EUROPEAN PARLIAMENT

2004 *2009*

Committee on Civil Liberties, Justice and Home Affairs

2008/2184(INI)

18.2.2009

AMENDMENTS
1 - 100

Draft report
Adina-Ioana Vălean
(PE418.397v01-00)

Application of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States
(2008/2184(INI))

Amendment 1
Michael Cashman, Iliana Malinova Iotova

Motion for a resolution
Citation 3 a (new)

Motion for a resolution	*Amendment*
	– having regard to its resolution of 4 December 2003 on the adoption of measures concerning the repatriation of mortal remains[1],
	[1] OJ C 89 E, 14.4.2004, p. 162.

Or. en

Amendment 2
Roberta Angelilli, Mario Borghezio

Motion for a resolution
Citation 5

Motion for a resolution	*Amendment*
– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs on the visit to closed detention centres for asylum seekers and immigrants in Belgium,	***deleted***

Or. it

Amendment 3
Urszula Gacek

Motion for a resolution
Citation 5

Motion for a resolution	*Amendment*
– having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs on the visit to closed	***deleted***

detention centres for asylum seekers and immigrants in Belgium[1],

---

[1] PE404.465v02-00

Or. en

Amendment 4
Panayiotis Demetriou

Motion for a resolution
Citation 5 a (new)

Motion for a resolution	*Amendment*
	– having regard to its resolution of 5 February 2009 on the implementation in the European Union of Directive 2003/9/EC laying down minimum standards for the reception of asylum seekers and refugees: visits by the Committee on Civil Liberties 2005-2008[1] ,
	[1] Texts Adopted, P6_TA(2009)0047.

Or. en

Amendment 5
Roberta Angelilli, Mario Borghezio

Motion for a resolution
Citation 6

Motion for a resolution	*Amendment*
– having regard to its resolution of 10 July 2008 on the census of the Roma on the basis of ethnicity in Italy , the its Legal Service opinion on the compatibility of aggravating sanctions for EU citizens irregularly staying in a EU Member State, and the report of the Committee on Civil Liberties, Justice and Home Affaires on	***deleted***

delegation visit to Italy,

Or. it

Amendment 6
Nicolae Vlad Popa

Motion for a resolution
Citation 6

Motion for a resolution	*Amendment*
– having regard to its resolution of 10 July 2008 on the census of the Roma on the basis of ethnicity in Italy, ***the its Legal Service opinion*** on the compatibility of aggravating sanctions for EU citizens irregularly staying in a EU Member State, and the report of the Committee on Civil Liberties, Justice and Home Affaires on delegation visit to Italy,	– having regard to its resolution of 10 July 2008 on the census of the Roma on the basis of ethnicity in Italy, ***the opinion of its Legal Service*** on the compatibility of aggravating sanctions for EU citizens irregularly staying in a EU Member State, and the report of the Committee on Civil Liberties, Justice and Home Affaires on delegation visit to Italy,

Or. en

Amendment 7
Panayiotis Demetriou

Motion for a resolution
Citation 8 a (new)

Motion for a resolution	*Amendment*
	– having regard to the draft resolution of its Committee on Civil Liberties, Justice and Home Affairs on the problems and prospects concerning European citizenship,

Or. en

Amendment 8
Renate Weber

Motion for a resolution
Citation 12

Motion for a resolution	*Amendment*
– having regard to European Court of Justice (ECJ) rulings related to free movement, such as cases C-127/08 (Metock case), C-33/07 (Jipa case) and C-524/06 (Huber case),	– having regard to European Court of Justice (ECJ) rulings related to free movement ***of persons***, such as cases C-127/08 (Metock case), C-33/07 (Jipa case), and C-524/06 (Huber case) ***relating to European citizenship and free movement***,

Or. en

Amendment 9
Renate Weber

Motion for a resolution
Citation 15 a (new)

Motion for a resolution	*Amendment*
	– having regard to the draft interim report entitled "Comparative study on the application of Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States" requested by its Committee on Legal Affairs and delivered by the European Citizen Action Service (ECAS);

Or. en

Amendment 10
Csaba Sógor

Motion for a resolution
Recital B

Motion for a resolution	*Amendment*
B. whereas freedom of movement is	B. whereas freedom of movement is

inherent to the ***concept*** of Union citizenship and represents one of the fundamental rights recognized to Union citizens by the Treaties,	inherent to the ***concepts*** of ***human rights and*** Union citizenship and represents one of the fundamental rights recognized to Union citizens by the Treaties,

Or. hu

Amendment 11
Nicolae Vlad Popa

Motion for a resolution
Recital B

Motion for a resolution	*Amendment*
B. whereas freedom of movement is inherent to the concept of Union citizenship and represents one of the fundamental ***rights*** recognized to Union citizens by the Treaties,	B. whereas freedom of movement is inherent to the concept of Union citizenship and represents one of the fundamental ***freedoms*** recognized to Union citizens by the Treaties,

Or. en

Amendment 12
Roberta Angelilli

Motion for a resolution
Recital C a (new)

Motion for a resolution	*Amendment*
	Ca. whereas under the provisions of Article 64 of the EC Treaty the Treaties do not affect the exercise of the responsibilities incumbent on Member States with regard to the maintenance of law and order and the safeguarding of internal security,

Or. it

Amendment 13
Nicolae Vlad Popa

Motion for a resolution
Recital H

Motion for a resolution	*Amendment*
H. whereas such dialogue has enabled national legislation to be amended to a certain extent so to become compliant with EC legislation,	H. whereas such dialogue has enabled national legislation to be amended to a certain extent so ***as*** to become compliant with EC legislation,

Or. en

Amendment 14
Roberta Angelilli, Mario Borghezio

Motion for a resolution
Recital I

Motion for a resolution	*Amendment*
I. whereas according to the Commission Report, the ***overall transposition of*** Directive 2004/38/EC ***is rather disappointing, as not one Member State has transposed the Directive effectively and correctly in its entirety and, moreover, not one article of the Directive has been transposed effectively and correctly by all Member States, and whereas, particularly as in at least twenty Member States the incorrectness of the transposition concerns crucial provisions of the Directive***,	I. whereas according to the Commission Report, the ***Member States have failed to transpose*** Directive 2004/38/EC ***fully and accurately***,

Or. it

Amendment 15
Urszula Gacek

Motion for a resolution
Recital I

Motion for a resolution	*Amendment*
I. whereas according to the Commission Report, the overall transposition of Directive 2004/38/EC is ***rather*** disappointing, as not one Member State has transposed the Directive effectively and correctly in its entirety and, moreover, not one article of the Directive has been transposed effectively and correctly by all Member States, ***and whereas, particularly as in at least twenty Member States the incorrectness of the transposition concerns crucial provisions of the Directive,***	I. whereas according to the Commission Report, the overall transposition of Directive 2004/38/EC is disappointing, as not one Member State has transposed the Directive effectively and correctly in its entirety and, moreover, not one article of the Directive has been transposed effectively and correctly by all Member States,

