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EUROPEAN PARLIAMENT

14 January 1998 A4-0000/97

DRAFT REPORT

on the report of the High-Level Panel on the free movement of persons chaired by Mrs Simone Veil (C4-0181/97)

Part A

Committee on Civil Liberties and Internal Affairs

Rapporteur: Mrs Anne-Marie Schaffner

CONTENTS

Page

Procedural page 3

A. MOTION FOR A RESOLUTION 4

B. EXPLANATORY STATEMENT .....

Opinion of the Committee on Employment and Social Affairs .....

Opinion of the Committee on Petitions .....

Opinion of the Committee on Culture, Youth, Education and the Media .....

Opinion of the Committee on Legal Affairs and Citizens' Rights .....

By letter of 18 March 1997 the Commission submitted to Parliament a report on the report of the High-Level Panel on the free movement of persons chaired by Mrs Simone Veil.

At the sitting of 14 May 1997 the President announced that he had referred the report to the Committee on Civil Liberties and Internal Affairs as the committee responsible and the Committee on Employment and Social Affairs, the Committee on Economic and Monetary Affairs and Industrial Policy, the Committee on Petitions, the Committee on Culture, Youth, Education and the Media and the Committee on Legal Affairs and Citizens' Rights for their opinions.

The Committee on Civil Liberties and Internal Affairs appointed Mrs Schaffner rapporteur at its meeting of 19 June 1997.

It considered the Commission positions and motion for a resolution at its meeting(s) of 22 September and 9 October 1997 and

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

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

The opinion(s) of the Committee on Employment and Social Affairs, the Committee on Petitions, the Committee on Culture, Youth, Education and the Media and the Committee on Legal Affairs and Citizens' Rights are attached.

At its meeting of 3 July 1997 the Committee on Economic and Monetary Affairs and Industrial Policy decided not to deliver an opinion.

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

MOTION FOR A RESOLUTION

Resolution on the report of the High-Level Panel on the free movement of persons chaired by Mrs Simone Veil (C4-0181/97)

The European Parliament,

– having regard to Articles 8, 8a, 8b, 8c, 8d and 8e of the EC Treaty, on citizenship of the Union,

– having regard to Articles 5, 6, 48 to 51, 52 to 58, 59 to 66, 100, 100a and 235 of the EC Treaty,

– having regard to Articles A, second paragraph, B, third subparagraph and F(2) and (3) of the EU Treaty,

– having regard to its opinions on the proposal from the Commission to the Council for a directive on the right of residence([1]), on the Council orientation for a directive on the right of residence([2]), on the proposal for a Council regulation determining the third countries whose nationals must be in possession of a visa when crossing the external frontiers of the Member States([3]), on the proposal for a Council regulation laying down a uniform format for visas([4]), on the proposal for a Council directive on the right of third-country nationals to travel in the Community([5]), on the proposal for a Council directive on the elimination of controls on persons crossing internal frontiers([6]), on the functioning and future of Schengen([7]), and on the proposal for a Council directive laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in elections to the European Parliament by citizens of the Union residing in a Member State of which they are not resident([8]),

– having regard to its resolutions on the free movement of persons and security in the European Community([9]), on the abolition of controls at internal borders and free movement of persons within the European Community([10]) and on participation of citizens and social players in the European Union's institutional system and the IGC([11]),

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([1]) OJ C 15, 22.1.1990, pp. 44 and 73.
([2]) OJ C 175, 16.7.1990, pp. 66 and 89.
([3]) OJ C 128, 9.5.1994, pp. 258 and 346.
([4]) OJ C 043, 20.2.1995, pp. 9 and 11.
([5]) OJ C 347, 18.11.1996, pp. 50 and 62.
([6]) OJ C 347, 18.11.1996, pp. 50 and 60.
([7]) OJ C 115, 14.4.1997, pp. 17 and 30.
([8]) OJ C 329, 6.12.1993, p. 129.
([9]) OJ C 267, 14.10.1991, pp. 193 and 197.
([10]) OJ C 337, 21.12.1992, pp. 191 and 211.
([11]) OJ C 20, 20.1.1997, p. 31.

