



## **Council Position on a Proposal for a Directive on the conditions of entry and residence of third-country nationals**

### **Joint Reaction**

European Youth Forum

European Federation of Intercultural Learning (EFIL)

International Falcon Movement- Socialist Educational International (IFM-SEI)

Erasmus Student Network (ESN)

European Education Exchanges-Youth For Understanding (EEE-YFU)

National Youth Council of Moldova (CNTM)

**January 2015**

For many years, the European Youth Forum and its Member Organisations have been campaigning for free movement within the EU for young people from non-EU countries. We believe that the mobility of young people is a vital contribution to intercultural understanding, which can also play a key role in creating social, cultural and economic links between the EU and other countries and regions. The abolition of overly bureaucratic procedures and disproportionately high costs for obtaining visas, and a generally streamlined process can facilitate this mobility of young people into the European Union.

**We are thus very disappointed to see the position of the Council** on the Proposal for a Directive 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.

Following the proposal from the Commission, the European Youth Forum issued a Reaction and call for improvements to the Directive.<sup>1</sup> Many of these were taken on board in the Report from the European Parliament<sup>2</sup>. Unfortunately, in the position of the Council, almost none of these demands have been included, and the amendments of the European Parliament, many of which were positive additions for the coherence, efficiency and clarity of the Directive, have been largely removed.

### **1. The scope of the Directive**

<sup>1</sup> European Commission Revision of the Directive on Conditions of Entry for Third-Country Nationals: Youth Forum Reaction & Demands for Improvement

[http://www.youthforum.org/assets/2014/02/0256-13-Reaction-to-Visa-Directive-Revision\\_FINAL.pdf](http://www.youthforum.org/assets/2014/02/0256-13-Reaction-to-Visa-Directive-Revision_FINAL.pdf)

<sup>2</sup> <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+REPORT+A7-2013-0377+0+DOC+XML+V0//EN>



One of our biggest concerns is the reduction of the scope of the Directive. The original proposal from the Commission made the Directive mandatory for researchers, students, volunteers, pupils, trainees and volunteers. The Council position has deleted the categories of volunteers, pupils and trainees, and is binding only for researchers and students.

This change of the scope of the Directive is of huge concern. It shows a disregard for the personal, social and economic benefits that can occur when young people participate in volunteer activities, pupil exchanges and studying and training abroad. None of the amendments of the European Parliament called for or even suggested a change of scope of the Directive. Such a change comes against the call of civil society too and reduces the added-value of the revision of the Directive as a whole.

## **2. Visa fees, application times and support documents**

The Council position has increased the deadline for responding to visa applications to 90 days from the Commission proposal of 60 days and the Parliament amendment of 30 days.

The Council position grants Member States full discretion on the fees to apply for visa applications. This lack of stronger guarantees on low visa costs does not solve the problem of very expensive or unaffordable visa processes that are a proven barrier to youth mobility.

The Council position states that Member States may require the applicant to present the documents and information in an official language of the Member State concerned. This would imply additional costs for translations and an overall longer procedure.

The European Commission's own evaluation of the implementation of the existing Directives found that applicants face unnecessary bureaucratic hurdles such as expensive and lengthy procedures, which diverge greatly between Member States.<sup>3</sup> Such a long deadline for responding to visa applications, as well as the lack of guarantees on visa fees, risks that the Revision of the Directive provides no added value to the current state of play.

## **3. Intra-EU Mobility**

The proposal of the Commission included improved rules in Article 26 facilitating student and trainee visa-holders under this Directive, to spend periods of three and six months in another EU Member State. The European Parliament extended

<sup>3</sup> Report from the Commission on the Directive 2004/114/EC <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0587:FIN:EN:PDF>



this to include also volunteer visa-holders. The European Youth Forum is disappointed to note that the Council position does not include such provisions, stipulating instead that the second Member State can demand further documentation and evidence of the purpose of stay.

Adding further administrative barriers to the process of travelling within the EU jeopardises the ability of young people to learn fully about Europe's people, culture and values. Some young people cannot participate fully in their programme, course, or work if they cannot enter other EU Member States.

#### **4. Residence permit**

The European Youth Forum and its Member Organisations welcomed in the Commission proposal the introduction of the principle that a successful visa applicant is granted a long-stay visa and/or residence permit by the Member State where the application has been made. The Forum is thus disappointed with the Council's weakening of this provision in Article 5.

#### **5. Inconsistencies with other positions**

Finally, we are concerned that the Council position does not reflect principles that are already enshrined in European legislation: the Regulation establishing 'Erasmus+' calls for Member States to "take all appropriate measures to remove legal and administrative obstacles to the proper functioning of the Programme, including, where possible, measures aimed at resolving issues that give rise to difficulties in obtaining visas."<sup>4</sup> We believe that the current position of the Council does not achieve this, therefore revealing a worrying inconsistency that also runs the risk of hindering EU programmes and initiatives themselves.

#### **Conclusion**

The European Youth Forum, EFIL, IFM-SEI, ESN, EEE-YFU and CNTM are deeply disappointed to see the Council taking such a stance. This stance accommodates neither the position of the European Parliament nor that of civil society. We strongly urge Member States, the European Commission and the European Parliament to agree on a Directive that more effectively addresses the problems young people face in being mobile in the European Union.

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<sup>4</sup>Regulation (Eu) No 1288/2013 Establishing 'Erasmus+' [http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1288&from=EN#ntr8-L\\_2013347EN.01005001-E0008](http://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:32013R1288&from=EN#ntr8-L_2013347EN.01005001-E0008)