RECOMMENDATION FOR SECOND READING

on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast)
(14958/2/2015 – C8-0131/2016 – 2013/0081(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Cecilia Wikström
Symbols for procedures

* Consultation procedure
*** Consent procedure
***I Ordinary legislative procedure (first reading)
***II Ordinary legislative procedure (second reading)
***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in **bold italics** in the left-hand column. Replacements are indicated in **bold italics** in both columns. New text is indicated in **bold italics** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in **bold italics**. Deletions are indicated using either the ▌ symbol or strikeout. Replacements are indicated by highlighting the new text in **bold italics** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.
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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast) (14958/2/2015 – C8-0131/2016 – 2013/0081(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

– having regard to the Council position at first reading (14958/2/2015 – C8-0131/2016),
– having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Greek Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,
– having regard to the opinion of the European Economic and Social Committee of 18 September 2013¹,
– having regard to the opinion of the Committee of the Regions of 28 November 2013²,
– having regard to its position at first reading³ on the Commission proposal to Parliament and the Council (COM(2013)0151),
– having regard to Article 294(7) of the Treaty on the Functioning of the European Union,
– having regard to Rule 76 of its Rules of Procedure,
– having regard to the recommendation for second reading of the Committee on Civil Liberties, Justice and Home Affairs (A8-0166/2016),

1. Approves the Council position at first reading;
2. Approves the joint statement by Parliament and the Commission annexed to this resolution;
3. Notes that the act is adopted in accordance with the Council position;
4. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;
5. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the Official Journal of the European Union;

¹ OJ C 341, 21.11.2013, p. 50.
² OJ C 114, 15.4.2014, p. 42.
6. Instructs its President to forward its position to the Council, the Commission and the national parliaments.
ANNEX TO THE LEGISLATIVE RESOLUTION

Joint statement by the European Parliament and the Commission on the ground for rejection specified in point (f) of Article 20(2)

The European Parliament and the Commission understand point (f) of Article 20(2) of this Directive as allowing Member States to reject an application only on a case-by-case basis and taking into account the specific circumstances of the third-country national and the principle of proportionality and on the basis of evidence or serious and objective reasons. The Commission will ensure that Member States implement this provision in line with this interpretation when transposing the Directive, and will inform the Parliament and the Council thereof, in the framework of its obligations under Article 39.

The European Parliament and the Commission consider that the inclusion of this provision in this Directive should not constitute a precedent for future legal migration instruments.
## Title
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 [Recast]

## References
14958/2/2015 – C8-0131/2016 – 2013/0081(COD)

## Date of Parliament’s first reading – P number
25.2.2014 – T7-0122/2014

## Commission proposal
COM(2013)0151 - C7-0080/2013

## Receipt of Council position at first reading announced in plenary
11.4.2016

## Committee responsible
Date announced in plenary: LIBE 11.4.2016

## Rapporteurs
Date appointed: Cecilia Wikström 24.4.2013

## Discussed in committee

## Date adopted
28.4.2016

## Result of final vote
+ : 40
− : 5
0 : 1

## Members present for the final vote

## Substitutes present for the final vote
Hugues Bayet, Andrea Bocsor, Carlos Coelho, Anna Maria Corazza Bildt, Iratxe García Pérez, Anna Hedh, Marek Jurek, Ska Keller, Gilles Lebreton, Jeroen Lenaers, Angelika Mlinar, Morten Helvæg Petersen, Salvatore Domenico Pogliese, Barbara Spinelli, Axel Voss

## Substitutes under Rule 200(2) present for the final vote
Beatriz Becerra Basterrechea, Eugen Freund, Jean-François Jalkh, Peter Lundgren

## Date tabled
2.5.2016