



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 26 February 2014

6746/14

**Interinstitutional File:
2013/0081 (COD)**

**CODEC 493
MIGR 23
RECH 84
EDUC 70
PE 93**

INFORMATION NOTE

from: General Secretariat
to: Permanent Representatives Committee/Council

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)
- Outcome of the European Parliament's first reading
(Strasbourg, 24 to 27 February 2014)

I. INTRODUCTION

The Committee on Civil Liberties, Justice and Home Affairs submitted sixty amendments to the proposal for a Directive. No other amendments were tabled.

II. DEBATE

The Rapporteur, Mrs Cecilia WIKSTRÖM (ALDE - SE), opened the debate, which took place on 24 February 2014, and:

- stated that the current proposal is intended to improve the rules for third-country nationals who come to the EU to study or work;
- stressed the need for simple and clear rules to attract qualified researchers and workers to the EU. Many European companies are finding it difficult to recruit skilled workers. The EU is facing a serious demographic challenge. Other countries outside the EU are proving better at attracting competent and well qualified workers. The situation is not helped by the bureaucratic regulations and anti-immigrant climate that exist in some Member States;
- noted that the Commission's proposal was intended to resolve uncertainties and to harmonise national rules in this area. The Committee on Civil Liberties, Justice and Home Affairs had sought to take these improvements still further;
- emphasised the importance of offering foreign students mobility between different EU Member States;
- argued that Member States should have to comply with time-limits to respond to applications and appeals;
- called for foreign students to receive improved access to the EU's labour market both during their courses (up to 20 hours a week) and afterwards (up to 18 months after the end of their courses);
- argued that the rules on researchers' families should also apply to students' families; and
- stated that, since negotiations had not proceeded very well so far and since there was no prospect of a first-reading agreement during the Parliament's current term, she and the Shadow Rapporteurs had decided that the Parliament should adopt its first-reading position during the current plenary session as a basis for negotiations that would proceed swiftly between the institutions after the elections.

Commissioner MALMSTRÖM:

- stated that the current rules are more than ten years old and outdated. At present, an applicant for a permit does not even know how long it will take to get a decision. An applicant may meet the criteria to get a permit and even receive funding through ERASMUS or MARIE CURIE, but still not receive an entry visa. An applicant might receive a permit to study in one Member State, but find it difficult to study in other Member States. Volunteers, pupils and paid trainees are covered only by optional rules at the EU level and there is a fragmented approach across the EU. For paid trainees and au pairs there are no EU rules at all;
- welcomed the full support given to the Commission's proposal by the Committee on Civil Liberties, Justice and Home Affairs, as well as by the Rapporteurs of the Committee on Employment and Social Affairs and of the Committee on Legal Affairs;
- commented on several of the amendments proposed by the Committee on Civil Liberties, Justice and Home Affairs:
 - it would be a good idea to tighten up the Commission's proposal to ensure that equal treatment rights apply not only to permit-holders, but also to those with a long-term visa. Students should also benefit from the same equal treatment provisions as researchers, in conjunction with family reunification provisions for students' family members. Some Member States already offer family reunification possibilities and this should be extended across the EU;
 - intra-EU mobility provisions should be extended for unpaid trainees and volunteers. This should extend to cover the possibility of job-seeking and the establishment of businesses for students and researchers who finish their studies or research. She nevertheless recalled that the Commission's proposal made it clear that this would not amount to a right to enter the labour market - which would remain a matter for the Member States to decide on; and
 - the time-limits for national authorities to decide on applications and appeals should be shortened. Since most groups concerned would only stay in the EU for short periods, thirty days should be sufficient.

- sounded a note of caution regarding the so-called more favourable conditions. The Commission is not opposed to this (for example, in the area of equal treatment rights). That said, if the list of articles for which Member States can have a more favourable provision becomes too long, there is a risk of ending up with a fragmented approach. For the sake of transparency and clarity, the Member States should share as many rules in common as possible, ideally with the common rules moving to a higher level of ambition; and
- stated that the Commission would do its utmost to advance negotiations in the Council and to maintain a high level of ambition. She hoped that an agreement would be reached in the autumn.

Speaking on behalf of the Committee on Employment and Social Affairs, Mrs Antigoni PAPADOPOULOU stressed the need for a new and cohesive framework to cover legal migration and to help the EU to recruit qualified workers and researchers.

Speaking on behalf of the EPP political group, Mrs Anna Maria CORAZZA BILDT (EPP - SE):

- stressed the EU's need to attract talented workers, and emphasised the benefits of cross-fertilisation of ideas through people-to-people contact;
- emphasised the need to find the right balance between facilitating and simplifying on the one hand, and preventing abuse on the other hand;
- welcomed the work done to overcome fragmentation between Member States, to overcome cumbersome and lengthy procedures for admission and entry, and to come up with common and clear rules that provide legal certainty and help to prevent abuse; and
- recalled that her political group had insisted that Member States should continue to decide how many entry permits are granted. National labour laws would continue to apply after the Directive's adoption. Students and researchers would be granted the possibility of working, but the rules of the labour market would remain national, they would have to show that they could support themselves and they would not be able to live on social benefits from the Member States.

Speaking on behalf of the S&D political group, Mrs Tanja FAJON (S&D - SI) stressed the importance of granting permits to the young and qualified people that the EU needs.

Speaking on behalf of the ALDE political group, Mr Nils TORVALDS (ALDE - FI):

- stressed the EU's need to attract - and keep - third country researchers and students by offering better conditions to them; and
- called for clearer, swifter and more coherent permit processes.

Speaking on behalf of the Greens/EFA political group, Mrs Jean LAMBERT (Greens/EFA - UK):

- recalled several cases in her personal experience where students and researchers had not received a prompt reply to their applications when their research grant was running out and who had therefore been unable to take up offers. Research bodies are also hit by this;
- stressed the increasingly cross-border nature of research; and
- welcomed the extension of family reunification to cover students, the increased possibilities for volunteering, and the greater clarity and protection for au pairs.

Speaking on behalf of the EUL/NGL political group, Mr Kyriacos TRIANTAPHYLLIDES (EUL/NGL - CY) argued that immigrants should be treated as economic human beings, not as economic factors.

Mr Hans-Peter MARTIN (NA - AT) stated that the proposed measures were sensible in principle, but warned that they might be misunderstood as opening the door to uncontrolled immigration. Instead of setting clear rules, it appeared that that the EU was about to open the doors too wide.

Mrs Sari ESSAYAH (EPP - FI) opposed the extension of family reunification provisions to cover students.

Mr Janusz WOJCIECHOWSKI (ECR - PL) called for more attention to be paid to the high level of unemployment in the EU and to the number of skilled European workers whose talent is being wasted when they are unable to find employment or are forced to take jobs for which they are over-qualified.

