EUROOPA PARLAMENT

2004 *2009*

Kodanikuvabaduste, justiits- ja siseasjade komisjon

28.3.2005 PE 355.461v01-00

MUUDATUSETTEPANEKUD 18-29

Raporti projekt **(PE 350.188v01-00)**
Vincent Peillon
1. Nõukogu direktiivi ettepanek kolmandate riikide kodanike vastuvõtmise erimenetluse kohta teadusuuringute eesmärgil

Direktiivi ettepanek (KOM(2004)0178 – C6--0011/2004 – 2004/0061(CNS))

2. Nõukogu soovituse ettepanek Euroopa Ühenduses teadusuuringuid läbi viivate kolmandate riikide kodanike vastuvõtmise lihtsustamise kohta

Direktiivi ettepanek (KOM(2004)0178 – C6--0012/2004 – 2004/0062(CNS))

3. Nõukogu soovituse ettepanek kolmandate riikide teadlastele liimesriikide poolt ühtsete lühiajaliste viisade väljastamise korra lihtsustamise kohta Euroopa Ühenduse piires reisimiseks teadusuuringute läbiviimise eesmärgil

Resolutsiooni ettepanek (KOM(2004)0178 – C6--0013/2004 – 2004/0063(CNS))

Direktiivi ettepanek (KOM(2004)0178 – C6-0011/2004 – 2004/0061(CNS))

Euroopa Komisjoni ettepanek	Parlamendi muudatusettepanekud

Muudatusettepaneku esitaja: Jeanine Hennis-Plasschaert

Muudatusettepanek 18
Põhjendus 12 a (uus)

12 a) Võttes arvesse, et teadlaste liikuvuse tagamise põhiline ja – võimalik, et otsustav – faktor on pereliikmete vastuvõtmise lihtsustamine, tuleks pereliikmetele võimaldada teadlasega ühinemine vastavalt nõukogu 22. septembri 2003. aasta perekonna taasühinemise õiguse direktiivis 2003/86/EÜ sätestatud tingimustele.

Or. en

Justification

Family reunification of third-country nationals has already been taken care of in the Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification1. It is undesirable to create exception after exception. The first steps towards a common policy on legal immigration of which this directive also forms part of, must be transparent and clear. Facilitated admission of family members will, on the other hand, help improve the mobility of researchers.

Muudatusettepaneku esitaja: Vincent Peillon

Muudatusettepanek 19
Põhjendus 12 b (uus)

12 b) Teadlase pereliikmetele tuleks seetõttu võimaldada teadlasega ühinemine vastuvõtvas liikmesriigis samadel tingimustel, mis on sätestatud Euroopa Parlamendi ja nõukogu 29. aprilli 2004. aasta direktiivis 2004/38/EÜ, mis käsitleb Euroopa Liidu kodanike ja nende pereliikmete õigust liikuda ja elada vabalt liikmesriikide territooriumil[1].

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[1] ELT L 158, 30.4.2004, lk 77.

Or. fr

Justification

The provisions of Directive 2003/86/EC on family reunification are not suitable for the category concerned here. The conditions to be met (e.g. from the perspective of permanent residence) and the time limits (three-year waiting period, nine-month maximum limit for examination of the application) cannot be applied. It therefore, makes sense to refer to Directive 2004/38/EC on the right of EU citizens and members of their families to move and reside freely in Member State territory.

Muudatusettepaneku esitaja: Barbara Kudrycka

Muudatusettepanek 20
Põhjendus14 a (uus)

14 a) Mis puudutab mõnede ELi kodanike tööturule juurdepääsu piiranguid üleminekuperioodide ajal, siis tuleb teadusuuringute läbiviimise eesmärgil teistesse ELi liikmesriikidesse suunduvad teadlased nendest piirangutest täielikult vabastada.

