



**COUNCIL OF
THE EUROPEAN UNION**

**Brussels, 29 July 2013
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2013/0081 (COD)**

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NOTE

From:	General Secretariat of the Council
To:	Working Party on Integration, Migration and Expulsion
No. Cion doc.:	7869/13 MIGR 27 RECH 87 EDUC 97 CODEC 669
Subject:	Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing (Recast)

Delegations will find attached the Opinion of the Consultative Working Party of the Legal Services of the European Parliament, the Council and the Commission concerning the above subject.



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Brussels, 04.06.2013

OPINION

**FOR THE ATTENTION OF THE EUROPEAN PARLIAMENT
THE COUNCIL
THE COMMISSION**

**Proposal for a directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing
COM(2013) 151 final of 25.3.2013 - 2013/0081 (COD)**

Having regard to the Inter-institutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts, and in particular to point 9 thereof, the Consultative Working Party consisting of the respective legal services of the European Parliament, the Council and the Commission met on 23 April 2013 for the purpose of examining, among others, the aforementioned proposal submitted by the Commission.


At that meeting¹, an examination of the proposal for a directive of the European Parliament and of the Council recasting Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service and Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research resulted in the Consultative Working Party's establishing, by common accord, as follows.

- 1) As far as the explanatory memorandum is concerned, in order to be drafted in full compliance with the relevant requirements laid down by the Inter-institutional Agreement such a document should have specified which provisions of the earlier acts remain unchanged in the proposal, as is provided for under point 6(a)(iii) of that agreement.
- 2) In the draft recast text, the following proposed changes should have been identified with the grey-shaded type generally used for marking substantive changes:
 - in recital 31, the adding of the words "*and remunerated trainees*";
 - in Article 2(1), the adding of the words "*pupil exchange*", "*unremunerated training*" and "*voluntary service*";

¹ The Consultative Working Party had at its disposal the English, French and German language versions of the proposal and worked on the basis of the English version, being the master-copy language version of the text under discussion.

- in point (l) of Article 3, the adding of the words "*on the basis of transparent criteria*";
 - the deletion of the entire wording of point (d) of paragraph 2 of Article 3 of Directive 2005/71/EC.
- 3) The wording of Article 3(1), second subparagraph, of Directive 2004/114/EC should have been present in the draft recast text and should have been identified with a "substantial deletion" marker (i.e. double strikethrough with grey shaded type).
- 4) The title of Part A of Annex I should be adapted so as to read "*Repealed Directives*".

In consequence, examination of the proposal has enabled the Consultative Working Party to conclude, without dissent, that the proposal does not comprise any substantive amendments other than those identified as such therein or in the present opinion. The Working Party also concluded, as regards the codification of the unchanged provisions of the earlier acts with those substantive amendments, that the proposal contains a straightforward codification of the existing texts, without any change in their substance.



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