Or. en

Amendment 16
Renate Weber

Motion for a resolution
Paragraph J

Motion for a resolution	*Amendment*
J. whereas the Commission's report identifies, among many others, two main persistent breaches of the core rights of Union citizens, and particularly the right of entry and residence of third-country family members and the requirement for Union citizens to submit with their applications for residence additional documents not provided for in Directive 2004/38/EC,	J. whereas the Commission's report identifies, among many others, two main persistent breaches of the core rights of Union citizens, and particularly the right of entry and residence of third-country family members and the requirement for Union citizens to submit with their applications for residence additional documents***, such as work permits and evidence of satisfactory accommodation,*** not provided for in Directive 2004/38/EC,

Or. en

Amendment 17
Urszula Gacek

Motion for a resolution
Recital K

Motion for a resolution	*Amendment*
K. whereas the Commission ***has had to bring nineteen infringement proceedings against Member States for non-communication of national implementing measures, which were subsequently closed; whereas it*** has so far received more than 1 800 individual complaints, 40 questions from Parliament and 33 petitions, and that on that basis it has registered 115 complaints and has brought 5 infringement proceedings for incorrect application of Directive 2004/38/EC,	K. whereas the Commission has so far received more than 1 800 individual complaints, 40 questions from Parliament and 33 petitions, and that on that basis it has registered 115 complaints and has brought 5 infringement proceedings for incorrect application of Directive 2004/38/EC,

Or. en

Amendment 18
Roberta Angelilli

Motion for a resolution
Recital O

Motion for a resolution	*Amendment*
O. whereas Parliament's Legal Service, which was consulted by the Committee on Civil Liberties, Justice and Home Affairs on this subject, concluded that ***national legislation providing that it is an aggravating circumstance in relation to a criminal offence committed by a Union citizen if that citizen had previously been illegally staying in another Member State, is not compliant with*** Community law,	O. whereas Parliament's Legal Service, which was consulted by the Committee on Civil Liberties, Justice and Home Affairs on this subject, concluded that ***the relevant provisions of*** Community law ***preclude national legislation deeming it a general aggravating circumstance in relation to a crime or an offence for the person in question to be a citizen of one Member State illegally present on the territory of another Member State***,

Or. it

Amendment 19
Urszula Gacek

Motion for a resolution
Recital P - indent 1

Motion for a resolution	*Amendment*
– a non-Community national who is the spouse of a citizen of the Union who accompanies or joins that citizen can benefit from the provisions of the Directive, irrespective of when and where their marriage took place and ***of how that spouse country entered the host Member State****,	– a non-Community national who is the spouse of a citizen of the Union who accompanies or joins that citizen can benefit from the provisions of the Directive, irrespective of when and where their marriage took place and ***without the need for prior lawful residence*** [1],
	[1] Metock case

Or. en

Amendment 20
Gérard Deprez

Motion for a resolution
Recital Q

Motion for a resolution	*Amendment*
Q. whereas according to the report by a delegation from the Committee on Civil Liberties, Justice and Home Affairs that visited closed detention centres for illegal immigrants in Belgium, Union citizens may be detained in Belgium on the grounds of a simple administrative breach, and a number of Union citizens are held in detention centres for illegal immigrants,	***deleted***

Or. fr

Amendment 21
Urszula Gacek

Motion for a resolution
Recital Q

Motion for a resolution	*Amendment*
Q. whereas according to the report by a delegation from the Committee on Civil Liberties, Justice and Home Affairs that visited closed detention centres for illegal immigrants in Belgium, Union citizens may be detained in Belgium on the grounds of a simple administrative breach, and a number of Union citizens are held in detention centres for illegal immigrants,	***deleted***

Or. en

Amendment 22
Alfredo Antoniozzi, Urszula Gacek

Motion for a resolution
Recital S - introductory

Motion for a resolution	*Amendment*
S. whereas, on the basis of the information gathered, notably through national parliaments' answers to Parliament's questionnaire, which is unfortunately not exhaustive and does not cover all the Member States, and in addition to the Commission Report, the following main issues were identified ***as problematic***:	S. whereas, on the basis of the information gathered, notably through national parliaments' answers to Parliament's questionnaire, which is unfortunately not exhaustive and does not cover all the Member States, and in addition to the Commission Report, the following main issues were identified:

Or. en

Amendment 23
Alfredo Antoniozzi, Urszula Gacek

Motion for a resolution
Recital S - indent 1

Motion for a resolution	*Amendment*
– ***restrictive*** interpretation by Member States of the notion of "family member" (Article 2), of "any other family member" and of "partner" (Article 3), particularly in relation to same sex partners, and their right to free movement under Directive 2004/38/EC,	– interpretation by Member States of the notion of "family member" (Article 2), of "any other family member" and of "partner" (Article 3), particularly in relation to same sex partners, and their right to free movement under Directive 2004/38/EC,

Or. en

Amendment 24
Roberta Angelilli, Mario Borghezio

Motion for a resolution
Recital S - indent 1

Motion for a resolution	*Amendment*
– ***restrictive*** interpretation by Member States of the notion of "family member" (Article 2), of "any other family member" and of "partner" (Article 3)***, particularly in relation to same sex partners, and their right to free movement under Directive 2004/38/EC***,	– ***the*** interpretation by Member States of the notion of "family member" (Article 2), of "any other family member" and of "partner" (Article 3),

Or. it

Amendment 25
Roberta Angelilli, Mario Borghezio

Motion for a resolution
Citation S - indent 1 - footnote

Motion for a resolution	*Amendment*
[1] CY, PL and SK do not recognise same sex marriages as a reason to grant free movement rights, PL and SK do not recognise registered partnerships, even if certified in another Member States; information in this regard provided by the	***deleted***

Commission, the FRA and NGOs further proofs legal uncertainty on this issue; Italy does on recognise to same-sex couples free movement rights on grounds of public policy; there is a general trend against the recognition of third/fourth spouses.