Mrs Ruža TOMAŠIĆ (ECR - HR) stressed the high level of unemployment in the EU and noted that the current proposal would offer opportunities to non-EU nationals which are currently denied to many Croats.

Commissioner MALMSTRÖM once more took the floor and argued that one way to reduce unemployment in the EU is to bring in individuals who possess the skills that the EU economy badly needs.

The Rapporteur once more took the floor and stressed the importance of keeping qualified individuals in the EU. The EU cannot afford to invest in their training - and then allow them to depart to other countries which are competing economically with the EU.

III. VOTE

When it voted on 25 February 2014, the plenary adopted all sixty of the Committee's amendments.

The text of the adopted amendments and the European Parliament's legislative resolution are set out in the Annex to this note ¹.

¹ Amendments 2, 19, 51 and 52 do not concern all language versions.

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 *I**

European Parliament legislative resolution of 25 February 2014 on the 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) (COM(2013)0151 – C7-0080/2013 – 2013/0081(COD))

(Ordinary legislative procedure – recast)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0151),
- having regard to Article 294(2) and Article 79(2)(a) and (b) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0080/2013),
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Greek Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
- having regard to the opinion of the European Economic and Social Committee of 18 September 2013¹,
- having regard to the opinion of the Committee of the Regions of 28 November 2013²,
- having regard to the Interinstitutional Agreement of 28 November 2001 on a more structured use of the recasting technique for legal acts³,
- having regard to the letter of 20 September 2013 from the Committee on Legal Affairs to the Committee on Civil Liberties, Justice and Home Affairs in accordance with Rule 87(3) of its Rules of Procedure,
- having regard to Rules 87 and 55 of its Rules of Procedure,
- having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Employment and Social Affairs and the Committee on Legal Affairs (A7-0377/2013),

¹ OJ C 341, 21.11.2013, p 50.

² Not yet published in the Official Journal.

³ OJ C 77, 28.3.2002, p. 1.

- A. whereas, according to the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission, the proposal in question does not include any substantive amendments other than those identified as such in the proposal and whereas, as regards the codification of the unchanged provisions of the earlier acts together with those amendments, the proposal contains a straightforward codification of the existing texts, without any change in their substance;
1. Adopts its position at first reading hereinafter set out, taking into account the recommendations of the Consultative Working Party of the legal services of the European Parliament, the Council and the Commission;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a directive Recital 2

Text proposed by the Commission

(2) This Directive should respond to the need identified in the *implentation* reports of the two Directives to remedy the identified weaknesses, and to offer a coherent legal framework for different groups coming to the Union from third countries. It should therefore simplify and streamline the existing provisions for the different groups in a single instrument. Despite differences between the groups covered by this Directive, they also share a number of characteristics which makes it possible to address them through a common legal framework at Union level.

Amendment

(2) This Directive should respond to the need identified in the *implementation* reports of the two Directives to remedy the identified weaknesses, *to ensure transparency and legal certainty* and to offer a coherent legal framework for different groups coming to the Union from third countries. It should therefore simplify and streamline the existing provisions for the different groups in a single instrument. Despite differences between the groups covered by this Directive, they also share a number of characteristics which makes it possible to address them through a common legal framework at Union level.

Amendment 3

Proposal for a directive Recital 7

Text proposed by the Commission

(7) Migration for the purposes set out in this Directive should promote the generation and acquisition of knowledge and skills. It constitutes a form of mutual enrichment for the migrants concerned, their country of origin and the host Member State *and helps to promote better familiarity among cultures.*

Amendment

(7) Migration for the purposes set out in this Directive should promote the generation and acquisition of knowledge and skills. It constitutes a form of mutual enrichment for the migrants concerned, their country of origin and the host Member State, *while strengthening cultural links and enriching cultural diversity.*

Amendment 4

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) This Directive should promote the Union as an attractive location for research and innovation and advance the Union in the global competition for talent. Opening the Union up to third-country nationals who may be admitted for the purposes of research is also part of the Innovation Union flagship initiative. Creating an open labour market for Union researchers and for researchers from third countries was also affirmed as a key aim of the European Research Area (ERA), a unified area, in which researchers, scientific *knowledge* and technology circulate freely.

Amendment

(8) This Directive should promote the Union as an attractive location for research and innovation and advance the Union in the global competition for talent ***and, in so doing, lead to an increase in the Union's overall competitiveness and growth rates while creating jobs that make a greater contribution to GDP growth.*** Opening the Union up to third-country nationals who may be admitted for the purposes of research is also part of the Innovation Union flagship initiative. Creating an open labour market for Union researchers and for researchers from third countries was also affirmed as a key aim of the European Research Area (ERA), a unified area, in which researchers, scientific *knowledge* and technology circulate freely.

Amendment 5

Proposal for a directive Recital 11

Text proposed by the Commission

(11) In order to make the Union more attractive for third-country national researchers, family members of researchers, as defined in Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, should be admitted with them. They should benefit from intra- Union mobility provisions and they should also have access to the labour market.

Amendment

(11) In order to make the Union more attractive for third-country national researchers ***and students***, family members of researchers ***and students***, as defined in Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, should be admitted with them. They should benefit from intra- Union mobility provisions and they should also have access to the labour market.

Amendment 6

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) In order to promote Europe as a whole as a world centre of excellence for studies and training, the conditions for entry and residence of those who wish to come to the Union for these purposes should be improved. This is in line with the objectives of the Agenda for the modernisation of Europe's higher education systems, in particular within the context of the internationalisation of European higher education. The approximation of the Member States' relevant national legislation is part of this endeavour.

Amendment

(14) In order to promote Europe as a whole as a world centre of excellence for studies and training, the conditions for entry and residence of those who wish to come to the Union for these purposes should be improved, ***simplified and facilitated***. This is in line with the objectives of the Agenda for the modernisation of Europe's higher education systems, in particular within the context of the internationalisation of European higher education. The approximation of the Member States' relevant national legislation ***towards more favourable rules for third-country nationals*** is part of this endeavour.