– having regard to the report of the High-Level Panel on the free movement of persons chaired by Mrs Simone Veil (C4-0181/97),

– having regard to the report of the Committee on Civil Liberties and Internal Affairs and the opinions of the Committee on Employment and Social Affairs, the Committee on Petitions, the Committee on Culture, Youth, Education and the Media and the Committee on Legal Affairs and Citizens' Rights (A4-0000/97),

A. whereas the free movement of persons should at least include the right of EC citizens to cross the Union's internal frontiers without controls, establish themselves in a Member State and take part in economic activity, together with protection from discrimination on the grounds of nationality, in the field of social and family law and of culture as elsewhere,

B. whereas the main conclusion reached by the report of the High-Level Panel chaired by Mrs Veil is that, apart from a few exceptions, free movement of persons 'has largely become a reality',

C. whereas the report nevertheless makes 80 recommendations to ensure that individual citizens can exercise their rights more easily,

D. whereas the report accordingly describes some serious problems requiring a rapid solution, because the European Union's citizens are its most important asset,

E. whereas it is generally difficult for individuals in another Member State to obtain a full and clear overview of their rights (because directives are often not accurately transposed into national law), and whereas it is often much more difficult to assert such rights (partly because time limits expire and there is a shortage of legal aid),

F. whereas it is difficult for citizens residing in another Member State to obtain a full and clear overview of their responsibilities,

G. whereas under Article 7a of the EC Treaty border controls were supposed to have been abolished by 31 December 1992, and whereas the failure to abolish those controls is a clear sign of opposition from the Member States and national civil servants, and the difficulty of reaching a consensus on protection of the external frontiers,

H. whereas Article 8 of the EC Treaty states that 'every person holding the nationality of one Member State shall be a citizen of the Union',

I. whereas Article 8a states: '1. Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in this Treaty and by the measures adopted to give it effect', and '2. The Council may adopt provisions with a view to facilitating the exercise of the rights referred to in paragraph 1; save as otherwise provided in this Treaty, the Council shall act unanimously on a proposal from the Commission and after obtaining the assent of the European Parliament',

J. whereas Advocate-General La Pergola has stated his opinion that Article 8a has extracted this freedom from the essence of the other freedoms of movement, and it now takes on the form

of a right not just to move freely, but also to reside in any other Member State: a primary right, in fact, in the sense that it constitutes the first right attached to citizenship of the Union. That is how freedom of residence is conceived and organized in the Treaty. It is a right which is not just derived, but inseparable from Union citizenship in the same way as the other rights, expressly conceived as necessary corollaries of this new status (see Articles 8b, 8c and 8d) common without distinction to all Member State nationals. Union citizenship is awarded by means of primary law direct to the individual, who is now formally regarded as a legal subject, acquiring it and losing it at the same time as citizenship of the national state concerned, and in no other wise([1]),

K. whereas the interpretation given by Advocate-General La Pergola in his conclusion of 1 July 1997 on Articles 6, 8 and 8a of the EC Treaty is likely to reduce discrimination between citizens of Member States considerably,

L. whereas there is an increasing need for a unanimous approach to the problem in the framework of the EC Treaty, and whereas delay on the grounds of the ratification of the Treaty of Amsterdam cannot be tolerated, because a start was supposed to have been made on the basis of the Single European Act and more than 10 years have elapsed since then,

M. whereas the Panel concludes on page 49 that amending Regulation 1408/71 should settle most of the problems, but that in the case of Articles 51 and 235 of the Treaty it is clear that 'certain problems, which can no longer be allowed to continue, cannot be resolved if the unanimity rule is retained. It should also be remembered that Regulation 1408/71 is aimed at facilitating freedom of movement for persons, in the same way as other instruments aimed at the completion of the internal market, but which do not require unanimity', and that 'this is a problem that can be settled only at political level',

N. whereas the report of the High-Level Panel is an excellent starting point for settling the remaining problems affecting the free movement of persons, in the broad sense of the term, as soon as possible,

O. whereas the persistence of a large number of problems shows that an all-embracing legislative approach is required, taking account of the need not only to solve the problems but also to avoid doing violence to the principle of subsidiarity,

1. Demands that the Council adopt within a very short time the measures required by Article 7a for abolishing controls at internal frontiers, and those needed to strengthen the Union's external frontiers, in a form that does not necessitate lengthy procedures for transposition into national law;

2. Hopes that the Council, which has hitherto failed to respond to the finding in the judgment of the Court of Justice of 22 November 1995([2]), that measures need to be taken to supplement

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([1]) See, for instance, the Conclusions of Advocate-General Antonio La Pergola of 1 July 1997 in Case C 85/96, *María Martínez Sala* v. Freistaat Bayern (official English translation not yet available — Translator's note).