Or. it

Amendment 26
Alfredo Antoniozzi, Urszula Gacek

Motion for a resolution
Recital S - indent 1 - footnote

Motion for a resolution	*Amendment*
[1] CY, PL and SK do not recognise same sex marriages as a reason to grant free movement rights, PL and SK do not recognise registered partnerships, even if certified in another Member States; information in this regard provided by the Commission, the FRA and NGOs further proofs legal uncertainty on this issue; Italy does on recognise to same-sex couples free movement rights on grounds of public policy; there is a general trend against the recognition of third/fourth spouses.	***deleted***

Or. en

Amendment 27
Alfredo Antoniozzi, Urszula Gacek

Motion for a resolution
Recital S - indent 2

Motion for a resolution	*Amendment*
– ***unjustified*** administrative burdens are imposed in respect of the entry and residence of third-country family members,	– ***unnecessary*** administrative burdens are imposed in respect of the entry and residence of third-country family members,

Or. en

Amendment 28
Roberta Angelilli, Mario Borghezio

Motion for a resolution
Citation S - indent 2 - footnote

Motion for a resolution	*Amendment*
[1] Several letters of complaint and petitions addressed to EU Institutions highlight that some Member States are reluctant to fully recognise their rights to third countries family members; by way of example, UK, Lithuanian and Polish legislation preclude a non-EU family member from entering without a visa.	***deleted***

Or. it

Amendment 29
Alfredo Antoniozzi, Urszula Gacek,

Motion for a resolution
Recital S - indent 3

Motion for a resolution	*Amendment*
– the interpretation by Member States of "sufficient resources" under Article 7(1)(b) of Directive 2004/38/EC is often unclear ***and unfriendly***, as most Member States require that evidence of sufficient resources be given; the notion of "unreasonable burden to the social assistance system of the host member State" and if and in what cases the decision to expel a citizen of the Union who has become an unreasonable burden (Article 14, recital 10) is in many Member States uncertain as well,	– the interpretation by Member States of "sufficient resources" under Article 7(1)(b) of Directive 2004/38/EC is often unclear, as most Member States require that evidence of sufficient resources be given; the notion of "unreasonable burden to the social assistance system of the host member State" and if and in what cases the decision to expel a citizen of the Union who has become an unreasonable burden (Article 14, recital 10) is in many Member States uncertain as well,

Or. en

Amendment 30
Roberta Angelilli

Motion for a resolution
Recital S - indent 3

Motion for a resolution	*Amendment*
- the interpretation by Member States of "sufficient resources" under Article 7(1)(b) of Directive 2004/38/EC is often unclear ***and unfriendly, as most Member States require that evidence of sufficient resources be given***; the notion of "unreasonable burden to the social assistance system of the host member State" and if and in what cases the decision to expel a citizen of the Union who has become an unreasonable burden (Article 14, recital 10) is in many Member States uncertain as well,	- the interpretation by Member States of "sufficient resources" under Article 7(1)(b) of Directive 2004/38/EC is often unclear; the notion of "unreasonable burden to the social assistance system of the host member State" and if and in what cases the decision to expel a citizen of the Union who has become an unreasonable burden (Article 14, recital 10) is in many Member States uncertain as well,

Or. it

Amendment 31
Alfredo Antoniozzi, Urszula Gacek,

Motion for a resolution
Recital S - indent 3 - footnote

Motion for a resolution	*Amendment*
[1] Several letters of complaint and petitions addressed to EU Institutions highlight that some Member States are reluctant to fully recognise their rights to third countries family members; by way of example, UK, Lithuanian and Polish legislation preclude a non-EU family member from entering without a visa.	***deleted***

Or. en

Amendment 32
Roberta Angelilli

Motion for a resolution
Recital S - indent 4

Motion for a resolution	*Amendment*
- the interpretation by Member States of the expression "serious/imperative grounds of public policy and public security" and in what cases and on what grounds it can justify an expulsion order (Articles 27 and 28 of the Directive) vary from one Member State to the other***,*** are unclear ***and could lead to abuse (targeting of citizens of a certain Member State) or are of dubious conformity with the Directive (for instance, automatic expulsion mechanisms)***,	- the interpretation by Member States of the expression "serious/imperative grounds of public policy and public security" and in what cases and on what grounds it can justify an expulsion order (Articles 27 and 28 of the Directive) vary from one Member State to the other ***and*** are unclear

Or. it

Amendment 33
Alfredo Antoniozzi, Urszula Gacek

Motion for a resolution
Recital S - indent 4 - footnote

Motion for a resolution	*Amendment*
[1] For instance, Article 235 of the Italian criminal code provides for the expulsion of non nationals convicted to 2 or more years of imprisonment.	***deleted***

Or. en

Amendment 34
Roberta Angelilli, Mario Borghezio

Motion for a resolution
Citation S - indent 4 - footnote

Motion for a resolution	*Amendment*
[1] For instance, Article 235 of the Italian criminal code provides for the expulsion of non nationals convicted to 2 or more years of imprisonment.	***deleted***

Or. it

Amendment 35
Mario Borghezio

Motion for a resolution
Recital S - indent 5

Motion for a resolution	*Amendment*
- Union citizens are ***often*** required to submit to the authorities of the host Member State ***unjustified additional*** documents ***not provided for in Directive 2004/38/EC***,	- Union citizens are required to submit to the authorities of the host Member State documents ***providing evidence of lawful employment and, thereby, that their resources were lawfully obtained, identity papers, an application for registration with the authorities and a certificate from the criminal records office,***

Or. it

Amendment 36
Alfredo Antoniozzi, Urszula Gacek

Motion for a resolution
Recital S - indent 5

Motion for a resolution	*Amendment*
– Union citizens are often required to submit to the authorities of the host Member State ***unjustified*** additional documents not provided for in Directive 2004/38/EC,	– Union citizens are often required to submit to the authorities of the host Member State additional documents not provided for in Directive 2004/38/EC,

Or. en

Amendment 37
Alfredo Antoniozzi, Urszula Gacek

Motion for a resolution
Recital S - indent 5 - footnote

Motion for a resolution	*Amendment*
[1] In some cases (Greece) competent authorities are allowed by national law to ask for the criminal record of the EU citizen applying for registration, while in other Member States (for instance in Spain and Belgium) special ID cards and residence cards are issued for other member States nationals; In some Member States (ES) in addition to the registration certificate, EU citizens are given a Foreigner Identity Number which is necessary in order to work or register in the social security system; in Italy EU citizens are required to prove the "legality" of their resources.	***deleted***

Or. en

Amendment 38
Roberta Angelilli, Mario Borghezio

Motion for a resolution
Recital S - indent 5 - footnote

Motion for a resolution	*Amendment*
[1] In some cases (Greece) competent authorities are allowed by national law to ask for the criminal record of the EU citizen applying for registration, while in other Member States (for instance in Spain and Belgium) special ID cards and residence cards are issued for other member States nationals; In some Member States (ES) in addition to the registration certificate, EU citizens are given a Foreigner Identity Number which	***deleted***

is necessary in order to work or register in the social security system; in Italy EU citizens are required to prove the "legality" of their resources.