Amendment 7

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) The extension and deepening of the Bologna process launched through the Bologna Declaration has led to the progressive convergence of higher education systems in participating countries but also beyond them. This is because national authorities have supported the mobility of students and academic staff, and higher education establishments have integrated it in their curricula. This needs to be reflected through improved intra-Union mobility provisions for students. Making European higher education attractive and competitive is one of the objectives of the Bologna declaration. The Bologna process led to the establishment of the European Higher Education Area. Streamlining the European higher education sector has made it more attractive for students who are third-

Amendment

(15) The extension and deepening of the Bologna process launched through the Bologna Declaration has led to the progressive convergence of higher education systems in participating countries but also beyond them. This is because national authorities have supported the mobility of students and academic staff, and higher education establishments have integrated it in their curricula. This needs to be reflected through improved intra-Union mobility provisions for students. Making European higher education attractive and competitive is one of the objectives of the Bologna declaration. The Bologna process led to the establishment of the European Higher Education Area. Streamlining the European higher education sector has made it more attractive for students who are third-

country nationals to study in Europe.

country nationals to study in Europe. *The involvement of numerous third countries in the Bologna process and Union student mobility programmes makes the introduction of harmonised and simplified mobility rules for nationals of the countries concerned essential.*

Amendment 8

Proposal for a directive Recital 22

Text proposed by the Commission

(22) Once all the general and specific conditions for admission are fulfilled, Member States should issue an authorisation, i.e. a long stay visa and/or residence permit, within specified time limits. If a Member State issues a residence permit on its territory only and all the conditions of this Directive relating to admission are fulfilled, the Member State should grant the third-country national concerned the requisite visas.

Amendment

(22) Once all the general and specific conditions for admission are fulfilled, Member States should issue an authorisation, i.e. a long stay visa and/or residence permit, within specified time limits, ***which should not be hampered or invalidated by additional requirements***. If a Member State issues a residence permit on its territory only and all the conditions of this Directive relating to admission are fulfilled, the Member State should grant the third-country national concerned the requisite visas.

Amendment 9

Proposal for a directive Recital 25

Text proposed by the Commission

(25) Member States ***may charge applicants for processing applications for authorisations***. *The fees* should be proportionate to the purpose of the stay.

Amendment

(25) Member States ***should consider waiving fees for entry and residence of third-country nationals for the purposes of this Directive***. ***Should Member States require third-country nationals to pay fees, those*** should be proportionate to the purpose of the stay ***and should not constitute an obstacle to the objectives of***

Amendment 10

Proposal for a directive Recital 28

Text proposed by the Commission

(28) Admission may be refused on duly justified grounds. In particular, admission could be refused if a Member State considers, based on an assessment of the facts, in an individual case, that the third-country national concerned is a potential threat to public policy, public security *or public health*.

Amendment

(28) Admission may be refused on duly justified grounds. In particular, admission could be refused if a Member State considers, based on an assessment of the facts, in an individual case, that the third-country national concerned is a potential threat to public policy *or* public security.

Amendment 11

Proposal for a directive Recital 30

Text proposed by the Commission

(30) National authorities should inform third-country nationals who apply for admission to the Member States under this Directive of a decision on the application. They should do so in writing as soon as possible and, at the latest within **60 days**, *or, as soon as possible and at the latest within 30 days in the case of researchers and students covered by Union programmes including mobility measures*, starting from the date of the application.

Amendment

(30) National authorities should inform third-country nationals who apply for admission to the Member States under this Directive of a decision on the application. They should do so in writing as soon as possible and at the latest within **30 days**, starting from the date of the application. *Member States should inform the applicant as soon as possible of any further information they need for processing the application. In the event that national law provides for an administrative appeal against a negative decision, national authorities should inform the applicant of their decision within 30 days starting from the date when the appeal was lodged.*

Amendment 12

Proposal for a directive Recital 32

Text proposed by the Commission

(32) Union immigration rules and Union programmes including mobility measures should complement each other more. Third-country national researchers *and* students *covered by such Union programmes* should be entitled to move to *the* Member States *foreseen* on the basis of the authorisation granted by the first Member State, *as long as the full list of those Member States is known before entry into the Union*. Such an authorisation should allow them to exercise mobility without the need to provide any additional information or to complete any other application procedures. *Member States are encouraged to facilitate the intra-Union mobility of third-country national volunteers where volunteering programmes cover more than one Member State.*

Amendment

(32) Union immigration rules and Union programmes including mobility measures should complement each other more. Third-country national researchers, students, *volunteers*, trainees should be entitled to move to *different* Member States on the basis of the authorisation granted by the first Member State. Such an authorisation should allow them to exercise mobility without the need to provide any additional information or to complete any other application procedures.

Amendment 13

Proposal for a directive Recital 33

Text proposed by the Commission

(33) In order to allow third-country national students to better cover part of the cost of their studies, they should be given *increased* access to the labour market under the conditions set out in this Directive, *meaning a minimum of 20 hours per week*. The principle of access for students to the labour market *should* be a general rule. *However, in exceptional circumstances Member States should be*

Amendment

(33) In order to allow third-country national students to better cover part of the cost of their studies, they should be given *full* access to the labour market under the conditions set out in this Directive. The principle of access for students to the labour market should *apply as* a general rule.

able to take into account the situation of their national labour markets, although this must not risk entirely negating the right to work.

Amendment 14

Proposal for a directive Recital 34

Text proposed by the Commission

(34) As part of the drive to ensure a well-qualified workforce for the future, **Member States should allow** students who graduate in the Union to remain on their territory with the intention to identify work opportunities or to set up a business for 12 months after expiry of the initial authorisation. They should also allow researchers to do so upon completion of their research project as defined in the hosting agreement. This should not amount to an automatic right of access to the labour market or to set up a business. They may be requested to provide evidence in accordance with Article 24.

Amendment

(34) As part of the drive to ensure a well-qualified workforce for the future **and to respect and value the work and overall contribution of** students who graduate in the Union, **Member States should allow those students** to remain on their territory with the intention to identify work opportunities or to set up a business for 12 months after expiry of the initial authorisation. They should also allow researchers to do so upon completion of their research project as defined in the hosting agreement. This should not amount to an automatic right of access to the labour market or to set up a business. They may be requested to provide evidence in accordance with Article 24.

Amendment 15

Proposal for a directive Recital 36

Text proposed by the Commission

(36) To make the Union more attractive for third-country national researchers, students, pupils, trainees, volunteers and au pairs, it is important to ensure their fair treatment in accordance with Article 79 of the Treaty. These groups are entitled to equal treatment with nationals of the host

Amendment

(36) To make the Union more attractive for third-country national researchers, students, pupils, trainees, volunteers and au pairs, it is important to ensure their fair treatment in accordance with Article 79 of the Treaty. These groups are entitled to equal treatment with nationals of the host

Member State under Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State. More favourable rights to equal treatment with nationals of the host Member State as regards branches of social security as defined in Regulation No 883/2004 on the coordination of social security schemes should be maintained for third-country national researchers, in addition to the rights granted under Directive 2011/98/EU. Currently the latter foresees a possibility for Member States to limit equal treatment with regard to branches of social security, including family benefits, and this possibility of limitation could affect researchers. In addition, independently on whether Union or national law of the host Member State gives third-country national school pupils, volunteers, unremunerated trainees and au-pairs access to the labour market, they should enjoy equal treatment rights with nationals of the host Member State as regards access to goods and services and the supply of goods and services made available to the public.

