EDOC094

EUROPEAN PARLIAMENT

26 February 1998

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DRAFT REPORT

on

I. the proposal for a Council Act establishing the Convention on rules for the admission of third-country nationals to the Member States

and

II. a draft Convention on rules for the admission of third-country nationals to the Member States of the European Union

(COM(97)0387 - C4-0681/97 - 97/0227(CNS))

Committee on Civil Liberties and Internal Affairs

Rapporteur: Mr Klaus-Heiner Lehne

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By letter of 8 December 1997 the Council consulted Parliament, pursuant to Article K.3 of the EU Treaty, on the proposal for a Council Act establishing the Convention on rules for the admission of third-country nationals to the Member States and a draft Convention on rules for the admission of third-country nationals to the Member States of the European Union.

At the sitting of 16 January 1998 the President of Parliament announced that he had referred this proposal to the Committee on Civil Liberties and Internal Affairs as the committee responsible and to the Committee on Legal Affairs and Citizens' Rights and the Committee on Foreign Affairs, Security and Defence Policy for their opinions.

At its meeting of 3 October 1997 the Committee on Civil Liberties and Internal Affairs had appointed Mr Klaus-Heiner Lehne rapporteur

It considered the proposal for a Council Act and the draft Convention at its meeting(s) of .

At the latter/last meeting it adopted the draft legislative resolution by ... votes to ..., with ... abstention(s)/unanimously.

The following took part in the vote: ..., chairman/acting chairman; ... (and ...), vice-chairman/chairmen; .., rapporteur; .., .. (for ...), ... (for .. pursuant to Rules 138(2)), . and ... .

The opinions of the Committee on Legal Affairs and Citizens' Rights and the Committee on Foreign Affairs, Security and Defence Policy are attached.

The report was tabled on ..

The deadline for tabling amendments will be indicated in the draft agenda for the relevant part-session/is ... noon/a.m./p.m. on .

A

LEGISLATIVE PROPOSAL

Proposal for a Council Act establishing the Convention on rules for the admission of third-country nationals to the Member States and a draft Convention on rules for the admission of third-country nationals to the Member States of the European Union (COM(97)0387 - C4-0681/97 - 97/0227(CNS))

The proposal is approved with the following amendments:

Text proposed by the Commission(1)	Amendments by Parliament
(Amendment 1) Citation 3a (new)	
	Having regard to the amended proposal from the Commission,
(Amendment 2) Recital -1 (new)	
	Considering that the European Parliament has been informed pursuant to Article K.6, first and second paragraphs, that due account has been taken of its views and why the amendments it adopted have been accepted, amended or rejected,
(Amendment 3) Recommendation	
RECOMMENDS its adoption by the Member States in accordance with their respective constitutional rules.	RECOMMENDS its adoption by the Member States before 1 January 1999 and the simultaneous entry into force of the provisions of the Convention and of any amendments to national legislation that may be needed.

(1) OJ C 337, 7 11.1997, p. 9

(Amendment 4)
Recommendation a (new)

DECIDES to replace this Convention as quickly as possible if the majority of the Member States have not yet approved it on the day on which the Treaty of Amsterdam enters into force.

Draft Convention

(Amendment 5)
Article 2(1), first subparagraph (ba) (new)

(ba) legislation which the Member States apply to their own nationals.

(Amendment 6)
Article 3(1)

1. An initial application by a third-country national for admission to a Member State may be considered by the competent authorities only if the applicant is outside the territory of the Member States when the application is made and remains so until notified of the decision reached.	1. An initial application by a third-country national for admission to a Member State may in principle be considered by the competent authorities only if the applicant is outside the territory of the Member States when the application is made and remains so until notified of the decision reached

(Amendment 7)
Article 5(1), first subparagraph

1. Third-country nationals admitted to a Member State shall be permitted to leave that Member State for reasons other than those for which they were admitted to it, for a period not exceeding 13 full weeks in any full calendar year plus statutory holidays.	1. Third-country nationals admitted to a Member State shall be permitted to leave that Member State for reasons other than those for which they were admitted to it, for a period not exceeding 18 full weeks in any full calendar year without their residential status being affected.