Or. it

Amendment 39
Ignasi Guardans Cambó

Motion for a resolution
Recital S a (new)

Motion for a resolution	*Amendment*
	Sa. Whereas in some Member States there are significant differences in identity documents between nationals of the country and European citizens from another Member State, who find it difficult to prove that they are resident European citizens, which in practice seriously hinders the exercise of their rights and their integration into social and business life,

Or. es

Amendment 40
Csaba Sógor

Motion for a resolution
Recital T

Motion for a resolution	*Amendment*
T. whereas the extremely poor transposition of the Directive implementing Article 18 of the EC Treaty by Member States should be strongly condemned and whereas such situation results, if not in the Directive itself being undermined, in a substantial non-application of one of the key rights on which the EU is based and which are	T. whereas the extremely poor transposition of the Directive implementing Article 18 of the EC Treaty by Member States should be strongly condemned and whereas such situation results, if not in ***the effectiveness and necessity of*** the Directive itself being undermined, in a substantial non-application of one of the key rights on

conferred on Union citizens by the Treaties,	which the EU is based and which are conferred on Union citizens by the Treaties,

Or. hu

Amendment 41
Urszula Gacek

Motion for a resolution
Recital T

Motion for a resolution	*Amendment*
T. whereas the ***extremely*** poor transposition of the Directive implementing Article 18 of the EC Treaty by Member States should be ***strongly*** condemned and whereas such situation results, if not in the Directive itself being undermined, in a ***substantial*** non-application of one of the key rights on which the EU is based and which are conferred on Union citizens by the Treaties,	T. whereas the poor transposition of the Directive implementing Article 18 of the EC Treaty by Member States should be condemned and whereas such situation results, if not in the Directive itself being undermined, in a non-application of one of the key rights on which the EU is based and which are conferred on Union citizens by the Treaties,

Or. en

Amendment 42
Roberta Angelilli

Motion for a resolution
Recital T

Motion for a resolution	*Amendment*
T. whereas the ***extremely*** poor transposition of the Directive implementing Article 18 of the EC Treaty by Member States ***should be strongly condemned and whereas such situation results, if not in*** the Directive itself ***being undermined,*** in a substantial non-application of one of the key rights on which the EU is based and which are	T. whereas the poor transposition of the Directive implementing Article 18 of the EC Treaty by Member States ***undermines*** the Directive itself***, and whereas this situation results*** in a substantial non-application of one of the key rights on which the EU is based and which are conferred on Union citizens by the Treaties,

conferred on Union citizens by the Treaties,

Or. it

Amendment 43
Marian-Jean Marinescu

Motion for a resolution
Recital T a (new)

Motion for a resolution	*Amendment*
	Ta. whereas according to the Commission Communication of 18 November 2008 (COM(2008)0765) on the impact of free movement of workers in the context of EU enlargement', during the first phase (1 January 2007 – 31 December 2008) of the transitional arrangements, mobile workers from the countries that joined the EU in 2004 and 2007 have had a positive impact on the economies of Member States,

Or. en

Amendment 44
Marian-Jean Marinescu

Motion for a resolution
Recital T b (new)

Motion for a resolution	*Amendment*
	Tb. whereas four Member States of the EU-15 have not opened their labour markets for workers from the EU-8 Member States[1],
	[1] Of the remaining four Member States, Austria applies simplified procedures for 65 professions as well as exemptions from work permit and labour market test

requirements for 3 more professions. Belgium has introduced an accelerated procedure for jobs in professions for which there is a labour shortage, Denmark does not require a work permit for employment that is covered by a collective agreement, and Germany exempts certain skilled engineers from a labour market test.

Or. en

Amendment 45
Marian-Jean Marinescu

Motion for a resolution
Recital T c (new)

Motion for a resolution	*Amendment*
	Tc. whereas eleven Member States[1] have notified the Commission of their decision to continue applying restrictions in their labour markets in respect of nationals of Romania and Bulgaria, as of 1 January 2009,
	[1] Italy will continue applying restrictions for Romania and Bulgaria for one more year, Great Britain, Ireland, Germany, Austria, Luxembourg, Netherlands, Belgium, France, Malta for 3 more years, Denmark will stop applying restriction as of 1 May 2009; among the Member States that haven't lifted their restrictions, the diverse national measures result in legally different regimes for access to the labour markets. Austria, Belgium, Luxembourg apply simplifications, ranging from accelerated or simplified procedures to exemption from labour market tests when issuing work permits (Austria, France, Germany) to exemption from the work permit requirement for occupations in certain sectors or under certain conditions (Denmark, Italy).

Or. en

Amendment 46
Csaba Sógor

Motion for a resolution
Paragraph 1

Motion for a resolution	*Amendment*
1. Calls on Member States to respect the spirit and the letter of Article 18 of the EC Treaty and Article 45 of the Charter of Fundamental Rights granting Union citizens the fundamental right to free movement, by implementing Directive 2004/38/EC ***as a matter of urgency***, reviewing without delay legislation and administrative practices that are contrary to EU law, particularly on the basis of the Commission Report and of the case-law of the ECJ;	1. Calls on Member States to respect the spirit and the letter of Article 18 of the EC Treaty and Article 45 of the Charter of Fundamental Rights granting Union citizens the fundamental right to free movement, by implementing Directive 2004/38/EC ***fully***, reviewing ***and modifying*** without delay legislation and administrative practices that are contrary to EU law, particularly on the basis of the Commission Report and of the case-law of the ECJ;

Or. hu

Amendment 47
Roberta Angelilli, Mario Borghezio

Motion for a resolution
Paragraph 1 a (new)

Motion for a resolution	*Amendment*
	1a. Points out, nonetheless, that under the provisions of Articles 18 and 64 of the EC Treaty the Member States retain the right to exercise their responsibilities with regard to the maintenance of law and order and the safeguarding of internal security;

Or. it

Amendment 48
Alfredo Antoniozzi, Urszula Gacek

Motion for a resolution
Paragraph 2

Motion for a resolution	*Amendment*
2. Calls on Member States to fully implement the rights granted under Article 2 and Article 3 of Directive 2004/38/EC ***not only to different sex spouses, but also to registered partners***, members of the household and partners, ***including same-sex couples and irrespective of nationality, on the basis of the principles of mutual recognition, equality, non-discrimination, dignity, private and family life***; in this regard, calls the Commission to issue strict guidelines, ***in addition drawing on the analysis and conclusions contained in the Fundamental Rights Agency report;***	2. Calls on Member States to fully implement the ***rules set out*** under Article 2 and Article 3 of Directive 2004/38/EC, ***and to facilitate as host Member States, in accordance with the host State's national legislation, the freedom of movement of other*** members of the household and ***registered*** partners ***not covered by the definitions listed in Article 2***; in this regard, calls the Commission to issue strict guidelines;"