Member State under Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State. More favourable rights to equal treatment with nationals of the host Member State as regards branches of social security as defined in Regulation (EC) No 883/2004 on the coordination of social security schemes should be maintained for third-country national researchers, in addition to the rights granted under Directive 2011/98/EU. Currently the latter foresees a possibility for Member States to limit equal treatment with regard to branches of social security, including family benefits, and this possibility of limitation could affect researchers. In addition, independently on whether Union or national law of the host Member State gives third-country national *students*, school pupils, volunteers, unremunerated trainees and au-pairs access to the labour market, they should enjoy equal treatment rights with nationals of the host Member State as regards access to goods and services and the supply of goods and services made available to the public.

Amendment 16

Proposal for a directive Recital 42 a (new)

Text proposed by the Commission

Amendment

(42a) Each Member State has a duty to inform third-country nationals of the rules applicable to their particular case so as to ensure transparency and legal certainty and thus encourage them to come to the Union. All the information that is relevant to the procedure,

including general documentation about studies, exchange or research programmes but also specific information about applicants' rights and obligations, should therefore be provided in a manner that is easily accessible and understandable by third-country nationals.

Amendment 17

Proposal for a directive Article 3 – point g a (new)

Text proposed by the Commission

Amendment

(ga) 'volunteering provider' means an organisation responsible for the voluntary service scheme to which the third-country national is assigned. Such organisations and groups are independent and self-governing as other non-profit entities, such as public authorities. They are active in the public arena and their activity is aimed, at least in part, at contributing to the public good¹.

¹ *Communication from the Commission on Promoting the Role of Voluntary Organisations and Foundations in Europe, COM(1997)0241.*

Amendment 18

Proposal for a directive Article 3 – point h

Text proposed by the Commission

Amendment

(h) 'voluntary service scheme' means a programme of activities of practical solidarity, based on a scheme recognised by the Member State or the Union ,

(h) 'voluntary service scheme' means a programme of activities of practical solidarity, based on a scheme recognised by the Member State or the Union,

pursuing objectives of general interest;

pursuing objectives of general interest *for a non-profit cause*;

Amendment 20

Proposal for a directive Article 3 – point 1 a (new)

Text proposed by the Commission

Amendment

(1a) 'host entity' means the educational establishment, research organisation, enterprise or vocational training establishment, organisation operating pupil exchanges or organisation responsible for the voluntary service scheme to which the third-country national is assigned, regardless of its legal form, established in accordance with national law in the territory of a Member State;

Amendment 21

Proposal for a directive Article 3 – point 1 b (new)

Text proposed by the Commission

Amendment

(1b) 'host family' means the family temporarily receiving the au-pair and letting him/her share its daily family life in the territory of a Member State on the basis of an agreement concluded between the host family and the au-pair;

Amendment 22

Proposal for a directive Article 3 – point n

Text proposed by the Commission

(n) 'employment' means the exercise of activities covering **whatever** form of labour or work regulated under national law or established practice for and under the direction and supervision of an employer;

Amendment

(n) 'employment' means the exercise of activities covering **a** form of labour or work regulated under national law or **applicable collective agreement or** established practice for and under the direction and supervision of an employer;

Amendment 23

**Proposal for a directive
Article 3 – point n a (new)**

Text proposed by the Commission

Amendment

(na) 'employer' means any natural person or any legal entity, for or under the direction and/or supervision of whom or which the employment is undertaken;

Amendment 24

**Proposal for a directive
Article 3 – point n b (new)**

Text proposed by the Commission

Amendment

(nb) 'family members' means third-country nationals as defined in Article 4 of Directive 2003/86/EC;

Amendment 25

**Proposal for a directive
Article 4 – paragraph 2**

Text proposed by the Commission

2. This Directive shall be without prejudice to the right of Member States to adopt or maintain provisions that are more favourable to the persons to whom it applies with respect to Articles 21, 22, 23, 24, 25 **and 29**, especially in the context of Mobility Partnerships.

Amendment

2. This Directive shall be without prejudice to the right of Member States to adopt or maintain provisions that are more favourable to the persons to whom it applies with respect to Articles **16, 17, 18, 19, 20**, 21, 22, 23, 24, 25, **26, 27, 28**, 29, **30, 31, 32, 33 and 34**, especially in the context of Mobility Partnerships.

Amendment 26

**Proposal for a directive
Article 6 – point d**

Text proposed by the Commission

(d) not be **regarded as** a threat to public policy, public security or public health;

Amendment

(d) not be a threat to public policy, public security or public health;

Amendment 27

**Proposal for a directive
Article 6 – point f**

Text proposed by the Commission

(f) provide the evidence requested by the Member State that during his/her stay he/she will have sufficient resources to cover his/her subsistence, training and return travel costs, without prejudice to an individual examination of each case.

Amendment

(f) provide the evidence requested by the Member State that during his/her stay he/she will have sufficient resources to cover his/her subsistence, training and return travel costs, without prejudice to an individual examination of each case. ***The provision of such evidence shall not be necessary if the third-country national concerned can prove that he/she is in receipt of a grant or scholarship, that he/she has received an undertaking of sponsorship from a host family or a firm offer of work or that an organisation operating pupil exchanges or the***

voluntary service scheme declares itself responsible for the subsistence of the pupil or the volunteer throughout the period of his/her stay in the Member State in question.

Amendment 28

Proposal for a directive Article 7 – paragraph 5

Text proposed by the Commission

5. Member States *may accept*, in accordance with their national legislation, an application submitted when the third-country national concerned is already in their territory.

Amendment

5. Member States *shall examine*, in accordance with their national legislation, an application submitted when the third-country national concerned is already in their territory.

Amendment 29

Proposal for a directive Article 11 – paragraph 2

Text proposed by the Commission

2. Member States may confine the admission of school pupils participating in an exchange scheme to nationals of third countries which offer the same possibility for their own nationals.

Amendment

deleted

Amendment 30

Proposal for a directive Article 12 – title

Text proposed by the Commission

Specific conditions for trainees

Amendment

Specific conditions for *unremunerated*

Amendment 31

Proposal for a directive

Article 12 – paragraph 1 – subparagraph 1 – point a

Text proposed by the Commission

(a) *have* signed *a* training agreement, approved if need be by the relevant authority in the Member State concerned in accordance with its national legislation or administrative practice, for a placement with a public- or private-sector enterprise or vocational training establishment recognised by the Member State in accordance with its national legislation or administrative practice.

Amendment

(a) *provide evidence of a* signed training agreement *or employment contract*, approved if need be by the relevant authority in the Member State concerned in accordance with its national legislation or administrative practice, for a placement with a public- or private-sector enterprise or vocational training establishment recognized by the Member State in accordance with its national legislation or administrative practice.