([2]) In Case 443/93: [1995] ECR I-4033.

Regulation 1408/71, and is aware of other failings in the Regulation that are also mentioned in the report, will take the required measures with due speed;

3. Takes the view that the position of spouses and children of citizens who have made use of the free movement of persons must be strengthened;

4. Requests the Commission to draw up a scenario for all foreseeable cases in which Union citizens establish themselves and their spouses, children and so on in another Member State, with regard to allowances, insurance, social security and tax law;

5. Requests the Commission to settle the remaining problems in this scenario, the bulk of which are described in the High-Level Panel's report, by means of plainly worded legislative proposals;

6. Takes the view that the Commission should play a more active role in dealing with what the report calls 'red tape' (see p. 89), and that the Member States and their civil servants will have a better grasp of their role in connection with the free movement of persons if their attention is more often drawn to their shortcomings, for instance by making use of Article 169 of the EC Treaty or the publicity given by the Ombudsman to irregularities;

7. Calls for the establishment of European legal aid offices, staffed by students of European law who can provide unpaid assistance, under the guidance of a solicitor or barrister, for citizens wishing to assert their rights, asks the Commission to draw up a programme for this purpose, to promote the creation of the necessary infrastructure by means of subsidy, and suggests as a first step setting up not less than 100 legal aid offices in the Union's large cities;

8. Calls for the establishment of national complaints offices for the free movement of persons, under either the foreign ministries or the national ombudsmen, with such powers as will enable any complaints to be settled rapidly;

9. Demands that the Commission puts forward a new proposal, further to the Court judgment of [ ], under Article 100c to establish a clear legal position for all nationals of third countries; points out that the provisions of Article 100c only make sense if a visa valid for the whole Community is issued, and takes the view that there is an urgent political need to harmonize the criteria for issuing such visas;

10. Points out that the (limited) rights of third country nationals cannot be based on Articles 8, 8a, 8b, 8c, 8d and 8e of the EC Treaty, but that progress can nonetheless be made on the basis of case-law, the application of Article 100c and progress in the area of the third pillar of the EU Treaty;

11. Takes the view that there is still a need for the following problems, which were beyond the terms of reference of the High-Level Panel, to be settled:
(a) controls at external frontiers,
(b) a joint admissions policy for refugees and immigrants, and
(c) a joint expulsion policy,
and points out that if a solution to these problems cannot immediately be found, proposals for certain areas must at all events be put forward in the very near future;

12. Repeats its view, expressed on previous occasions, that the protection of public order and security for citizens of the Union is of the utmost importance and that when the free movement of persons is achieved such protection must not be overlooked.

DOC096

EUROPEAN PARLIAMENT

COMMITTEE ON CIVIL LIBERTIES AND INTERNAL AFFAIRS

27 February 1998 PE 223.622/1-68

AMENDMENTS 1-68

DRAFT REPORT by Mrs Schaffner (PE 223.622)
on the Report of the High Level Panel on the free movement of persons chaired by Mrs Simone Veil (C4-0181/97)

Motion for a resolution

AMENDMENT 1
by Mrs Claudia Roth

Title

Draft report on the report of the High-Level Panel on the free movement of persons (5 words deleted)

Or. fr

AMENDMENT 2
by Mr Lambrias

Fourth citation:

– having regard to its opinions on the proposal from the Commission to the Council for a directive on the right of residence[1], on the Council orientation for a directive on the right of residence[2], on the proposal for a Council regulation determining the third countries whose nationals must be in possession of a visa when crossing the external frontiers of the Member States[3], on the proposal for a Council regulation laying down a uniform format for visas[4], on the proposal for a Council directive on the right of third-country nationals to travel in the Community[5], on the proposal for a Council directive on the elimination of controls on persons crossing internal frontiers[6], on the functioning and future of Schengen[7], and (four words deleted) on Council Directive 93/109/EC laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals,