Or. en

Amendment 49
Panayiotis Demetriou

Motion for a resolution
Paragraph 2

Motion for a resolution	*Amendment*
2.Calls on Member States to fully implement the rights granted under Article 2 and Article 3 of Directive 2004/38/EC not only to different sex spouses, but also to registered partners, members of the household and partners, including same-sex couples ***and*** irrespective of nationality, on the basis of the principles of mutual recognition, equality, non-discrimination, dignity, private and family life; in this regard, calls the Commission to issue strict guidelines, in addition drawing on the analysis and conclusions contained in the	2.Calls on Member States to fully implement the rights granted under Article 2 and Article 3 of Directive 2004/38/EC not only to different sex spouses, but also to registered partners, members of the household and partners, including same-sex couples ***recognised by a Member State,*** irrespective of nationality ***and without prejudice to their non-recognition by another Member State,*** on the basis of the principles of mutual recognition, equality, non-discrimination, dignity, private and family life; in this regard, calls

Fundamental Rights Agency report;	the Commission to issue strict guidelines, in addition drawing on the analysis and conclusions contained in the Fundamental Rights Agency report;

Or. en

Amendment 50
Sophia in 't Veld

Motion for a resolution
Paragraph 2

Motion for a resolution	*Amendment*
2. Calls on Member States to fully implement the rights granted under Article 2 and Article 3 of Directive 2004/38/EC not only to different sex spouses, but also to registered partners, members of the household and partners, ***including same-sex couples*** and irrespective of nationality, on the basis of the principle of mutual recognition, equality, non-discrimination, dignity, private and family life; in this regard, calls on the Commission to issue strict guidelines, in addition drawing on the analysis and conclusions contained in the Fundamental Rights Agency report;	2. Calls on Member States to fully implement the rights granted under Article 2 and Article 3 of Directive 2004/38/EC not only to different sex spouses, but also to ***same-sex spouses and different- and same-sex*** registered partners, members of the household and partners, and irrespective of nationality, on the basis of the principle of mutual recognition, equality, non-discrimination, dignity, private and family life; in this regard, calls on the Commission to issue strict guidelines, in addition drawing on the analysis and conclusions contained in the Fundamental Rights Agency report ***on homophobia and on the submissions of relevant social partners, especially aimed at clarifying (i) in which circumstances Members States may exclude the rights granted by the Directive on grounds of lack of 'equivalence' between registered partnership and marriage (Article 2(b)) under national law, and (ii) which documentation is to be deemed to be sufficient evidence of a durable relationship according to Article 3(2)(b) of the Directive***;

Or. en

Amendment 51
Kinga Gál

Motion for a resolution
Paragraph 2

Motion for a resolution	*Amendment*
2. Calls on Member States to fully implement the rights granted under Article 2 and Article 3 of Directive 2004/38/EC not only to different sex spouses, but also to registered partners, members of the household and partners, including same-sex couples and irrespective of nationality, on the basis of the principles of mutual recognition, equality, non-discrimination, dignity, private and family life; in this regard, calls the Commission to issue strict guidelines, in addition drawing on the analysis and conclusions contained in the Fundamental Rights Agency report;	2. Calls on ***those*** Member States, ***which have adopted the relevant legislation*** to fully implement the rights granted under Article 2 and Article 3 of Directive 2004/38/EC not only to different sex spouses, but also to registered partners, members of the household and partners, including same-sex couples ***if the Member State concerned has adopted legislation on same sex-partnerships***, and irrespective of nationality, on the basis of the principles of mutual recognition, equality, non-discrimination, dignity, private and family life; in this regard, calls the Commission to issue strict guidelines, in addition drawing on the analysis and conclusions contained in the Fundamental Rights Agency report;

Or. en

Amendment 52
Marco Cappato

Motion for a resolution
Paragraph 2

Motion for a resolution	*Amendment*
2. Calls on Member States to ***fully implement the rights granted under Article 2 and Article 3 of Directive 2004/38/EC not only to different sex spouses, but also to registered partners, members of the household and partners, including same-sex couples and irrespective of nationality, on the basis of the principles of mutual recognition, equality, non-discrimination, dignity, private and family life; in this regard,***	2. Calls on Member States to ***introduce civil and family law reforms to provide that same-sex couples may also enter into marriages, civil partnerships or civil unions, on the basis of the principle of equality and in order to overcome discrimination based on sexual orientation, as well as to recognise in their civil and family law same-sex marriages and partnerships contracted in another Member State or at least to allow***

calls the Commission to issue strict guidelines, in addition drawing on the analysis and conclusions contained in the Fundamental Rights Agency report;	***them to re-register their relationship under the law of the host Member State;***

Or. en

Amendment 53
Nicolae Vlad Popa

Motion for a resolution
Article 2

Motion for a resolution	*Amendment*
2. Calls on Member States to fully implement the rights granted under Article 2 and Article 3 of Directive 2004/38/EC not only to different sex spouses, but also to registered partners, members of the household and partners, including same-sex couples and irrespective of nationality, on the basis of the principles of mutual recognition, equality, non-discrimination, dignity, private and family life; in this regard, calls the Commission to issue strict guidelines, in addition drawing on the analysis and conclusions contained in the Fundamental Rights Agency report;	2. Calls on Member States to fully implement the rights granted under Article 2 and Article 3 of Directive 2004/38/EC not only to different sex spouses, but also to registered partners, members of the household and partners, including same-sex couples and irrespective of nationality, on the basis of the principles of mutual recognition, equality, non-discrimination, dignity, private and family life; ***calls on Member States to bear in mind that the Directive imposes an obligation to recognize freedom of movement to all Union citizens (including same-sex partners) without imposing the recognition of same-sex marriages;*** in this regard, calls the Commission to issue strict guidelines, in addition drawing on the analysis and conclusions contained in the Fundamental Rights Agency report;

Or. en

Amendment 54
Roberta Angelilli, Mario Borghezio

Motion for a resolution
Paragraph 2

Motion for a resolution	*Amendment*
2. Calls on Member States to fully implement the rights granted under Article 2 and Article 3 of Directive 2004/38/EC ***not only to different sex spouses, but also to registered partners, members of the household and partners, including same-sex couples and irrespective of nationality, on the basis of the principles of mutual recognition, equality, non-discrimination, dignity, private and family life; in this regard, calls the Commission to issue strict guidelines, in addition drawing on the analysis and conclusions contained in the Fundamental Rights Agency report***;	2. Calls on Member States to fully implement the rights granted under Article 2 and Article 3 of Directive 2004/38/EC;