Amendment 32

Proposal for a directive

Article 12 – paragraph 1 – subparagraph 1 – point b

Text proposed by the Commission

(b) *prove, if the Member State so requires, that they have previous relevant education or qualifications or professional experience to benefit from the work experience.*

Amendment

deleted

Amendment 33

Proposal for a directive

Article 13 – point a

Text proposed by the Commission

(a) produce an agreement with the organisation responsible in the Member

Amendment

(a) produce an agreement with the organisation responsible in the Member

State concerned for the voluntary service scheme in which he/she is participating, ***giving a description of*** tasks, the conditions in which he/she is supervised in the performance of those tasks, his/her working hours, the resources available to cover his/her travel, subsistence, accommodation costs and pocket money throughout his/her stay and, if appropriate, the training he/she will receive to help him/her perform his/her service;

State concerned for the voluntary service scheme/***project*** in which he/she is participating ***which specifies the name, purpose and start and end date of the voluntary service project, the volunteer's*** tasks, the conditions in which he/she is supervised in the performance of those tasks, his/her working hours, the resources available to cover his travel, subsistence, accommodation costs and pocket money throughout his/her stay and, if appropriate, the training he will receive to help him/her perform his/her service;

Amendment 34

Proposal for a directive Article 14 – point b

Text proposed by the Commission

(b) provide evidence that the host family accepts responsibility for him/her throughout his/her period of presence in the territory of the Member State concerned, in particular with regard to subsistence, accommodation, healthcare, ***maternity*** or accident risks;

Amendment

(b) provide evidence that the host family accepts responsibility for him/her throughout his/her period of presence in the territory of the Member State concerned, in particular with regard to subsistence, accommodation, healthcare or accident risks;

Amendment 35

Proposal for a directive Article 14 – point c

Text proposed by the Commission

(c) produce an agreement between the au-pair and the host family defining his/her rights and obligations, including specifications about the pocket money to be received ***and*** adequate arrangements ***allowing him/her to attend courses, and*** participation in day-to-day family duties.

Amendment

(c) produce an agreement between the au-pair and the host family defining his/her rights and obligations, including specifications about the pocket money to be received, adequate arrangements ***on the hours dedicated to*** participation in day-to-day family duties, ***indicating the maximum hours per day which may be***

dedicated to participation in such duties, including the grant of at least one full free day per week and allowing him/her to attend courses.

Amendment 36

Proposal for a directive Article 15 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

After successful authorisation and grant of a visa, the host entity shall be registered with an accreditation system, in order to facilitate future application procedures.

Amendment 37

Proposal for a directive Article 16 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall issue an authorisation for students for a period of at least one year and shall renew it if the conditions laid down in Articles 6 and 10 are still met. *If the period of studies is scheduled to last less than one year, the authorisation shall be issued for the duration of the studies.*

2. Member States shall issue an authorisation for students *which shall be* for a period of at least one year *or, when the duration of their studies is longer than one year, for the whole duration of their studies and where appropriate* shall renew it if the conditions laid down in Articles 6 and 10 are still met.

Amendment 38

Proposal for a directive Article 16 – paragraph 3

Text proposed by the Commission

3. For school pupils and au pairs, Member States shall issue an authorisation for a maximum period of one year.

Amendment

3. For school pupils and au pairs, Member States shall issue an authorisation **covering the whole duration of the pupil exchange scheme or of the agreement between the host family and the au pair** for a maximum period of one year.

Amendment 39

Proposal for a directive Article 17

Text proposed by the Commission

Member States may indicate additional information related to the stay of the third-country national, such as the full list of Member States that the researcher or student intends to go to, in paper format, or store such data in electronic format as referred to in Article 4 of Regulation (EC) No 1030/2002 and in point (a) 16 of the Annex thereto.

Amendment

Member States may indicate additional information related to the stay of the third-country national, such as the full list of Member States that the researcher or student **has declared that he/she** intends to go to **in accordance with Article 27(1)(a)**, in paper format, or store such data in electronic format as referred to in Article 4 of Regulation (EC) No 1030/2002 and in point (a) 16 of the Annex thereto.

Amendment 40

Proposal for a directive Article 18

Text proposed by the Commission

Grounds for **rejection** of an **application**

1. Member States shall **reject an application** in the following cases:

(a) where the general conditions laid down in Article 6 **and** the relevant specific conditions laid down in Articles 7 and 10 to 16 are not met;

Amendment

Grounds for **refusal** of an **authorisation**

1. Member States shall **refuse an authorisation** in the following cases:

(a) where the general conditions laid down in Article 6 **or** the relevant specific conditions laid down in Articles 7 and 10 to 16 are not met;

(b) where the documents presented have been fraudulently acquired, falsified or tampered with;

(c) where the host entity or educational establishment was established in the sole purpose of facilitating entry;

(d) where the host entity has been sanctioned in conformity with national law for undeclared work and/or illegal employment or does not meet the legal obligations regarding social security and/or taxation set out in national law or has filed for bankruptcy or is otherwise insolvent;

(e) where the host family, or, if applicable, any intermediary organisation involved in the placement of the au-pair, has been sanctioned in conformity with national law for breach of the conditions and/or objectives of au-pair placements and/or illegal employment.

2. Member States may *reject an application if the host entity appears to have deliberately eliminated the positions it is trying to fill through the new application within the 12 months immediately preceding the date of the application.*

(b) where the documents presented have been fraudulently acquired, falsified or tampered with;

2. Member States may *refuse an authorisation in the following cases:*

(a) where the host entity has been sanctioned in accordance with national law for undeclared work and/or illegal employment or does not meet the legal obligations regarding social security and/or taxation set out in national law or has filed for bankruptcy or is otherwise insolvent;

(b) where the host family, or, if applicable, any intermediary organisation involved in the placement of the au-pair, has been sanctioned in accordance with national law for breach of the conditions and/or objectives of au-pair placements and/or illegal employment;

(c) where the host entity or educational establishment was established for the sole purpose of facilitating entry.