AMENDMENT 3
by Mr Pradier and Mr Dupuis

Eighth indent

- having regard to the petitions to the European Parliament on infringements of the free movement of persons,

Or. fr

AMENDMENT 4
by Mrs Claudia Roth

Recital A

A. whereas the free movement of persons should, pursuant to Article 7a of the EC Treaty, at least include the right of any person legally resident on the territory of the Union to cross the Union's internal frontiers without controls, establish themselves in a Member State and take part in economic activity, together with protection from discrimination on the grounds of nationality, in the field of social and family law and of culture as elsewhere,

Or. fr

AMENDMENT 5
by Mr Nassauer

Recital A

A. whereas the free movement of persons should at least include the right of Union citizens freely to move and stay in the territory of the Member States and in particular to cross the Union's internal frontiers without controls, establish themselves in a Member State and take part in economic activity, together with protection from discrimination on the grounds of nationality, in the field of social and family law and of culture as elsewhere,

Or. de

AMENDMENT 6
by Mr Pirker

Recital A

A. whereas the free movement of persons should at least include the right of EC citizens to cross the Union's internal frontiers without controls, establish themselves in a Member State and take part in economic activity, a right of residence for students, retired and non-working persons provided they have sufficient resources, together with protection from discrimination on the grounds of nationality, in the field of social and family law and of culture as elsewhere,

Or. en

AMENDMENT 7
by Mr Lambrias

Recital Aa (new)

Aa. whereas Article 13 of the Amsterdam Treaty, on action to combat discrimination based on - inter alia - disability, is, despite its imperfections, a very promising new legal basis for the adoption of measures to protect persons with special needs and help give them greater freedom of movement within the EU.

Or. el

AMENDMENT 8
by Mr Lambrias

Recital Ab (new)

Ab. whereas the imminent introduction of the Euro will have a direct impact on the everyday life of European citizens and on their exercise of the right of free movement in practice;

Or el

AMENDMENT 9
by Mrs Claudia Roth

Recital B

B. Surprised that the main conclusion reached by the report of the High-Level Panel (5 words deleted) is that . (rest unchanged),

Or fr

AMENDMENT 10
by Mr Pirker

Recital D

D. whereas the report accordingly describes some serious problems requiring a rapid solution, since behind each described shortcoming lie many personal problems for individuals and their families,

Or. en

AMENDMENT 11
by Mr Nassauer

Recital G

G. whereas Article 7a of the EC Treaty provides for the establishment of the internal market and in particular the free movement of persons as well as goods, services and capital by 31 December 1992 and whereas the failure so far to achieve that free movement stems from the insistence on national border controls and the absence of agreement on the protection of the external frontiers,

Or. de

AMENDMENT 12
by Mrs Palacio

Recital Ga (new)

Ga. whereas the Protocol on integrating the Schengen acquis into the framework of the European Union annexed to the Amsterdam Treaty is undoubtedly a step forward even if the exceptions allowed for the United Kingdom, Ireland and Denmark are regrettable; whereas, however, significant problems have not been resolved or not satisfactorily, in particular the Court of Justice will exercise its powers in respect of measures adopted by the Council without any jurisdiction on measures or decisions relating to the maintenance of law and order and the safeguarding of internal security,

Or. fr

AMENDMENT 13
by Mrs Palacio

Recital Ia (new)

Ia. having regard to the different legal bases for Regulation 1408/71 and the various directives on the right of residence and the excessive number of legislative acts governing this area and noting that Article 8a, as amended by the Amsterdam Treaty, does not provide a single new legal basis,

Or. fr

AMENDMENT 14
by Mrs Palacio

Recital J

J. whereas, although it may be true that Articles 8 and 8a are no more than supplementary legal bases for the adoption of secondary legislation, Article 8a has a direct effect and may therefore be invoked directly by any citizen of the Union,

Or. fr

AMENDMENT 15
by Mrs Palacio

Recital K

K. whereas, as stated in the report of the High-Level Panel on the freedom of movement of persons (p. 17), and the Commission and Advocate-General La Pergola in a recent case, the rights of freedom of movement and residence derive from the Treaty itself and not from directives,