(Amendment 8)
Article 5(2)

2. By way of derogation from paragraph 1, third-country nationals recognized as long-term residents in accordance with Articles 32 and 33 may leave the Member State where they have been recognized as long-term residents for a period not exceeding 26 consecutive weeks. This period may be exceeded where they leave the Member State to change their Member State of residence in accordance with Article 35.	2. By way of derogation from paragraph 1, third-country nationals recognized as long-term residents in accordance with Articles 32 and 33 may leave the Member State where they have been recognized as long-term residents for a period not exceeding 26 consecutive weeks without their residential status being affected.

(Amendment 9)
Article 9(4)

4. In admitting seasonal workers, a Member State shall give third-country nationals who have previously performed seasonal work in that State preference over third-country nationals making their first application for admission for the purposes of seasonal work.	Deleted

(Amendment 10)
Article 10(1)

1. For the purposes of this Convention, "transfrontier workers" means third-country nationals resident in the frontier zone of a third country who are employed in the frontier zone of an adjacent Member State and who return to the frontier zone of that third country each day or at least once a week.	1. For the purposes of this Convention, "transfrontier workers" means third-country nationals resident in the frontier zone of a third country who are employed in the frontier zone of an adjacent Member State and who, as a general rule, return to the frontier zone of that third country each day.

(Amendment 11)
Article 12, first paragraph

Third-country nationals wishing to establish themselves in a Member State in order to pursue an independent economic activity may be admitted to the territory of that Member State on condition that they comply with the rules governing the exercise of the activity concerned, namely if:	Third-country nationals wishing to establish themselves in a Member State in order to pursue an independent economic activity may be admitted to the territory of that Member State on condition that the following requirements are satisfied and they comply with the rules governing the exercise of the activity concerned, namely if:

(Amendment 12)
Article 15(a)

(a) attend preparatory courses for a specific course of study in higher education;	(a) attend preparatory courses for a specific course of study in higher education in the chosen Member State;

(Amendment 13)
Article 15, first paragraph a (new)

	The Member States may require evidence that third-country nationals have the financial means to support the cost of their studies and subsistence for themselves so that during their stay they do not need to claim social assistance in the host Member State and the earning of an income is not the principal aim. They may also require evidence of health cover for all risks in the host Member State if required by its national legislation.

(Amendment 14)
Article 16(1)

1 The period of residence shall be limited to the length of the course of study chosen. The duration of the residence authorization issued shall be the same as the duration of enrolment at the establishment attended.	1. The period of residence shall be limited to the length of the course of study chosen. The specific difficulties that a foreigner may encounter shall be taken into account in this context.

(Amendment 15)
Article 16(2)

2. Residence authorizations may be renewed annually. They shall be renewed if the applicants produce evidence that they continue to satisfy the requirements set for the issuance of the initial authorization and that they have taken any tests required by the higher education establishment which they attend.	2. Residence authorizations shall be issued for a maximum of two years. They shall be renewed if the applicants produce evidence that they continue to satisfy the requirements set for the issuance of the initial authorization and that they have taken any tests required by the higher education establishment which they attend.

(Amendment 16)
Article 16(3)

3. Students may not change their course of study after the first year. If they do change course after that time, they shall make a fresh admission application for study purposes.	3. Students may change their course of study only in the initial phase and only once. If they do change course after that time, they shall make a fresh admission application for study purposes.

(Amendment 17)
Article 16(4a) (new)

	4a. At the end of the course of study, or if the student abandons his/her studies, the residence authorization shall expire or may be subsequently limited in its duration or revoked.

(Amendment 18)
Article 16(4b) (new)

	4b. A Member State may permit persons to enter who are interested in preparing their application for studies in the respective State or who can demonstrate a genuine and realistic plan for undertaking a course of study. Provision may be made for the person concerned not to be required to leave the country in order to obtain an extension of his/her residence authorization.

(Amendment 19)
Article 18(2)

2. Third-country nationals who wish to remain in a Member State for another purpose after completing their studies must go through the initial admission procedure.	2. At the end of their studies, or if they abandon their studies, third-country nationals shall in principle leave the territory of the Member State; if they wish to return to that Member State, they shall apply for authorization to re-enter.

(Amendment 20)
Article 21

The provisions of this chapter shall not apply to: (a) pupils in primary and secondary education; (b) apprentices.	The provisions of this chapter shall not apply to pupils in primary and secondary education

(Amendment 21)
Article 23(1)

1. The initial residence authorization granted to a third-country national shall be issued for at least one year.	1 The initial residence authorization granted to a third-country national shall be issued for a maximum of two years.