Amendment 41

Proposal for a directive Articles 19

Text proposed by the Commission

Grounds for withdrawal of an authorisation

1. Member States shall withdraw an authorisation in the following cases:

(a) where authorisations and documents presented have been fraudulently acquired, falsified or tampered with;

(b) where the third-country national is residing for purposes other than those for which he/she was authorised to reside;

(c) where the host entity was established for the sole purpose of facilitating entry;

(d) where the host entity does not meet the legal obligations regarding social security and/or taxation set out in national law or has filed for bankruptcy or is otherwise insolvent;

(e) where the host family, or, if applicable, any intermediary organisation involved for the placement of the au-pair, has been sanctioned in conformity with national law for breach of the conditions and/or objectives of au-pair placements and/or for illegal employment;

Amendment

Grounds for withdrawal ***or non-renewal*** of an authorisation

1. Member States shall withdraw ***or refuse to renew*** an authorisation in the following cases:

(a) where the holder no longer meets the general conditions laid down in Article 6 or the relevant specific conditions laid down in Articles 7, 10 to 14 or 16;

(b) where authorisations and documents presented have been fraudulently acquired, falsified or tampered with;

2. Member States may withdraw or refuse to renew an authorisation in the following cases:

(a) where the host entity does not meet the legal obligations regarding social security and/or taxation set out in national law or has filed for bankruptcy or is otherwise insolvent. ***In the event of this occurring during a course of study, reasonable time should be given for the student to find an equivalent course to enable the completion of his/her studies;***

(b) where the host ***entity*** has been sanctioned in ***accordance*** with national law ***for undeclared work and/or illegal employment or does not meet the legal obligations regarding social security and/or taxation set out in national law or has filed for bankruptcy or is otherwise insolvent;***

(c) where the host entity was established for the sole purpose of facilitating entry;

(d) where the host family, or, if applicable, any intermediary organisation involved for the placement of the au-pair, has been sanctioned in accordance with national law for breach of the conditions and/or objectives of au-pair placements and/or for illegal employment;

(e) where the third-country national is residing for purposes other than those for which he/she was authorised to reside;

(f) for students, where the time limits imposed on access to economic activities under Article 23 are not respected ***or if the respective student does not make acceptable progress in the relevant studies in accordance with national legislation or administrative practice.***

(f) for students, where the time limits imposed on access to economic activities under Article 23 are not respected;

(g) for students, where they do not make acceptable progress in the relevant studies in accordance with national legislation or administrative practice. The Member State concerned may withdraw or refuse to renew an authorisation on this ground only by a decision stating specific reasons based on the evaluation of the educational establishment, which shall be consulted on the student's progress, save when the establishment fails to respond to a request for an opinion within a reasonable period of time;

2. Member States may withdraw an authorisation for reasons of public policy, public security or public health.

(h) for reasons of public policy, public security or public health. Public policy or public security grounds shall be based exclusively on the personal conduct of the third-country national concerned. Public health grounds shall be based on an objective analysis of genuine risks and shall not be applied in a discriminatory way when compared to nationals of the Member State concerned.

2a. When a Member State withdraws an authorisation on one of the grounds under paragraph 2(a), (b) or (c), the third-country national shall be entitled to stay on the territory of that Member State if he/she finds another host entity or host

family in order to finish his/her studies or research or for another purpose for which the authorisation was granted.

Amendment 42

Proposal for a directive Article 20

Text proposed by the Commission

Amendment

Article 20

deleted

Grounds for non-renewal of an authorisation

1. Member States may refuse to renew an authorisation in the following cases:

(a) where the authorisation and documents presented have been fraudulently acquired, falsified or tampered with;

(b) where it appears that the holder no longer meets the general conditions for entry and residence laid down in Article 6 and the relevant specific conditions laid down in Articles 7, 9 and 10;

(c) for students, where the time limits imposed on access to economic activities under Article 23 are not respected or where the student does not make acceptable progress in the relevant studies in accordance with national legislation or administrative practice.

2. Member States may refuse to renew an authorisation on grounds of public policy, public security and public health.

Amendment 43

Proposal for a directive Article 21 – paragraph 1

Text proposed by the Commission

1. By way of derogation from Article 12(2)(b) of Directive 2011/98/EU, third-country national researchers shall be entitled to equal treatment with nationals of the host Member State as regards branches of social security, including family benefits, as defined in Regulation No 883/2004 on the coordination of social security schemes.

Amendment

1. By way of derogation from Article 12(2)(a) **and** (b) of Directive 2011/98/EU, third-country national researchers **and students** shall be entitled to equal treatment with nationals of the host Member State as regards **education and vocational training and** branches of social security, including family benefits, as defined in Regulation No 883/2004 on the coordination of social security schemes.

Amendment 44

**Proposal for a directive
Article 21 – paragraph 2**

Text proposed by the Commission

2. School pupils, volunteers, unremunerated trainees and au pairs, irrespective of whether they are allowed to work in accordance with Union or national law, shall be entitled to equal treatment in relation to access to goods and services and the supply of goods and services made available to the public, except procedures for obtaining housing as provided for by national law.

Amendment

2. **Students**, school pupils, volunteers, unremunerated trainees and au pairs, irrespective of whether they are allowed to work in accordance with Union or national law, shall be entitled to equal treatment in relation to access to goods and services and the supply of goods and services made available to the public, except procedures for obtaining housing as provided for by national law.

Amendment 45

**Proposal for a directive
Article 21 – paragraph 2 a (new)**

Text proposed by the Commission

Amendment

2a. Third-country nationals falling within the scope of this Directive and being authorised to enter and stay on the territory of a Member State on the basis of

a long-stay visa shall be entitled to equal treatment with nationals of the host Member State as regards the rights referred to in paragraphs 1 and 2 of this Article.

Amendment 46

Proposal for a directive Article 23 – paragraph 1

Text proposed by the Commission

1. Outside their study time and subject to the rules and conditions applicable to the relevant activity in the host Member State, students shall be entitled to be employed and may be entitled to exercise self-employed economic activity. The situation of the labour market in the host Member State may be taken into account.

Amendment

1. Outside their study time and subject to the rules and conditions applicable to the relevant activity in the host Member State, students shall be entitled to be employed and may be entitled to exercise self-employed economic activity. The situation of the labour market in the host Member State may be taken into account, *but not in a systematic manner which could result in students being excluded from the labour market.*

Amendment 47

Proposal for a directive Article 24

Text proposed by the Commission

After finalisation of research or studies in the Member State, third-country nationals shall be entitled to stay on the territory of the Member State for a period of **12 months** in order to look for work or set up a business, if the conditions laid down in points (a) and (c) to (f) of Article 6 are still fulfilled. In a period of more than **3** and less than **6** months, third-country nationals may be requested to provide evidence that they continue to seek employment or are in the process of setting up a business. After a

Amendment

1. After finalisation of research or studies in the Member State, third-country nationals shall be entitled to stay on the territory of the Member State for a period of **18 months** in order to look for work or set up a business, if the conditions laid down in points (a) and (c) to (f) of Article 6 are still fulfilled. In a period of more than **six** and less than **nine** months, third-country nationals may be requested to provide evidence that they continue to seek employment or are in the process of setting

period of **6** months, third-country nationals may additionally be requested to provide evidence that they have a genuine chance of being engaged or of launching a business.

up a business. After a period of **nine months**, third-country nationals may additionally be requested to provide evidence that they have a genuine chance of being engaged or of launching a business.

2. Member States shall issue an authorisation for the purposes of paragraph 1 of this Article to the third-country national concerned and, where relevant, to his/her family members in accordance with their national law, provided that the conditions laid down in points (a) and (c) to (f) of Article 6 are fulfilled.