Or. it

Amendment 55
Iliana Malinova Iotova

Motion for a resolution
Paragraph 2

Motion for a resolution	*Amendment*
2. Calls on Member States to fully implement the rights granted under Article 2 and Article 3 of Directive 2004/38/EC not only to different sex spouses, but also to registered ***partners***, ***members*** of the household and ***partners***, including same-sex couples and irrespective of nationality, on the basis of the principles of mutual recognition, equality, non-discrimination, dignity, private and family life; in this regard, calls the Commission to issue strict guidelines, in addition drawing on the analysis and conclusions contained in the Fundamental Rights Agency report;	2. Calls on Member States to fully implement the rights granted under Article 2 and Article 3 of Directive 2004/38/EC not only to different sex spouses, but also to ***the*** registered ***partner***, ***member*** of the household and ***the partner***, including same-sex couples and irrespective of nationality, on the basis of the principles of mutual recognition, equality, non-discrimination, dignity, private and family life; in this regard, calls the Commission to issue strict guidelines, in addition drawing on the analysis and conclusions contained in the Fundamental Rights Agency report;

Or. en

Amendment 56
Renate Weber

Motion for a resolution
Paragraph 2

Motion for a resolution	*Amendment*
2. Calls on Member States to fully implement the rights granted under Article 2 and Article 3 of Directive 2004/38/EC not only to different sex spouses, but also to registered partners, members of the household and partners, including same-sex couples and irrespective of nationality, on the basis of the principles of mutual recognition, equality, non-discrimination, dignity, private and family life; in this regard, calls the Commission to issue strict guidelines, in addition drawing on the analysis and conclusions contained in the Fundamental Rights Agency report;	2. Calls on Member States to fully implement the rights granted under Article 2 and Article 3 of Directive 2004/38/EC not only to different sex spouses, but also to registered partners, members of the household and partners, including same-sex couples and irrespective of nationality, on the basis of the principles of mutual recognition, equality, non-discrimination, dignity, private and family life; in this regard, calls the Commission to issue strict guidelines, in addition drawing on the analysis and conclusions contained in the Fundamental Rights Agency report***, and to monitor these issues, particularly in the countries which do not recognize registered partnerships***;

Or. en

Amendment 57
Marco Cappato

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution	*Amendment*
	2a. Calls on Member States to include same-sex couples in the definition of "family" under EC law, including under Article 2 of the Directive 2004/38/EC, and to grant them equal rights, including free movement rights; calls on the Commission to issue guidelines in this regard or to propose a corresponding change to the Directive;

Or. en

Amendment 58
Roberta Angelilli

Motion for a resolution
Paragraph 2 a (new)

Motion for a resolution	*Amendment*
	2a. Recalls, however, as is stated in a legal opinion commissioned by Parliament, that "it falls to each Member State to determine whether or not, and under what conditions, it recognises the legal status of both homosexual and heterosexual couples under the law of another Member State;

Or. en

Amendment 59
Marco Cappato

Motion for a resolution
Paragraph 2 b (new)

Motion for a resolution	*Amendment*
	2b. Stresses that the absence of mutual recognition of same-sex couples is a barrier to the free movement of Union citizens and their families, as it results in discriminatory treatment in a range of fields, such as social, civil, legal rights and taxation, as couple/next of kin;

Or. en

Amendment 60
Roberta Angelilli

Motion for a resolution
Paragraph 2 b (new)

Motion for a resolution	*Amendment*
	2b. Recalls also, as is stated in the legal opinion commissioned by Parliament, that to date there is no rule of Community law governing the recognition for the purposes of private international law by one Member State of the validity of a marriage, homosexual or heterosexual, contracted in another Member State;

Or. en

Amendment 61
Roberta Angelilli, Mario Borghezio

Motion for a resolution
Paragraph 2 c (new)

Motion for a resolution	*Amendment*
	2c. Notes that the situation of registered partners covered by the directive is not always clear, in particular in countries where registered partnerships are not recognised, and points out that family law is the exclusive preserve of the Member States;

Or. it

Amendment 62
Marco Cappato

Motion for a resolution
Paragraph 2 c (new)

Motion for a resolution	*Amendment*
	2c. Calls on the Commission to issue appropriate proposals within the framework of the Stockholm Programme to guarantee free movement without discrimination based on the grounds listed

in Article 13 of the EC Treaty, drawing on the analysis and conclusions contained in the Fundamental Rights Agency report;

Or. en

Amendment 63
Roberta Angelilli, Mario Borghezio

Motion for a resolution
Paragraph 2 d (new)

Motion for a resolution	*Amendment*
	2d. Notes the lack of legal certainty in the large number of cases of abuses of rights, forced marriages and marriages of convenience that have arisen;

Or. it

Amendment 64
Sophia in 't Veld

Motion for a resolution
Paragraph 3

Motion for a resolution	*Amendment*
3. Calls on Member States, while implementing the right to free movement, not to place unjustified administrative burdens on Union citizens and their family members that are not expressly provided for in Directive 2004/38/EC, as these are contrary to EC law and an unjustified obstacle to the exercise of a freedom conferred directly by the EC Treaty, which is not dependent on their having completed administrative procedures; reminds Member States of their duty to facilitate administrative practices linked to the exercise of the right to free movement;	3. Calls on Member States, while implementing the right to free movement, not to place unjustified administrative burdens on Union citizens and their family members that are not expressly provided for in Directive 2004/38/EC, as these are contrary to EC law and an unjustified obstacle to the exercise of a freedom conferred directly by the EC Treaty, which is not dependent on their having completed administrative procedures; reminds Member States of their duty to facilitate administrative practices linked to the exercise of the right to free movement ***and calls on Members States to keep track of and report all administrative and court***

decisions based on Article 3(2) of the Directive;

Or. en

Amendment 65
Nicolae Vlad Popa

Motion for a resolution
Article 3

Motion for a resolution	*Amendment*
3. Calls on Member States, while implementing the right to free movement, not to place unjustified administrative burdens on Union citizens and their family members that are not expressly provided for in Directive 2004/38/EC, as these are contrary to EC law and an unjustified obstacle to the exercise of a freedom conferred directly by the EC Treaty, which is not dependent on their having completed administrative procedures; reminds Member States of their duty to facilitate administrative practices linked to the exercise of the right to free movement;	3. Calls on Member States, while implementing the right to free movement, not to place unjustified administrative burdens on Union citizens and their family members that are not expressly provided for in Directive 2004/38/EC, as these are contrary to EC law and an unjustified obstacle to the exercise of a freedom conferred directly by the EC Treaty, which is not dependent on their having completed administrative procedures; reminds Member States of their duty to facilitate administrative practices linked to the exercise of the right to free movement; ***reminds Member States of their obligation to facilitate the entry of third-country family members of Union citizens, in order to allow them to lead a normal family life in the host Member State***;

