PARLAMENTUL EUROPEAN

2004 *2009*

Comisia pentru afaceri externe

2007/0112(CNS)

3.3.2008

AVIZ

al Comisiei pentru afaceri externe

destinat Comisiei pentru libertăți civile, justiție şi afaceri interne

referitor la propunerea de directivă a Consiliului privind modificarea Directivei Consiliului (CE) 2003/109 în vederea extinderii domeniului său de aplicare la beneficiarii unei protecții internaționale
(COM(2007)0298 – C6-0196/2007 – 2007/0112(CNS))

Raportor pentru aviz: Nickolay Mladenov

PA_Legam

JUSTIFICARE SUCCINTĂ

The aim of the proposal is to offer refugees and beneficiaries of subsidiary protection (hereinafter referred to as "beneficiaries of international protection") legal certainty about their residence in a Member State and rights which are comparable to those of EU nationals after 5 years of legal residence, thus closing a gap left open by Directive 2004/83/EC. This is done by deleting the exceptions to the scope of Directive 2003/109/EC concerning beneficiaries of international protection, while taking into account, where necessary, their specific position as compared to other third-country nationals. Beneficiaries of international protection are currently not entitled to long-term resident status under Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents.

The proposal states that the prospect of obtaining long-term residence status in a Member State after a certain time is an important element for the full integration of beneficiaries of international protection in the Member States of residence. This proposal which aims to amend Directive 2003/109/EC can be considered as a tool for integrating third-country nationals, who are beneficiaries of international protection, in the host Member State and is therefore a matter of immigration policy.

The proposal includes four key elements:

a) It allows beneficiaries of international protection to acquire long-term resident status in the Member State which has granted them protection subject to the same conditions as other third-county nationals.

b) It sets out the conditions under which long-term residents, including beneficiaries of international protection, may exercise their right of residence in another Member State.

c) It does not include a mechanism for transfer of responsibility for protection under community law[1].

d) It ensures the respect of the principle of 'non-refoulement', in cases where a beneficiary of international protection, who has already obtained long-term resident status in a Member State, is also granted long-term residence status in another Member State after having resided there for 5 years.

In the light of the above, your rapporteur:

a) Supports the European Commission's initiative to close the gap, resulting from the exclusion of refugees and beneficiaries of international protection from the scope of Directive 2003/109/EC.

b) Considers that the extension of the scope of Directive 2003/109/EC to both refugees and

[1] Requests for transfer of responsibility for protection remain governed by the 1951 Geneva convention and by the European Agreement on transfer of responsibility for refugees concluded in the framework of the Council of Europe, where applicable.

beneficiaries of subsidiary protection is important with regard to the respect of the equal treatment of people benefiting from international protection; underlines that excluding persons benefiting from subsidiary protection from the scope of the proposal will result in a more complicated legal framework that will markedly reduce the benefits expected from the proposed Directive.

c) Supports the inclusion of the period between the date on which the application for international protection is lodged and the date on which the residence permit is granted in the calculation of the five year residence duration necessary for applying for long-term resident status.

AMENDAMENTE

Comisia pentru afaceri externe recomandă Comisiei pentru libertăți civile, justiție şi afaceri interne, competentă în fond, să includă în raportul său următoarele amendamente:

Text propus de Comisie	Amendamentele Parlamentului
Amendamentul 1 CONSIDERENTUL 10A (nou)	
	(10a) În temeiul prezentei directive, acordarea statutului de rezident pe termen lung nu implică revocarea sau retragerea drepturilor refugiaților sau ale beneficiarilor unei protecții internaționale obținute în temeiul Directivei 2004/83/CE;

PROCEDURĂ

Titlu	Extinderea domeniului de aplicare al Directivei 2003/109/CE la beneficiarii unei protecții internaționale
Referințe	COM(2007)0298 – C6-0196/2007 – 2007/0112(CNS)
Comisia competentă în fond	LIBE
Aviz emis de către Data anunțului în plen	AFET 9.7.2007
Raportor pentru aviz Data numirii	Nickolay Mladenov 12.9.2007
Examinare în comisie	5.11.2007 11.2.2008 27.2.2008
Data adoptării	27.2.2008
Rezultatul votului final	+: 50 –: 2 0: 0
Membri titulari prezenți la votul final	Elmar Brok, Colm Burke, Véronique De Keyser, Michael Gahler, Bronisław Geremek, Maciej Marian Giertych, Alfred Gomolka, Richard Howitt, Jana Hybášková, Anna Ibrisagic, Metin Kazak, Maria Eleni Koppa, Helmut Kuhne, Joost Lagendijk, Vytautas Landsbergis, Johannes Lebech, Emilio Menéndez del Valle, Francisco José Millán Mon, Philippe Morillon, Pasqualina Napoletano, Vural Öger, Cem Özdemir, Justas Vincas Paleckis, Ioan Mircea Paşcu, Alojz Peterle, Hubert Pirker, Samuli Pohjamo, Bernd Posselt, Michel Rocard, Raül Romeva i Rueda, Libor Rouček, Jacek Saryusz-Wolski, György Schöpflin, Hannes Swoboda, Charles Tannock, Geoffrey Van Orden, Ari Vatanen, Kristian Vigenin, Zbigniew Zaleski, Josef Zieleniec
Membri supleanți prezenți la votul final	Mariela Velichkova Baeva, Cristian Silviu Buşoi, Andrew Duff, Árpád Duka-Zólyomi, David Hammerstein, Jaromír Kohlíček, Erik Meijer, Nickolay Mladenov, Józef Pinior, Inger Segelström, Marcello Vernola
Membri supleanți [articolul 178 alineatul (2)] prezenți la votul final	Renate Weber