Or. pl

Justification

The Directive could lead to less favourable treatment of EU citizens - namely researchers from the new Member States - compared to third country nationals. It is therefore necessary to express the hope that Member States which have chosen to introduce restrictions on access to their labour markets (this also includes certain 'new' Member States which have introduced restrictions against the 'old' States under the principle of reciprocity) will exempt researchers going to other EU States to carry out research work from these 'restrictions'.

Muudatusettepaneku esitaja: Jeanine Hennis-Plasschaert

Muudatusettepanek 21
Artikli 4 lõige 3

3. Member States shall approve for ***an unlimited*** period public and private organisations whose main tasks consist in conducting research and Member States' higher education establishments within the meaning of their legislation or administrative practice.	3. Member States shall approve for ***uuendatavaks viieaastaseks*** period public and private organisations whose main tasks consist in conducting research and Member States' higher education establishments within the meaning of their legislation or administrative practice.

Or. en

Muudatusettepaneku esitaja: Jeanine Hennis-Plasschaert

Muudatusettepanek 22
Artikli 4 lõige 4

4. Member States shall approve public organisations for ***an unlimited*** period if they conduct research activities in addition to their main tasks.	4. Member States shall approve public organisations for ***uuendatavaks viieaastaseks*** period if they conduct research activities in addition to their main tasks.

Or. en

Justification

The Commission proposal provides for unlimited approval being granted to the organisation concerned if it conducts research activities. It would be more appropriate to restrict the validity all such approvals to a renewable period of five years. This would ensure that periodic checks are made.

Muudatusettepaneku esitaja: Barbara Kudrycka

Muudatusettepanek 23
Artikli 4 lõige 7

7. Within two months of the date of expiry of the hosting agreements concerned, the approved research organisations ***shall*** provide the ***authority*** designated for the purpose by the Member States with confirmation that the work has been carried out for each of the research projects in respect of which they have signed a hosting agreement pursuant to Article 5.	7. ***Liikmesriigid võivad sätestada, et*** within two months of the date of expiry of the hosting agreements concerned ***peavad*** the approved research organisations provide the ***pädevatele ametiasutustele*** designated for the purpose by the Member States with confirmation that the work has been carried out for each of the research projects in respect of which they have signed a hosting agreement pursuant to Article 5.

Or. xm

Justification

The aim of this amendment is to leave the decision on whether or not confirmation must be provided to the Member States, so that they can avoid increasingly redundant bureaucratic procedures if they are not necessary. Introducing excessive red tape could lead to a loss of interest from research organisations in accepting researchers from third countries, which

runs counter to the aims of this Directive.

Muudatusettepaneku esitaja: Vincent Peillon

Muudatusettepanek 24
Artikkel 7 a (uus)

Artikkel 7 a)

Pereliikmed
1. Liikmesriigid annavad loa teadlase pereliikmete riiki sisenemiseks ja riigis elamiseks.
2. "Pereliikmete" all mõistetakse:
a) abikaasat;
b) teadlase elukaaslast, kes on kolmanda riigi kodanik ja kellega teadlane on sõlminud registreeritud vabaabielu, kui vastavalt vastuvõtva liikmesriigi seadustele registreeritud vabaabielu on võrdne abieluga ja vastavuses vastuvõtva liikmesriigi asjaomaste õigusaktidega;
c) teadlase otsesed järglased, kes on alla 21-aastased või ülalpeetavad ja abikaasa või punktis b sätestatud elukaaslase otsesed ülalpeetavad;
d) teadlase ülalpeetavad otsesed järglased ja abikaasa või punktis b sätestatud elukaaslase ülalpeetavad otsesed järglased;
Vastuvõttev liikmesriik võib vabalt kohaldada kõige soodsamaid tingimusi.

Or. fr

Justification

As specified in Recital 12 b (new), the definition to which the Member States must refer in examining an application for family reunification is based on that given in Directive 2004/38/EC.