Or. fr

AMENDMENT 16
by Mr Nassauer

Recital La (new)

La. whereas the report by the High-Level Panel recommends action to clarify the situation of non-Community nationals who are employed by an undertaking established in one Member State and are temporarily seconded to another Member State;

Or. de

AMENDMENT 17
by Mr Nassauer

Recital Lb (new)

Lb. whereas the abuse of the freedom to provide services by undertakings illegally employing non-Community nationals in other Member States must be stopped,

Or. de

AMENDMENT 18
by Mrs Palacio

Recital Ma (new)

Ma. whereas a number of directives (in particular those on the right of residence for pensioners, students and non-working persons) have still not been satisfactorily transposed into the law of the Member States,

Or. fr

AMENDMENT 19
by Mrs Palacio

Recital Mb (new)

Mb. whereas the problems encountered in the application of rights linked to freedom of movement and residence arise mainly from 'improper administrative practices' or particularly irksome formalities such as the requirement to produce a whole series of documents which are not provided for by Community law for the issue of a residence permit or visa to the member of the family of a citizen of the Union,

Or. fr

AMENDMENT 20
by Mrs Palacio

Recital Mc (new)

Mc. whereas Community law is inappropriate for certain specific situations such as those of trainees or volunteers, as pointed out in the Green Paper on education, training and research,

Or. fr

AMENDMENT 21
by Mr Pradier and Mr Dupuis

Recital P (new)

P. whereas the Commission considers it essential also to take action in the area of consumer protection and health protection, as stated in its Action plan for the single market,

Or. fr

AMENDMENT 22
by Mrs Claudia Roth

Paragraph 1

1. Demands that the Council adopt within a very short time the measures required by Article 7a for abolishing controls at internal frontiers (9 words deleted), in the form of directives;

Or. fr

AMENDMENT 23
by Mr Nassauer

Paragraph 1

Demands that the Council adopt within a very short time the measures required by Article 7a to establish freedom of movement and secure the Union's external frontiers, so as to ensure their speedy transposition into national law;

Or. de

AMENDMENT 24
by Mrs Astrid Thors

Paragraph 1

1. Demands that the Council adopt within a very short time the measures required by Article 7a for abolishing controls at internal frontiers (nine words deleted) in a form that does not necessitate lengthy procedures for transposition into national law;

Or sv

AMENDMENT 25
by Mrs Palacio

Paragraph 1a (new)

1a. Points out that the Member States have an obligation to undertake preparatory work *in due course* so that Council can take steps to integrate the Schengen acquis into the Community framework as soon as the Amsterdam Treaty enters into force;

Or. fr

AMENDMENT 26
by Mr Lambrias

Paragraph 1b (new)

1b. Calls on the Commission to submit proposals in due course to make the full use of Article 13 of the Treaty of Amsterdam on action to combat discrimination based on inter alia disability;

Or. el

AMENDMENT 27
by Mr Lambrias

Paragraph 1c (new)

1c. Calls on the Commission and in particular on the competent national authorities to intensify their public information efforts regarding the Euro and the consequences of the introduction of the single currency;

Or. el

AMENDMENT 28
by Mrs Van Lancker

Paragraph 1d (new)

1d. Supports the proposal from the High-Level Panel that all Commission activities relating to the free movement of persons, including dealing with complaints from individuals, should be brought within the remit of a single Commissioner to create a central point within the Commission for dealing with such matters;

Or. nl

AMENDMENT 29
by Mrs Claudia Roth

Paragraph 1e (new)

1e. Believes that the failure to achieve the free movement of persons in the Union is due more to the lack of political will on the part of the Council and the Member States to implement Article 7a than to 'red tape' and unwillingness on the part of certain national administrations;

Or. fr

AMENDMENT 30
by Mrs Van Lancker

Paragraph 1f (depends on where the amendments contained in the Glase opinion are inserted)

1f. Considers that urgent action must be taken to bring about greater equality in tax treatment, based on a common definition of residence for tax purposes; calls on the Commission, pursuant to a legal basis linked to achievement of the internal market, to draw up binding European regulations governing non-residence for tax purposes to ensure non-discriminatory taxation;