Or. en

Amendment 66
Renate Weber

Motion for a resolution
Paragraph 3

Motion for a resolution	*Amendment*
3. Calls on Member States, while implementing the right to free movement,	3. Calls on Member States, while implementing the right to free movement,

not to place unjustified administrative burdens on Union citizens and their family members that are not expressly provided for in Directive 2004/38/EC, as these are contrary to EC law and an unjustified obstacle to the exercise of a freedom conferred directly by the EC Treaty, which is not dependent on their having completed administrative procedures; reminds Member States of their duty to facilitate administrative practices linked to the exercise of the right to free movement;

not to place unjustified administrative burdens on Union citizens and their family members, ***including third-country family members,*** that are not expressly provided for in Directive 2004/38/EC, as these are contrary to EC law and an unjustified obstacle to the exercise of a freedom conferred directly by the EC Treaty, which is not dependent on their having completed administrative procedures; reminds Member States of their duty to facilitate administrative practices linked to the exercise of the right to free movement;

Or. en

Amendment 67
Mario Borghezio

Motion for a resolution
Paragraph 3

Motion for a resolution	*Amendment*
3. Calls on Member States, while implementing the right to free movement, ***not*** to place ***unjustified*** administrative burdens on Union citizens and their family members ***that are not expressly provided for in Directive 2004/38/EC, as these are contrary to EC law and an unjustified obstacle to the exercise of a freedom conferred directly by the EC Treaty, which is not dependent on their having completed administrative procedures***; reminds Member States of ***their duty to facilitate*** administrative practices linked to the exercise of the right to free movement;	3. Calls on Member States, while implementing the right to free movement, to place ***the fewest possible*** administrative burdens on Union citizens and their family members; reminds Member States of ***the need to simplify, in cooperation with applicants,*** administrative practices linked to the exercise of the right to free movement;

Or. it

Amendment 68
Csaba Sógor

Motion for a resolution
Paragraph 3

Motion for a resolution	*Amendment*
3. Calls on Member States, while implementing the right to free movement, not to place unjustified administrative burdens on Union citizens and their family members that are not expressly provided for in Directive 2004/38/EC, as these are contrary to EC law and an unjustified obstacle to the exercise of a freedom conferred directly by the EC Treaty, which is not dependent on their having completed administrative procedures; ***reminds*** Member States ***of*** their duty to facilitate administrative practices linked to the exercise of the right to free movement;	3. Calls on Member States, while implementing the right to free movement, not to place unjustified administrative burdens on Union citizens and their family members that are not expressly provided for in Directive 2004/38/EC, as these are contrary to EC law and an unjustified obstacle to the exercise of a freedom conferred directly by the EC Treaty, which is not dependent on their having completed administrative procedures; ***draws it to the attention of*** Member States ***that it is*** their duty to facilitate administrative practices linked to the exercise of the right to free movement;

Or. hu

Amendment 69
Ignasi Guardans Cambó

Motion for a resolution
Paragraph 3

Motion for a resolution	*Amendment*
3. Calls on Member States, while implementing the right to free movement, not to place unjustified administrative burdens on Union citizens and their family members that are not expressly provided for in Directive 2004/38/EC, as these are contrary to EC law and an unjustified obstacle to the exercise of a freedom conferred directly by the EC Treaty, which is not dependent on their having completed administrative procedures; reminds Member States of their duty to facilitate administrative practices linked to the	3. Calls on Member States, while implementing the right to free movement ***and residence***, not to place unjustified administrative burdens on Union citizens and their family members that are not expressly provided for in Directive 2004/38/EC, as these are contrary to EC law and an unjustified obstacle to the exercise of a freedom conferred directly by the EC Treaty, which is not dependent on their having completed administrative procedures; reminds Member States of their duty to facilitate administrative

exercise of the right to free movement;	practices linked to the exercise of the right to free movement;

Or. es

Amendment 70
Ignasi Guardans Cambó

Motion for a resolution
Paragraph 3 a (new)

Motion for a resolution	*Amendment*
	3a. Calls on the Member States in relevant cases to adopt the same format for personal identity documents for their nationals and for European citizens from other Member States, regardless of the differences which must be noted within the documents;

Or. es

Amendment 71
Kinga Gál

Motion for a resolution
Article 4

Motion for a resolution	*Amendment*
4. Invites the Commission to assess carefully that the laws and practices of Member States do not infringe the rights conferred on Union citizens by the EC Treaty and the Directive, particularly in relation to the notions of "sufficient resources", "unreasonable burden on the social assistance system of the host Member State", "(serious/imperative) grounds of public policy and public security", that material and procedural safeguards, protection and judicial redress against expulsions are properly in place and functioning; recalls that any limitation	4. Invites the Commission to assess carefully that the laws and practices of Member States do not infringe the rights conferred on Union citizens by the EC Treaty and the Directive, particularly in relation to the notions of "sufficient resources", "unreasonable burden on the social assistance system of the host Member State", ***do not impose an unreasonable burden on Union citizens and their families indirectly restricting their right to free movement,*** "(serious/imperative) grounds of public policy and public security", that material

on the fundamental right to free movement shall be interpreted strictly;	and procedural safeguards, protection and judicial redress against expulsions are properly in place and functioning; recalls that any limitation on the fundamental right to free movement shall be interpreted strictly;

Or. en

Amendment 72
Tatjana Ždanoka, Jean Lambert

Motion for a resolution
Paragraph 4 a (new)

Motion for a resolution	*Amendment*
	4a. Stresses that Member States must implement the Directive 2004/38/EC without discrimination between Union citizens and their family members on grounds of sex, race, colour, ethnic or social origin, genetic characteristics, language, sexual orientation, religion or beliefs, political or other opinion, membership of an ethnic minority, property, birth, disability or age;

Or. en

Amendment 73
Tatjana Ždanoka, Jean Lambert,

Motion for a resolution
Paragraph 4 b (new)

Motion for a resolution	*Amendment*
	4b. Notes that measures taken on grounds of public policy or public security shall comply with the principle of proportionality and shall be based exclusively on the personal conduct of the individual concerned; such personal conduct must represent a genuine, present

and sufficiently serious threat affecting one of the fundamental interests of society; calls in this respect on Member States to review systematically national alerts for the purpose of refusing entry issued for Union citizens and their family members;

Or. en

Amendment 74
Roberta Angelilli

Motion for a resolution
Paragraph 5

Motion for a resolution	*Amendment*
5. Calls on Member States not to introduce legislation that imposes disproportionate or discriminatory sanctions on Union citizens, such as imprisonment in the event of expulsion from the territory of the host Member State***, *providing that it is an aggravating circumstance in relation to a criminal offence committed by a Union citizen if that citizen had previously been illegally staying in another Member State or providing that the automatic consequence of a criminal conviction is expulsion***;	5. Calls on Member States not to introduce legislation that imposes disproportionate or discriminatory sanctions on Union citizens, such as imprisonment in the event of expulsion from the territory of the host Member State;

