



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 4 June 2003

**Interinstitutional File:
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10009/03

ADD 1

LIMITE

MIGR 43

NOTE

from:	Presidency
to:	Permanent Representatives Committee/Council
Subject :	Draft Council Directive concerning the status of third-country nationals who are long-term residents

Following the meeting of the Permanent Representatives Committee held on 4 June 2003, document 10009/03 MIGR 43 is to be complemented as indicated below

1) Footnote 1 on page 17 should read as follows:

D and **F** maintained scrutiny reservation on this provision, and in particular on the second sentence, which results from a compromise suggestion submitted by the **Pres**.

D suggested introducing the following sentence:

Awards of study grants may be conditional upon previous employment of the third-country national or his/her parents.

F has suggested introducing the following clause in the Preamble as a recital in connection with this provision:

Considérant l'obligation des Etats Membres d'accorder aux enfants mineurs l'accès au système éducatif dans des conditions analogues à celles qui sont prévues pour leurs ressortissants nationaux.

2) Footnote 1 on page 24 should read as follows:

Noting that homosexual couples are not covered by Article 16, **NL** maintained a reservation on this provision. It also took the view that disabled adult unmarried children and dependent parents, as well as unmarried and registered partners should be authorised to accompany or to join the long-term residents. In particular it suggested introducing a reference to Article 4(2) of the Directive on the right to family reunification in paragraph 2, which should then read as follows:

*When the long-term resident exercises his/her right of residence in a second Member State and when the family was already constituted in the first Member State, the members of his/her family, other than those referred to in Article 4(1) **and (2)** of the Council Directive 2003/.../EC [on the right to family reunification] may be authorised to accompany or to join the long-term resident.*

In order to cover the concern expressed by **NL** the **Pres** submitted the following suggestion for a clause to be introduced in the Preamble as a recital in connection with this provision:

With regard to the family members who may be authorised to accompany or to join the long-term residents Member States should pay special attention to the situation of disabled adult children and of the first degree relatives in the direct ascending line who are dependent on them.

It also said that, apart from this recital, **NL** could consider the possibility of a unilateral statement with regard to homosexual couples, unmarried and registered partners.

NL expressed positive views on the compromise suggestion submitted by the **Pres**.

In order to meet the concern expressed by **A** to have the possibility of introducing specific quotas for family members, the **Pres** suggested to introduce the following clause in Article 16 as a new paragraph 6:

Member States may decide to apply the provisions of Article 14(4). In such cases, a time-limit of one year maximum shall apply.

B, F, NL and **S** did not favour this compromise suggestion.

As a compromise, the **Pres** invited **A** not to insist in its request for a specific quota for family members and **B, F, NL** and **S** not to oppose the introduction of a general quota for long-term residents in the terms and under the conditions referred to in Article 14(4).

A said that it is considering in favourable terms this compromise suggestion, which could be supported by **B** and **F**.