Or. nl

AMENDMENT 31
by Mrs Claudia Roth

Paragraph 1g (new)

1g. Believes that the failure to achieve the free movement of persons in the Union is due more to the lack of political will on the part of the Council and the Member States to implement Article 7a than to 'red tape' and unwillingness on the part of certain national administrations;

Or fr

AMENDMENT 32
by Mrs Claudia Roth

Paragraph 1i (new)

1i. Undertakes to bring proceedings in the Court of Justice against the Council for failure to act pursuant to Article 175 of the Treaty should the Council fail to adopt the three proposals for directives referred to above within a reasonable period;

Or. fr

AMENDMENT 33
by Mrs Palacio

Paragraph 3

3. Calls on the Commission to revise the provisions on freedom of movement and residence for citizens, to provide the public and practitioners (lawyers, magistrates, welfare officers, etc.) with a readable and more practical instrument, which would undoubtedly help to close existing gaps in the law;

Or. fr

AMENDMENT 34
by Mr Nassauer

Paragraph 3

3 Takes the view that the legal status of non-Community nationals who are the spouses and children of Union citizens (ten words deleted) must be strengthened;

Or de

AMENDMENT 35
by Mrs Zimmermann

Article 3

3. Takes the view that the legal position of spouses and children of, and persons demonstrably dependent on or having a long-term close relationship with a Union citizen when they are exercising their right to the free movement of persons must be strengthened;

Or. de

AMENDMENT 36
by Mrs Van Lancker

Paragraph 3

Takes the view that the position of spouses and children of citizens who have made use of the free movement of persons must be strengthened; urges the Commission to draft proposals extending to non-dependent children over the age of 21 and non-dependent relatives in the ascending line the right to join their family; also requests that non-married partners from other Member States should be entitled to the same rights as nationals of the Member State concerned;

Or. nl

AMENDMENT 37
by Mrs Astrid Thors

Paragraph 3

3 Takes the view that the position of members of the families of citizens who have made use of the free movement of persons must be strengthened;

Or. sv

AMENDMENT 38
by Mrs Van Lancker

Paragraph 3a (new)

3a. Considers that the right of residence of family members who are citizens of non-member countries must be guaranteed in the event of divorce or death of the person who acquired the residence permit; calls on the European Commission to bring forward the necessary proposals on the basis of Article 40 (Article 49 in the consolidated version) and Article 54 (Article 44 in the consolidated version);

Or. nl

AMENDMENT 39
by Mrs Zimmermann

Article 4

4. Requests the Commission to draw up a scenario for all foreseeable cases involving permits, insurance, social security and tax law affecting spouses and children of and persons demonstrably dependent on or having a long-term close relationship with a Union citizen;

Or. de

AMENDMENT 40
by Mrs Zimmermann

Article 4a (new)

4a. Calls on the Commission to draw up a scenario for all foreseeable cases involving permits, insurance, social security and tax law concerning in particular small and medium-sized undertakings operating across borders;

Or de

AMENDMENT 41
by Mrs Palacio

Paragraph 5

Requests the Commission to settle the remaining problems in this scenario, the bulk of which are described in the High-Level Panel's report (seven words deleted) particularly in the following areas:

- upholding the interpretation that Article 8a is directly applicable and ensuring that the public is duly informed,
- introducing a short-stay residence card,
- conducting an inquiry into the rights granted to non-married couples in the Member States in order to take account of de facto marriages in Community legislation,
- asking the Council to revise existing legislation to enable children over the age of 21 and relatives in the ascending line to be rejoin with their parents or children,
- encouraging public information campaigns on the rights deriving from Union citizenship,
- making the requirements on proof of adequate financial resources more flexible;

Or. fr

AMENDMENT 42
by Mrs Zimmermann

Article 5

5. Requests the Commission to settle the remaining problems in this scenario (eleven words deleted) by means of plainly worded legislative proposals, by which, in particular, the discrimination between Union citizens and national citizens of EU Member States created by national aliens legislation must be removed;

Or. de

AMENDMENT 43
by Mr Wiebenga

Paragraph 5a (new)

Takes the view that European citizenship implies that a sectoral approach to residence rights should be replaced by an all-embracing legislative approach.