Amendment 48

Proposal for a directive Article 25

Text proposed by the Commission

Researchers' family members

1. By way of derogation from Article 3(1) and Article 8 of Directive 2003/86/EC, family reunification shall not be made dependent on the holder of the authorisation to stay for the purposes of research having reasonable prospects of obtaining the right of permanent residence and having a minimum period of residence
2. By way of derogation from the last subparagraph of Article 4(1) and Article 7(2) of Directive 2003/86/EC, the integration conditions and measures referred to in those provisions may only be applied after the persons concerned have been granted family reunification.
3. By way of derogation from the first subparagraph of Article 5(4) of Directive 2003/86/EC, authorisations for family members shall be granted, where the

Amendment

Researchers' **and students'** family members

1. By way of derogation from Article 3(1) and Article 8 of Directive 2003/86/EC, family reunification shall not be made dependent on the holder of the authorisation to stay for the purposes of research **or studies** having reasonable prospects of obtaining the right of permanent residence and having a minimum period of residence.
2. By way of derogation from the last subparagraph of Article 4(1) and Article 7(2) of Directive 2003/86/EC, the integration conditions and measures referred to in those provisions may only be applied after the persons concerned have been granted family reunification.
3. By way of derogation from the first subparagraph of Article 5(4) of Directive 2003/86/EC, authorisations for family members shall be granted, where the

conditions for family reunification are fulfilled, within 90 days from the date on which the application was lodged, and 60 days from the date of the initial application for family members of third-country national researchers covered by the relevant Union programmes including mobility measures.

4. By way of derogation from Article 13(2) and (3) of Directive 2003/86/EC, the duration of validity of the authorisation of family members shall be the same as that of the authorisation granted to the researcher insofar as the period of validity of their travel documents allows it.

5. By way of derogation from the second sentence of Article 14(2) of Directive 2003/86/EC, Member States shall not apply any time limit in respect of access to the labour market.

conditions for family reunification are fulfilled, within 90 days from the date on which the application was lodged, and 60 days from the date of the initial application for family members of third-country national researchers *and students* covered by the relevant Union programmes including mobility measures.

4. By way of derogation from Article 13(2) and (3) of Directive 2003/86/EC, the duration of validity of the authorisation of family members shall be the same as that of the authorisation granted to the researcher *or the student* insofar as the period of validity of their travel documents allows it.

5. By way of derogation from the second sentence of Article 14(2) of Directive 2003/86/EC, Member States shall not apply any time limit in respect of access to the labour market.

Amendment 49

Proposal for a directive Article 26

Text proposed by the Commission

Right to mobility between Member States for researchers, students and remunerated trainees

1. A third-country national who has been admitted as a researcher under this Directive shall be allowed to carry out part of his/her research in another Member State under the conditions as set out in this Article.

If the researcher stays in another Member State for a period of up to six months, the research may be carried out on the basis of the hosting agreement concluded in the first Member State, provided that *he* has sufficient resources in the other Member State and is not considered as a threat to

Amendment

Right to mobility between Member States for researchers, students, *volunteers*, trainees

1. A third-country national who has been admitted as a researcher under this Directive shall be allowed to carry out part of his/her research in another Member State under the conditions as set out in this Article.

If the researcher stays in another Member State for a period of up to six months, the research may be carried out on the basis of the hosting agreement concluded in the first Member State, provided that *he/she* has sufficient resources in the other Member State and is not a threat to public

public policy, public security or public health in the second Member State.

If the researcher stays in another Member State for more than six months, Member States may require a new hosting agreement to carry out the research in that Member State. If Member States require an authorisation in order to exercise mobility, such authorisations shall be granted in accordance with the procedural guarantees specified in **Article 30** Member States shall not require researchers to leave the territory in order to submit applications for authorisations.

2. For periods exceeding three months, but not exceeding six months, a third-country national who has been admitted as a student or as a remunerated trainee under this Directive shall be allowed to carry out part of his/her studies/traineeship in another Member State provided that before his or her transfer to that Member State, he/she has submitted the following to the competent authority of the second Member State:

- (a) a valid travel document;
- (b) proof of sickness insurance for all risks normally covered for the nationals of the Member State concerned;
- (c) proof that he/she has been accepted by an establishment of higher education or a training host entity;
- (d) evidence that during his/her stay he/she will have sufficient resources to cover his/her subsistence, study and return travel costs.

3. For the mobility of students and trainees from the first Member State to a second Member State, the authorities of the second Member State shall inform the authorities of the first Member State on their decision. The cooperation procedures set out in Article 32 shall apply.

4. For a third-country national who has been admitted as a student, transfers to a second Member State exceeding six months may be granted under the same

policy, public security or public health in the second Member State.

If the researcher stays in another Member State for more than six months, Member States may require a new hosting agreement to carry out the research in that Member State. If Member States require an authorisation in order to exercise mobility, such authorisations shall be granted in accordance with the procedural guarantees specified in **Article 29** Member States shall not require researchers to leave the territory in order to submit applications for authorisations.

2. For periods exceeding three months, but not exceeding six months, a third-country national who has been admitted as a student, **volunteer**, or as **a** trainee under this Directive shall be allowed to carry out part of his/her studies/traineeship/**volunteer activity** in another Member State provided that before his or her transfer to that Member State, he/she has submitted the following to the competent authority of the second Member State:

- (a) a valid travel document;
- (b) proof of sickness insurance for all risks normally covered for the nationals of the Member State concerned;
- (c) proof that he/she has been accepted by an establishment of higher education, , training **or a volunteer** host entity;
- (d) evidence that during his/her stay he/she will have sufficient resources to cover his/her subsistence, study and return travel costs.

3. For the mobility of students, **volunteers and** trainees from the first Member State to a second Member State, the authorities of the second Member State shall inform the authorities of the first Member State on their decision. The cooperation procedures set out in Article 32 shall apply.

4. For a third-country national who has been admitted as a student, transfers to a second Member State exceeding six months may be granted under the same

conditions as those applied for mobility for a period exceeding three months but less than six months. If Member States require a new application for an authorisation to exercise mobility for a period exceeding six months, such authorisations shall be granted in accordance with Article 29.

5. Member States shall not require students to leave the territory in order to submit applications for authorisations for mobility between Member States.

conditions as those applied for mobility for a period exceeding three months but less than six months. If Member States require a new application for an authorisation to exercise mobility for a period exceeding six months, such authorisations shall be granted in accordance with Article 29.

5. Member States shall not require students, ***volunteers or trainees*** to leave the territory in order to submit applications for authorisations for mobility between Member States.