(Amendment 22)
Article 23(2)

2. Residence authorizations may be extended for at least one year. Third-country nationals must show that they continue to satisfy the requirements laid down in Article 22 when they apply for an extension.	2. Residence authorizations may be extended Third-country nationals must show that they continue to satisfy the requirements laid down in Article 22 when they apply for an extension

(Amendment 23)
Article 24(1)

1. Third-country nationals may exercise their right to family reunification provided that they have been legally resident in a Member State for at least one year and have the right of residence in that Member State for at least one year on the date when they submit the application provided for in Article 28.	1. Third-country nationals may exercise their right to family reunification provided that the members of their family have been legally resident in a Member State for at least one year and have the right of residence in that Member State for at least one year on the date when they submit the application provided for in Article 28.

(Amendment 24)
Article 24(2)

2. By way of derogation from paragraph 1, third-country nationals enjoying the provisions of Article 15 may submit the application provided for in Article 28 when they have been legally resident in a Member State for at least two years and have the right of residence in that Member State for one more year.	Deleted

(Amendment 25)
Article 26(1)(c)

(c) children, including adopted children, of the resident or his or her spouse where one or other of them has sole parental authority over those children, has been given custody of them, and is de facto responsible for them.	(c) children, including adopted children, of a third-country national resident in a Member State or his or her spouse where one or other of them has or has been given sole parental authority over those children and is de facto responsible for them.

(Amendment 26)
Article 26(2)

2. To qualify for admission for the purposes of family reunification, children shall be below the age of legal majority in the Member State concerned and shall be unmarried.	2. To qualify for admission for the purposes of family reunification, children shall be below the age of 17 and shall be unmarried

(Amendment 27)
Article 28(1)

1. To exercise their right to family reunification, a third-country national shall submit an application in the Member State where he is resident and at the same time furnish proof that he has suitable accommodation and adequate means to support his family when reunited. This application may be submitted six months after his entry into the Member State where he is resident.	1. To exercise their right to family reunification, a third-country national shall submit an application in the Member State where the members of his family are resident and at the same time furnish proof that they have suitable accommodation and adequate means to support the reunited family. This application may be submitted in the Member State six months after the entry of the family members.

(Amendment 28)
Article 29, second paragraph (new)

	A residence authorization issued in the context of family reunification may be made conditional on continued compliance with the admission criteria for a period determined by the Member State concerned.

(Amendment 29)
Chapter VIII of the Convention

	Delete the whole of Chapter VIII.

(Amendment 30)
Article 32

Third-country nationals shall be recognized as long-term residents in a Member State if they satisfy the following requirements:	Third-country nationals shall be recognized as long-term residents in a Member State if they satisfy the following requirements.
(a) they shall have been legally resident on a regular basis in a Member State for at least five years; and	(a) they shall have been legally resident on a regular basis in a Member State for at least five years; and
(b) they shall hold an authorization which permits residence for a total period of at least 10 years from their first admission.	(b) they shall hold a residence authorization which has been issued for a total period of at least 10 years.

(Amendment 31)
Article 34(3) (new)

	3. The Member State may withdraw long-term resident status in the following cases:
	(a) the person concerned is sentenced to more than three years' imprisonment,
	(b) the person concerned spends more than six months outside the Member State granting him or her long-term status,
	(c) the person concerned has gained recognition as a long-term resident third-country national by deception or fraudulent means.

(Amendment 32)
Article 37(3) (new)

	3. By way of derogation from paragraphs 1 and 2, the Court of Justice shall be granted the full legal power for which the Treaty of Amsterdam provides after this Treaty has entered into force.

(Amendment 33)
Article 41(1)

1 This Convention shall be submitted for adoption by the Member States in accordance with their respective constitutional requirements. Each Member State shall initiate the national procedure for adoption no later than six months after the act establishing this Convention has been published in the Official Journal of the European Communities.	1 This Convention shall be submitted for adoption by the Member States in accordance with their respective constitutional requirements. Each Member State shall initiate the national procedure for adoption no later than three months after the act establishing this Convention has been published in the Official Journal of the European Communities.