Or en

AMENDMENT 44
by Mrs Van Lancker

Paragraph 5a (new)

Takes the view that European citizenship requires that the sectoral approach to residence rights should be replaced by an all-embracing legal approach; supports the High-Level Panel's recommendation that an optional one-year residence card should be introduced as a first step in this direction;.

Or nl

AMENDMENT 45
by Mrs Palacio

Paragraph 6

6. Recalls the Commission's role as guardian of the Treaty and consequently calls on it to continue the infringement proceedings already begun and bring such proceedings against Member States that have failed to transpose directives or adopt good administrative practice; considers also that the Commission should inform Parliament of so-called 'improper administrative practices';

Or. fr

AMENDMENT 46
by Mrs Van Lancker

Paragraph 6

Takes the view that the Commission should play a more active role in dealing with what the report calls 'red tape' (see p. 89), and that the Member States and their civil servants will have a better grasp of their role in connection with the free movement of persons if their attention is more often drawn to their shortcomings, for instance by making use of Article 169 of the EC Treaty; takes the view that the Commission and the Member States should organize regular training sessions for public servants responsible for dealing with matters relating to European citizenship and the free movement of persons;

Or nl

AMENDMENT 47
by Mrs Astrid Thors

Paragraph 6

6. Takes the view that the Commission should play a more active role in dealing with what the report calls 'red tape' (see p. 89), and that the Member States and their civil servants will have

a better grasp of their role in connection with the free movement of persons if their attention is more often drawn to their shortcomings, for instance by making use of Article 169 of the EC Treaty or the publicity given by the network of national Ombudsmen to irregularities;

Or. sv

AMENDMENT 48
by Mr Wiebenga

Paragraph 6a (new)

Believes that the Commission and Member States should organize training sessions for public officials dealing with citizens and free movement rights;

Or. en

AMENDMENT 49
by Mrs Astrid Thors

Paragraph 7

7. Supports the new 'Euro Jus network' scheme which, at the Commission's offices in the Member States, provides the public with objective and informal information on their rights under Community law and how to assert them;

Or. sv

AMENDMENT 50
by Mrs Van Lancker

Paragraph 7

7. Calls for the establishment of European legal aid offices, staffed by lawyers specializing in European law who can provide assistance free of charge, under the guidance of a solicitor or barrister, with professional experience for those seeking justice, asks the Commission to draw up a programme for this purpose, to promote the creation of the necessary infrastructure by means of subsidy, and suggests as a first step setting up not less than 100 legal aid offices in the Union's large cities;

Or. nl

AMENDMENT 51
by Mrs Palacio

Paragraph 7

7. Calls for the establishment, in cooperation with bar associations and public prosecutor offices, of information and advice bureaux on European citizenship, and in particular freedom of movement and residence, asks the Commission to draw up a programme for this purpose, to promote the creation of the necessary infrastructure by means of subsidy, and suggests as a first step setting up not less than 100 legal aid offices in the Union's large cities;

Or. fr

AMENDMENT 52
by Mr Pirker

Paragraph 7a (new)

7a. Calls upon authorities in Member States not to treat Union citizens exercising their rights under the Treaty according to the same administrative procedures as third-country nationals requesting comparable treatment;

Or en

AMENDMENT 53
by Mrs Palacio

Paragraph 8

8. Calls on the Commission to submit proposals to make it easier to move between different educational systems which is currently a major obstacle to freedom of movement for people with children of school age;

Or. fr

AMENDMENT 54
by Mrs Astrid Thors

Paragraph 8

8. Calls for the establishment of national complaints offices for the free movement of persons, under either the foreign ministries or the national ombudsmen, with the means to have any complaints speedily dealt with;

Or. sv

AMENDMENT 55
by Mr Lambrias

Paragraph 8a (new)

8a. Draws attention to the need for the earliest possible adoption of more effective measures to inform Union citizens residing in a Member State of which they are not nationals of their right to vote and stand in elections to the European Parliament, in view of the very restricted use made throughout Europe of this right in the 1994 European elections;

