the research organisations. "Family Reunification" is considered a particularly important issue, not least because it is not addressed in the Directive. Researchers planning to live and work in Europe will naturally want to know what status their family will have. In light of this the Recommendation suggests that measures should be adopted which go beyond the measures contained in the 2003 Directive on the right to family reunification. The proposed measures call on the Member States to: - Facilitate the admission of persons seeking family reunification with a researcher. - Allow family re-unification even if the application is being made when family members are already legally present on theterritory. This is being proposed in order not to compromise "on-the-spot" admission applications. - Offer favourable treatment to family members of a researcher seeking a work permit. - Offer shorter deadlines that those laid down in their domestic law for family re-unification. - Scrap a waiting period for applications submitted by researchers. Lastly, the final section of the Recommendation contains a series of administrative measures across the board, aimed at facilitating the implementation

of the Recommendation and, ultimately, the Directive. The measures proposed call on the Member States to: - Inform the Commission about any measures they adopt to facilitate the entry and residence of researchers from third countries. - Collect and pass on to the Commission statistics regarding the residence permits they issue to researchers and their families. - Nominate a contact person for the admission of researchers from third-countries within the competent authorities. - Pass on information regarding the provisions of the Directive in Embassies. - Request research organisation to nominate a contact person to brief researchers from third countries and promote co-operation with the immigration authorities. - Network with one another. The launching of the European Researchers' Mobility Portal on the Internet and the creation of the network of mobility centres, which covers 33 countries, should help this objective.

Scientific research: admission of third-country national researchers to the Community, application measures

2004/0062(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.

LEFISLATIVE ACT : Council Recommendation 2005/762/EC to facilitate the admission of third-country nationals to carry out scientific research in the European Community.

CONTENT : This Recommendation is part of a series of measures to facilitate the admission of researchers. The measures include this Recommendation, and a Directive on a specific procedure for admitting third-country nationals for purposes of scientific research.

The Recommendation covers four areas in which the Member States are asked to adopt measures to facilitate the admission of third-country nationals: admission for the purposes of research, issue of residence permits, family reunification and operational cooperation.

Pending implementation of the Directive by the Member States, the recommendation calls on

Member States to facilitate the admission of such individuals already.

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. (Please see COD20040063.)

Member States are recommended, in the area of **admission for the purpose of carrying out research**:

-to encourage the admission of researchers by providing them with favourable conditions for carrying out research, preferably by exempting them from work permit requirements, or alternatively by providing for work permits to be issued automatically or under fast-track procedures;

-to refrain from using quotas to restrict the admission of third-country nationals for research posts;

-to guarantee third-country nationals the possibility of working as a researcher;

In the area of **residence permits**:

-to issue residence permits in response to applications as soon as possible, and facilitate fast-track procedures;

-to guarantee third-country nationals working as researchers that their residence permits will be renewed;

-gradually to involve the research organisations in the admission procedure for researchers;

In the area of **family reunification**, Member States should facilitate and support the reunification of family members, by providing them with favourable and attractive conditions and procedures;

In the area of **operational cooperation,** Member States are:

-to facilitate access of researchers to the relevant information and promote its availability on all the relevant information sources;

-to promote contact persons networks within the competent administrations;

-to encourage research organisations to develop such networks;

-to inform the Commission of the measures they have adopted.