Amendment 50

Proposal for a directive Article 27

Text proposed by the Commission

Rights for researchers and students covered by Union programmes including mobility measures

1. Member States shall grant third-country nationals, who have been admitted as researchers or students under this Directive and who are covered by Union programmes including mobility measures, an authorization covering the whole duration of their stay in the Member States concerned where:

(a) the full list of Member States that the researcher or student intends to go to is known prior to entry to the first Member State;

(b) in the case of students, the applicant can provide evidence of acceptance by the relevant establishment ***of higher education*** to follow a course of study.

Amendment

Rights for researchers, ***volunteers, unremunerated and remunerated trainees*** and students covered by Union programmes including mobility measures

1. Member States shall grant third-country nationals, who have been admitted as researchers, ***volunteers, unremunerated or remunerated trainees*** or students under this Directive and who are covered by Union programmes including mobility measures, an authorization covering the whole duration of their stay in the Member States concerned where:

(a) the full list of Member States that the researcher, ***volunteer, unremunerated or remunerated trainee*** or student ***has declared that he/she*** intends to go to is known prior to entry to the first Member State;

(b) in the case of students, the applicant can provide evidence of acceptance by the relevant ***educational*** establishment to follow a course of study;

(ba) in the case of volunteers, the applicant can provide evidence of

acceptance by the relevant volunteering provider organisation or programme, such as the European Voluntary Service;

(bb) in the case of trainees, the applicant can provide evidence of acceptance by the relevant host entity.

2. The authorisation shall be granted by the first Member State that the researcher or student resides in.

3. Where the full list of Member States is not known prior to entry into the first Member State:

(a) for researchers, the conditions as set out in Article 26 for stays in another Member States for periods of up to six months shall apply;

(b) for students, the conditions as set out in Article 26 for stays in another Member States for periods between three and six months shall apply.

2. The authorisation shall be granted by the first Member State that the researcher, ***volunteer, unremunerated or remunerated trainee*** or student resides in.

3. Where the full list of Member States is not known prior to entry into the first Member State:

(a) for researchers, the conditions as set out in Article 26 for stays in another Member States for periods of up to six months shall apply;

(b) for students, ***unremunerated or remunerated trainees and volunteers***, the conditions as set out in Article 26 for stays in another Member States for periods between three and six months shall apply.

Amendment 53

Proposal for a directive Article 29 – paragraph 1

Text proposed by the Commission

1. The competent authorities of the Member States shall decide on the complete application for an authorisation and shall notify the applicant in writing, in accordance with the notification procedures laid down in the national law of the Member State concerned, as soon as possible and at the latest within **60** days from the date on which the application was lodged, ***and within 30 days in the case of third-country national researchers and students covered by Union programmes including mobility measures.***

Amendment

1. The competent authorities of the Member States shall decide on the complete application for an authorisation and shall notify the applicant in writing, in accordance with the notification procedures laid down in the national law of the Member State concerned, as soon as possible and at the latest within **30** days from the date on which the application was lodged. ***In the event that their national law provides for the possibility of an appeal before an administrative authority, the competent authorities of the Member States shall decide on the appeal at the latest within 30 days from the date on***

which the appeal was lodged.

Amendment 54

Proposal for a directive Article 29 – paragraph 2

Text proposed by the Commission

2. If the information supplied in support of the application is inadequate, the competent authorities shall inform the applicant of any further information they need and indicate a reasonable deadline to complete the application. The period referred to in paragraph 1 shall be suspended until the authorities have received the additional information required.

Amendment

2. If the information supplied in support of the application is inadequate, the competent authorities shall inform the applicant of any further information they need and, ***when registering the application***, indicate a reasonable deadline to complete the application. The period referred to in paragraph 1 shall be suspended until the authorities have received the additional information required.

Amendment 55

Proposal for a directive Article 29 - paragraph 3

Text proposed by the Commission

3. Any decision ***rejecting an application*** for an authorisation shall be notified to the third-country national concerned in accordance with the notification procedures provided for under the relevant national legislation. The notification shall specify the possible redress procedures available the national court or authority with which the person concerned may lodge an appeal and the time limit for taking action.

Amendment

3. Any decision ***refusing an authorisation*** for an authorisation shall be notified to the third-country national concerned in accordance with the notification procedures provided for under the relevant national legislation. The notification shall specify the possible redress procedures available the national court or authority with which the person concerned may lodge an appeal and the time limit for taking action ***and provide all relevant practical information which facilitates the exercise of his/her right.***

Amendment 56

Proposal for a directive Article 29 - paragraph 4

Text proposed by the Commission

4. Where an *application* is *rejected* or an authorisation issued in accordance with this Directive is withdrawn, the person concerned shall have the right to mount a legal challenge before the authorities of the Member State concerned.

Amendment

4. Where an *authorisation* is *refused* or an authorisation issued in accordance with this Directive is withdrawn, the person concerned shall have the right to mount a legal challenge before the authorities of the Member State concerned.

Amendment 57

Proposal for a directive Article 29 a (new)

Text proposed by the Commission

Amendment

Article 29a

Fast-track procedure for issuing residence permits or visas to students, school pupils and researchers

An agreement on the establishment of a fast-track admission procedure allowing residence permits or visas to be issued in the name of the third-country national concerned may be concluded between the authority of a Member State with responsibility for the entry and residence of students, school pupils or researchers who are third-country nationals and an educational establishment, an organisation operating pupil exchange schemes which has been recognised for this purpose or a research organisation which has been approved by the Member State concerned in accordance with its national legislation or administrative practice.

Amendment 58

Proposal for a directive Article 30

Text proposed by the Commission

Member States shall make available information on entry and residence conditions for third-country nationals falling under the scope of this Directive, including the minimum monthly resources required, rights, all documentary evidence needed for an application and the applicable fees. Member States shall make available information on the research organisations approved under Article 8.

Amendment

Member States shall make available ***easily accessible and understandable*** information on entry and residence conditions for third-country nationals falling under the scope of this Directive, including the minimum monthly resources required, rights, all documentary evidence needed for an application and the applicable fees. Member States shall make available information on the research organisations approved under Article 8.

Amendment 59

Proposal for a directive Article 31

Text proposed by the Commission

Member States may require ***applicants to pay*** fees for ***the processing of*** applications in accordance with this Directive. ***The amount*** of such fees shall not ***endanger*** the fulfilment of its objectives.

Amendment

Member States may require ***payment of*** fees for ***handling*** applications in accordance with this Directive. ***The level*** of such fees shall not ***be excessive or disproportionate in a way that would hinder*** the fulfilment of its objectives. ***Where those fees are paid by the third-country national, that third-country national shall be entitled to be reimbursed by the host entity or the host family respectively.***

Amendment 60

Proposal for a directive Article 32 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall facilitate the application procedure by allowing third-country nationals to apply and to be able to complete the procedure for any Member State in the embassy or consulate of the Member State which is most convenient for the applicant.