(Amendment 34)
Article 41(3)

3. This Convention shall enter into force on the first day of the month following the expiry of a two-month period after the notification referred to in paragraph 2 by whichever Member State, being a member of the European Union on the date of adoption by the Council of the act establishing this Convention, is the last to fulfil that formality.	3. This Convention shall enter into force as soon as a High Contracting Party has satisfied the constitutional requirements for its adoption. The Convention shall then apply in the countries satisfying the aforementioned requirements as soon as their constitutions permit.

(Amendment 35)
Article 41(4)

4. The provisions of this Convention shall apply from the first day of the month following the expiry of a two-month period after the Convention has entered into force.	
By way of derogation from the first subparagraph, the provisions relating to the adoption of the implementing measures referred to in Article 36 shall apply from the date when the Act establishing this Convention is published in the Official Journal of the European Communities.	4. By way of derogation from paragraph 3, the provisions relating to the adoption of the implementing measures referred to in Article 36 shall apply from the date when the Act establishing this Convention is published in the Official Journal of the European Communities.
The implementing measures shall enter into force at the earliest on the date of entry into force of this Convention.	The implementing measures shall enter into force at the earliest on the date of entry into force of this Convention.

(Amendment 36)
Article 42(1)

1 Amendments to this Convention or to measures implementing it may be proposed by any Member State, High Contracting Party, and by the Commission. All proposed amendments shall be sent to the Council and, if necessary, to the Commission.	1 Amendments to this Convention may be proposed and adopted at any time on the basis of the Treaty on European Union.

(Amendment 37)
Article 42(2)

2. The Council shall unanimously decide on any amendments to this Convention, which it shall recommend to the Member States for adoption in accordance with their respective constitutional requirements. The amendments shall be published in the Official Journal of the European Communities after adoption by the Council. Each Member State shall initiate the national procedure for adoption no later than six months after the amendments are published in the Official Journal of the European Communities.	2. If at the time of the entry into force of the Treaty of Amsterdam this Convention has not been approved by the majority of the Member States, it shall be replaced with a regulation. Within a period of three years after this Convention enters into force the Commission shall in any event submit a proposal for a measure replacing this Convention.

(Amendment 38)
Article 44(1)

1 The Secretary-General of the Council of the European Union shall act as depositary of this Convention.	1. The President of the Commission shall act as depositary of this Convention.

DRAFT LEGISLATIVE RESOLUTION

Legislative resolution embodying Parliament's opinion on the proposal for a Council Act establishing the Convention on rules for the admission of third-country nationals to the Member States and on a draft Convention on rules for the admission of third-country nationals to the Member States of the European Union (COM(97)0387 - C4-0681/97 - 97/0227(CNS))

(Consultation procedure: first reading)

The European Parliament,

- having regard to the Commission proposal (COM(97)0387 - 97/0227(CNS))([1]),

- having been consulted by the Council pursuant to Article K.6, second paragraph, of the Treaty on European Union (C4-0681/97),

- having regard to Rule 58 of its Rules of Procedure,

([1]) OJ C 337, 7.11 1997, p. 9

- having regard to the report of the Committee on Civil Liberties and Internal Affairs and the opinions of the Committee on Legal Affairs and Citizens' Rights and the Committee on Foreign Affairs, Security and Defence Policy (A4-0000/98),

1. Approves the Commission proposal, subject to Parliament's amendments;

2. Calls on the Commission to alter its proposal accordingly;

3. Calls on the Council to notify Parliament and to consult it again should it intend to depart from the text approved by Parliament,

4. Instructs its President to forward this opinion to the Council and Commission.

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EUROPEAN PARLIAMENT

27 February 1998 A4-0000/98

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and

II. a draft Convention on rules for the admission of third-country nationals to the Member States of the European Union

(COM(97)0387 - C4-0681/97 - 97/0227(CNS))

Committee on Civil Liberties and Internal Affairs

Rapporteur: Mr Klaus-Heiner Lehne

PART B

B
EXPLANATORY STATEMENT

The European Parliament, and the Committee on Civil Liberties and Internal Affairs in particular, has encouraged the Commission to pursue a more active policy towards the third pillar of the Treaty on European Union. The current proposal for a Convention in fact represents the first initiative the Commission has taken in the area of (temporary) immigration. It had previously submitted a number of communications to Parliament and the Council, but they always adopted a non-committal approach. The Council, on the other hand, has been active, deciding as early as 1993 to adopt a number of documents.

