

6258/95

LIMITE

ASIM 113

OUTCOME OF PROCEEDINGS

of: Migration Working Party (Admission)

on: Wednesday 29 March 1995

Draft Council act adopting a joint action on the status of third country nationals residing legally in the Union for a long period

12338/94 ASIM 244 + COR 1

4781/95 ASIM 31

5589/95 ASIM 81

6042/95 ASIM 98

6083/95 ASIM 100

6091/95 ASIM 101

The Working Party examined Articles 2 and 3. The Articles that follow will be discussed at its next meeting, at the close of which a consolidated text will be established.

Since documents were not available in their languages, most delegations upheld their linguistic scrutiny reservations. Several delegations, in particular the Danish delegation, took the opportunity to stress that new Presidency texts were often available for them only on the day of the meeting and only in one language, and that this did not enable them to participate adequately in the discussions.

Article 2

A preference emerged for the alternative version of Article 2 given on page 5 of 5589/95 ASIM 81, amended as follows:

- Supplement the introductory words as follows: "This joint action does not cover, where they are exercising their right to freedom of movement pursuant to the Treaty establishing the European Community or the Agreement on the European Economic Area."

(followed by the indents).

- As the third indent of the second subparagraph, add the fourth indent of the version of Article 2 given on page 4 of 5589/95 ASIM 81:

"- third-country nationals whose status is governed by agreements concluded by the European Union and its Member States with third countries, as regards the more favourable provisions of such agreements;"

- Add the term "employment" to the first indent of the third subparagraph;

"...of movement, residence or employment for nationals of certain third countries."

Article 3(1)

Following a comment by the United Kingdom delegation, the text was amended as follows:

"Each Member State shall recognize as settled on a long-term basis in its territory any third country national permitted residence for at least 10 years or indefinitely where such permission was granted by that Member State for either of the two reasons in paragraphs 2 and 3."

The Greek, Portuguese and Italian delegations maintained their reservations.

The Italian delegation proposed a text during the meeting (6186/95 ASIM 107) which will be examined at the next meeting.

The Belgian delegation will submit a new draft of the note which it would like to see included under this provision, since it was observed that the current wording (6083/95 ASIM 100) is ambiguous.

Article 3(2) and (3)

The new text proposed by the Presidency (6091/95 ASIM 101) was, on the whole, considered acceptable by the delegations. It was suggested that:

- subparagraphs (a) and (b) of paragraph 2 be linked by and:
- the first version of paragraph 3 (version without Annex) be adopted, and that the examples in the second subparagraph be deleted.

The Danish delegation wanted paragraphs 2, 3 and 4 deleted.

The Swedish delegation reiterated that it could not accept a minimum period.

Article 3(4)

The German and United Kingdom delegations said that they would be submitting a new drafting proposal.

It was suggested that it should be left to national legislation to allow the individual concerned the option of requesting, prior to his departure from the Member State or during his stay abroad, an extension of the period of absence authorized.

The Working Party decided to allow itself time to reflect on the replacement of the concept of expiry of the permit with that of "withdrawal of the permit", and on the deletion of the words "but in any event before the end of the period of authorized absence".