Muudatusettepaneku esitaja: Barbara Kudrycka

Muudatusettepanek 25
Artikli 7 lõige 1 a (uus)

Mõlemal juhul võib nimetatud perioodi pikendada 30 päeva võrra asjassepuutuva osapoole nõudel.

Or. pl

Justification

The possibility of extending a stay by an additional 30 days, which could be spent as holiday visiting the host country, offers further motivation for the researcher to come to the country.

Muudatusettepaneku esitaja: Barbara Kudrycka

Muudatusettepanek 26
Artikli 8 lõige 2

2. Member States may withdraw or refuse to renew a residence permit for reasons of ***public policy,*** public security or public health. Where they take such a decision, Member States shall take account of the seriousness or nature of the infringement of public ***policy*** or public health committed by the person concerned or the threat posed by that person. The competent authority of the Member State concerned may not withhold renewal of the residence permit, withdraw the permit or remove its holder from the territory on the ground of illness or disability suffered after the residence permit was issued.	2. Member States may withdraw or refuse to renew a residence permit for reasons of public security or public health. Where they take such a decision, Member States shall take account of the seriousness or nature of the infringement of public ***julgeoleku*** or public health committed by the person concerned or the threat posed by that person. The competent authority of the Member State concerned may not withhold renewal of the residence permit, withdraw the permit or remove its holder from the territory on the ground of illness or disability suffered after the residence permit was issued.

Or. xm

Justification

The aim of this amendment is to cancel recourse to the concept of " public policy", which is ambiguous in its interpretation and could favour abuse by national authorities.

Muudatusettepaneku esitaja: Barbara Kudrycka

Muudatusettepanek 27
Artikkel 11

Researchers admitted under this Directive may teach in ***a higher education***	Researchers admitted under this Directive may teach in ***vastavalt riikide õigusaktidele.***

establishment within the meaning of Member States` legislation and administrative practice, subject to a maximum number of hours per year set by each Member State.	***Liikmesriigid võivad kehtestada tundide või päevade aasta piirmäära, mille ulatuses teadlased võivad õpetada, kui nimetatud piirang on sätestatud riiklikes õigusaktides.***

Or. xm

Justification

This amendment is designed to simplify the provision and, with the addition of having recourse to existing limits on teaching hours (if these are applied in the Member States), to ensure equal conditions for researchers from third countries within the meaning of this directive on a par with researchers from individual Member States.

Muudatusettepaneku esitaja: Barbara Kudrycka

Muudatusettepanek 28
Artikli 15 lõige 1

1. The relevant authorities in the Member State shall notify the applicant in writing, in accordance with the notification procedures laid down in the relevant national legislation, of their decisions regarding his application for admission or for the renewal of his residence permit at the latest within 30 days of the date on which the application was submitted. Member States shall lay down in national legislation the consequences for the authorities concerned of failing to take a decision by this deadline. In exceptional cases involving complex applications, the deadline may be extended.	1. The relevant authorities in the Member State shall notify the applicant in writing ***viivitamata,*** in accordance with the notification procedures laid down in the relevant national legislation, of their decisions regarding his application for admission or for the renewal of his residence permit at the latest within 30 days of the date on which the application was submitted. Member States shall lay down in national legislation the consequences for the authorities concerned of failing to take a decision by this deadline. In exceptional cases involving complex applications, the deadline may be extended.

Or. xm

Justification

This amendment further emphasises the need for applicants to be notified of decisions taken as quickly as possible.

Muudatusettepaneku esitaja: Barbara Kudrycka

Muudatusettepanek 29
Artikli 16 lõige 1 a (uus)

Nimetatud kulud võib katta teadusuuringutega tegelev organisatsioon, kellega asjassepuutuv osapool on sõlminud teadusuuringute läbiviimise lepingu.

Or. pl

Justification

This amendment is designed to point out the possibility of researchers receiving assistance from the organisation which invited them, so that financial factors do not hinder the application process.