Or. el

AMENDMENT 56
by Mrs Van Lancker

Paragraph 10

10. Regrets that the terms of reference of the High-Level Panel were somewhat restricted with regard to the problems of citizens from non-member countries legally resident on the territory of the Union; reiterates its view that freedom of movement for persons, as set out in Article 7a (TEU) (Article 14 of the consolidated version) must also apply to non-Union citizens who are legally resident in the Union; urges that these citizens should be treated equally with Union citizens in terms of political, social and economic rights;

Or. nl

AMENDMENT 57
by Mr Nassauer

Paragraph 10a (new)

10a. Calls on the Commission to make it clear that workers from non-Community countries are not entitled to the full freedom of movement of Union citizens but may simply stay and work in another Member State in the context of their employers' freedom to provide services;

Or. de

AMENDMENT 58
by Mr Pradier and Mr Dupuis

Paragraph 10a (new)

10a. Calls on the Commission and the Council to take action to guarantee the rights to free movement and health of European citizens who are undergoing medical treatment in a Member State, to enable them to travel or settle in another Member State while continuing their treatment;

Or. fr

AMENDMENT 59
by Mrs Van Lancker

Paragraph 11

11. Takes the view that there is still a need for the following problems, which were insufficiently addressed by the High-Level Panel, to be settled:

(a) with regard to access to the territory of the Union for non-Union citizens, uniform and simple procedures for obtaining visas; information in non-member countries on conditions for entry to the territory of the Union; extending and strengthening the right of family unification; drawing up rules for 'people without papers'; burden-sharing rules in respect of the influx of refugees;

(b) controls at external frontiers and the rights of those who are refused entry; where an application for migrants to be granted normal status has been turned down in the first instance, the right of appeal should have suspensive effect;

(c) a joint approach to deportation, with respect for fundamental human rights and the right to decent treatment and respect for privacy;

and points out (rest unchanged)

Or. nl

AMENDMENT 60
by Mr Pirker

Paragraph 11

11 Takes the view that there is still a need for the following problems, which were beyond the terms of reference of the High-Level Panel, to be settled:
(a) controls at external frontiers,
(b) a joint admissions policy for refugees pursuant to the Geneva Convention and for immigrant workers from non-Community countries,
(b1) sharing the burden of the admission of displaced persons, eg. refugees from war areas, and
(c) a joint expulsion policy,
and points out that if a solution to these problems cannot immediately be found, proposals for certain areas must at all events be put forward in the very near future;

Or. nl

AMENDMENT 61
by Mr Wiebenga

Paragraph 11 after (c)

and regrets that the measures referred to in (a) to (c) still have to be taken by unanimous vote for the first five years after entry into force of the Amsterdam Treaty;

Or. nl

AMENDMENT 62
by Mrs Zimmermann

Paragraph 11a (new)

11a. Calls on the Commission to establish a programme for refugee and asylum policy which would enable it to examine legislation on the subject in the Member States with a view to developing a common policy on the basis of its findings;

Or. de

AMENDMENT 63
by Mr Pirker

Paragraph 12

12. Repeats its view, expressed on previous occasions, that the protection of public order and security for citizens of the Union is of the utmost importance, and that when the free movement of persons is achieved, that protection must be ensured by stepped-up compensatory measures;

Or de

AMENDMENT 64
by Mrs Zimmermann

Paragraph 13a (new)

13a. considers that the report of the High-Level Panel on the free movement of persons would be incomplete without a reference to the obstacle to free movement within the EU institutions;

Or de

AMENDMENT 65
by Mr Wiebenga

Paragraph 14

Replace the word 'spouses' with the word 'partner'

Or en

AMENDMENT 66
by Mr Wiebenga

Paragraph 14a (new)

Supports the call by the High-Level Group to nominate a single Commissioner responsible for questions of free movement of persons, all the services dealing directly with those questions, including the treatment of complaints brought by individuals.

Or. en

AMENDMENT 67
by Mrs Zimmermann

Article 14b (new)

14b. instructs its President to forward this resolution to the Council of the Union, the Commission and the national governments and parliament.

Or de

AMENDMENT 68
by Mrs Van Lancker

Last paragraph

Instructs its President to forward this resolution to the Council, the Commission the governments and parliaments of the Member States and the members of the High-Level Panel.

Or. nl