It is particularly unfortunate that the Commission has been so late in taking action in this sphere. It is generally assumed that the Treaty on European Union as adopted at Maastricht will be replaced with the Treaty on European Union based on the Treaty of Amsterdam this year. The Treaty of Amsterdam provides for a major change with regard to all issues relating to immigration.

The situation that may now arise if the Convention is adopted before the Treaty of Amsterdam enters into force takes little account of the developments in this Treaty, especially as regards the enforceability of the provisions, the legal power of the Court of Justice and the influence of the democratically elected representatives on the text that has been drawn up.

This is primarily true of the institutional aspect of the proposed measure. The substance of the measure will, of course, be discussed later.

LEGAL BASIS

The present basis for the admission of third-country nationals to the Member States is, of course, Article K.1 of the Treaty on European Union. It should be noted in this context that the distinction between rules on admission and rules relating to people who have already been admitted is not clear in various parts of the Convention proposed by the Commission.

In our opinion, a distinction should be made between, on the one hand, admission, with or without a visa, for a variety of reasons and, on the other hand, the rules that apply to third-country nationals once they have been admitted. This does not make any difference where the legal basis is concerned: both cases involve legislation for which provision is made in Article K.1 and on which decisions are taken on the basis of Article K.3.

In the future Treaty a more detailed distinction is made between admission (Article 62(2) of the draft consolidated version of the Treaties, as regards visas), immigration, long-term visas and residence permits (Article 63(3)) and the rights of third-country nationals legally resident in a Member State (Article 63(4)). Pursuant to Article 67, this distinction also entails a difference in legal basis and decision-making rules.

ADMISSION

All the Member States pursue a strict policy on admission. On the one hand, many asylum-seekers enter the Member States; on the other hand, the Member States are trying to stem the inflow of immigrants. This is due not to a choice of principle but to economic factors. With unemployment high in almost all the Member States, third-country nationals can be assured a place in the economy only

at the expense of the unemployed or virtually unemployed, who are already having problems. It is clear that foreigners will not find jobs and will thus become a burden on the Member State that admits them. This is acceptable in the case of asylum-seekers: under the conventions that have been concluded and in the opinion of the general public in the Member States they have a right to protection against persecution. Different criteria must apply to those who want to enter the Union on economic grounds.

The Commission proposal refers to five grounds for admission: admission for the purposes of paid employment, admission for the purposes of pursuing an independent economic activity, admission for the purposes of study and vocational training, admission for other purposes and admission for the purposes of family reunification.

Clearly, different criteria apply to the various categories of grounds for admission. The impression conveyed by the criteria that have been established is one of a relatively generous admission policy. The question is therefore whether it is possible for the Member States to pursue a stricter or an even more generous admission policy. Article 39, according to which a Member State may depart from the clauses of the Convention under the provisions of Article K.2(2), appears to provide the means for introducing stricter rules. On this basis it might be thought that the Commission proposal is intended more or less to impose on the Member States the obligation to admit people who satisfy the criteria. There is, on the other hand, no reference to third-country nationals having a right to be admitted. However, the Commission uses the phrase 'third-country nationals may be granted admission' three times, the phrase 'may be admitted on condition that' on one occasion and 'shall be admitted' in the case of family reunification.

In view of the above the Commission proposal needs to be amended to make the Commission's fundamental objective clear. Otherwise, the text will continue to be 'political rather than legal', a criticism the Commission would appear to level at the Council (page 6 of the explanatory memorandum).

ENFORCEMENT MEASURES

As it is unclear how the measures will operate, it is important to consider the provisions concerning the clarifications that are possible during implementation. For the enforcement measures a decision-making system with a general rule (two-thirds majority in the Council) and derogations has again been chosen. However, the problems lie more in the areas that the enforcement measures affect. They may be adopted in conjunction with Article 3(2) (rules on the treatment of applications for admission), Article 6(3) (applications for admissions made locally), Article 7 (application of the criteria governing admission for the purposes of paid employment), Article 8(3) (renewal for persons in paid employment), Article 12 (rules concerning people wanting to be admitted to pursue an activity as a self-employed person), Article 14 (admission to provide services), Article 16 (residence authorization for students and the ban on changing courses of study after the first year), Article 20 (adoption of measures in connection with the comparison of specific programmes and admission), Article 22 (admission for other purposes), Article 28 (criteria relating to accommodation and means of support with a view to family reunification) and Article 34 (rights in the Member State of residence).

The fact that, without any clear guiding mandate, so wide-ranging an opportunity to adopt enforcement measures is provided without the European Parliament or the national parliaments being consulted on such measures in unacceptable and confirms the impression that the Commission proposal is a framework rather than genuine legislation. The Commission is therefore strongly

recommended to include a guideline or specific mandate in the text of the proposal where it is left to the Council to fill in the details.

EXPLANATION OF SOME AMENDMENTS

Article 2(1), first part:

Account needs to be taken of the special situation in Germany, where there is regular immigration of ethnic Germans from Russia and the CIS countries.

Article 3(1):

Qualification is necessary because unfair cases are conceivable.

Article 5(1):

The rules on statutory holidays are likely to vary widely. In some cases, standard holidays with pay, e.g. where collective agreements are declared generally binding in the legal sense, may also be statutory holidays. On the whole, it would therefore be more sensible to increase the 13-week limit to 18 weeks. The addition is needed to clarify the situation. The wording chosen for this provision creates the impression that it would be impossible de facto or de jure to leave the Member State concerned for longer than the period referred to.

Article 9(4):

There is no reason to give preference to third-country nationals who have previously been employed as seasonal workers. Why should the Member States be restricted in their legislation in this respect? The paragraph should be deleted.

Article 10(1):

The use of the phrase 'as a general rule' makes it clear that returning each day is not absolutely essential in justified exceptional cases (e.g. business trips), but should nonetheless be the rule. The period of a week proposed in the draft Convention increases the danger of the labour market being opened wider to third-country nationals without a legal residence permit.

Article 15(1):

These conditions also apply to nationals of the EU Member States. There is no reason for third-country nationals to be given preference over Union citizens. The wording of the provision proposed by the rapporteur is, moreover, identical with that used in the 'study resolution' adopted by the Council of Justice and Home Affairs Ministers on 30 November 1994.

Article 16(2), first sentence:

A number of Member States already issue two-year residence authorizations. There is no reason for the restriction to be more severe than hitherto.

Article 16(3):

Qualification and exclusion of repetition.

Article 16(4a) (new):

Ending or abandoning a course of study should not enable the person concerned to pursue other activities.

Article 16(4b) (new):

Providing the opportunity for an information visit and the avoidance of injustices. The rules proposed in the new paragraphs 5 and 6 correspond to the 'study resolution' referred to above.

Article 18(2):

This is the better wording used in the 'study resolution'.

Article 21:

Inapplicability to apprentices does not make sense. It is they who are to be able to seize the opportunities provided by Article 19.

Article 23(1):

It is impossible to understand why the residence authorisation must be issued for at least one year. It is quite possible to think of grounds for issuing a residence authorization for a shorter period.

Article 23(2):

The reference to a period of at least one year in the draft Convention is a further restriction on the flexibility of the Member States, and it is impossible to understand why this is necessary.

Article 24(1):

It is not the third-country nationals already resident in the host country who should have this legal right but rather those who wish to be admitted. A procedure of this kind is less bureaucratic if only because the authorization has to be issued to the person entering the country and the authorities do not therefore need to deal with two different parties. Giving the entitlement to those who seek family reunification from a third country is less bureaucratic and more appropriate.

Article 24(2):

This provision is not needed and would open the door through courses of study to all possible variants of immigration.

Article 26(2):

Focusing on the age of majority under the law of the Member State concerned poses two problems. On the one hand, the legal definition of the age of majority may vary widely; on the other, it is usually almost impossible to integrate an immigrant child who has reached the age of majority into the host country's education system. It seems appropriate to set the age limit at 16.

Article 28(1):

It is the third-country nationals resident outside the host country and wishing to reside in the Member State who should have the legal right.

Chapter VIII of the Convention:

The whole of Chapter VIII of the Convention should be deleted. It is a foreign body in this Convention, which, of course, concerns the admission of third-country nationals to the Member States. Chapter VIII, on the other hand, does not concern the admission of such people but the rights enjoyed in the territory of the Member States and of the European Union by people who have long since been admitted. True though it may be that the European Union has legislative competence for this under the Treaty of Amsterdam and that rules are needed, it is doubtful whether it should be governed by this Convention, which describes a different situation. The report should therefore seek to have the whole of Chapter VIII removed from the Convention.

Article 32:

In view of the very extensive rights assigned to long-term third-country residents in the following articles it seems appropriate to make the requirements in Article 32 more severe.