Or. it

Amendment 75
Alfredo Antoniozzi

Motion for a resolution
Article 5

Motion for a resolution	*Amendment*
5. Calls on Member States not to introduce legislation that imposes disproportionate or discriminatory sanctions on Union citizens,	5. Calls on Member States not to introduce legislation that imposes disproportionate or discriminatory sanctions on Union citizens,

such as imprisonment in the event of expulsion from the territory of the host Member State, providing that it is an aggravating circumstance in relation to a criminal offence committed by a Union citizen if that citizen had previously been illegally staying in another Member State or providing that the automatic consequence of a criminal conviction is expulsion;	such as imprisonment in the event of expulsion from the territory of the host Member State, providing that it is an aggravating circumstance in relation to a criminal offence committed by a Union citizen if that citizen had previously been illegally staying in another Member State or providing that the automatic consequence of a ***minor*** criminal conviction, ***which does not undermine public security***, is expulsion;

Or. en

Amendment 76
Mario Borghezio

Motion for a resolution
Paragraph 5

Motion for a resolution	*Amendment*
5. Calls on Member States ***not*** to introduce legislation that imposes ***disproportionate or discriminatory*** sanctions on Union citizens, such as imprisonment in the event of expulsion from the territory of the host Member State, providing that it is an aggravating circumstance in relation to a criminal offence committed by a Union citizen if that citizen had previously been illegally staying in another Member State or providing that the automatic consequence of a criminal conviction is expulsion;	5. Calls on Member States to introduce legislation that imposes ***appropriate*** sanctions on Union citizens, such as imprisonment in the event of expulsion from the territory of the host Member State, providing that it is an aggravating circumstance in relation to a criminal offence committed by a Union citizen if that citizen had previously been illegally staying in another Member State or providing that the automatic consequence of a criminal conviction is expulsion;

Or. it

Amendment 77
Renate Weber

Motion for a resolution
Paragraph 5 a (new)

Motion for a resolution	*Amendment*
	5. Calls on the Commission, the Council and all Member States to ensure that national authorities do not discriminate against Union citizens on the basis of nationality or ethnic origin in the application of the right of free movement and residence, as nationals of certain Member States and ethnic communities appear to be targeted in some Member States, either in public speeches by politicians and government officials, or in the disproportionate number of expulsions ordered;

Or. en

Amendment 78
Nicolae Vlad Popa

Motion for a resolution
Article 5 a (new)

Motion for a resolution	*Amendment*
	5a. Reminds Member States that they may of refuse, terminate or withdraw any right conferred by the Directive in cases of abuse of rights or fraud, such as marriages of convenience, but that the presumption of innocence is a democratic principle recognized by the European Convention on Human Rights, and therefore a simple assumption of abuse or fraud is not sufficient grounds for refusing or restricting entry into or residence in a host Member State;

Or. en

Amendment 79
Urszula Gacek

Motion for a resolution
Article 6

Motion for a resolution	*Amendment*
6. ***Notes that not all*** Member States ***have implemented*** Article 35 of Directive 2004/38/EC, which allows them to adopt the necessary measures to refuse, terminate or withdraw free movement rights in cases of abuse of rights or fraud, such as marriages of convenience, provided that such measures are proportionate and non-discriminatory and that procedural safeguards are respected, and draws attention to the possibilities provided by this Article;	6. ***Reminds the*** Member States ***of*** Article 35 of Directive 2004/38/EC, which allows them to adopt the necessary measures to refuse, terminate or withdraw free movement rights in cases of abuse of rights or fraud, such as marriages of convenience, provided that such measures are proportionate and non-discriminatory and that procedural safeguards are respected, and draws attention to the possibilities provided by this Article;

Or. en

Amendment 80
Roberta Angelilli

Motion for a resolution
Paragraph 6

Motion for a resolution	*Amendment*
6. Notes that not all Member States have implemented Article 35 of Directive 2004/38/EC, which allows them to adopt the necessary measures to refuse, terminate or withdraw free movement rights in cases of abuse of rights or fraud, such as marriages of convenience, ***provided that such measures are proportionate and non-discriminatory*** and that procedural safeguards are respected, and draws attention to the possibilities provided by this Article;	6. Notes that not all Member States have implemented Article 35 of Directive 2004/38/EC, which allows them to adopt the necessary measures to refuse, terminate or withdraw free movement rights in cases of abuse of rights or fraud, such as marriages of convenience, and that procedural safeguards are respected, and draws attention to the possibilities provided by this Article;

Or. it

Amendment 81
Csaba Sógor

Motion for a resolution
Paragraph 7

Motion for a resolution	*Amendment*
7. Calls on the Commission to monitor compliance in practice with Article 24 of the Directive on equal treatment and the prohibition of discrimination on the basis of nationality, in connection with Recitals 20 and 31 and Article 21 of the Charter of Fundamental Rights, that grant Union citizens and their family members who move to another Member State the right to equal treatment with nationals of that Member State in all matters falling within the scope of the EC Treaty, and calls on the Member States to take the necessary steps to overcome shortcomings and to put an end to breaches of EC law;	7. Calls on the Commission to monitor compliance in practice with Article 24 of the Directive on equal treatment and the prohibition of discrimination on the basis of nationality, in connection with Recitals 20 and 31 and Article 21 of the Charter of Fundamental Rights, that grant Union citizens and their family members who move to another Member State the right to equal treatment with nationals of that Member State in all matters falling within the scope of the EC Treaty, and calls on the Member States to take the necessary steps to overcome shortcomings ***as soon as possible*** and to put an end to breaches of EC law ***without delay***;

Or. hu

Amendment 82
Roberta Angelilli, Mario Borghezio,

Motion for a resolution
Paragraph 8

Motion for a resolution	*Amendment*
8. Calls for the revision of the transitional arrangements which currently still provide for restrictions on the free movement of nationals of the Member States that joined the EU on 1 May 2004 and on 1 January 2007, which represent a substantial discrimination between Union citizens;	***deleted***

Or. it

Amendment 83
Csaba Sógor

Motion for a resolution
Paragraph 8

Motion for a resolution	*Amendment*
8. Calls for the revision of the transitional arrangements which currently still provide for restrictions on the free movement of nationals of the Member States that joined the EU on 1 May 2004 and on 1 January 2007, which represent a substantial discrimination between Union citizens;	8. Calls for the revision of the transitional arrangements which currently still provide for restrictions on the free movement of nationals of the Member States that joined the EU on 1 May 2004 and on 1 January 2007, which represent a substantial ***damaging*** discrimination between Union citizens;

Or. hu

Amendment 84
Kinga Gál

Motion for a resolution
Article 8

Motion for a resolution	*Amendment*
8. Calls for the revision of the transitional arrangements which currently still provide for restrictions on the free movement of nationals of the Member States that joined the EU on 1 May 2004 and on 1 January 2007, which represent a substantial discrimination between Union citizen[1];	8. Calls for the ***repeal*** of the transitional arrangements which currently still provide for restrictions on the free movement ***of labour,*** of nationals of the Member States that joined the EU on 1 May 2004 and on 1 January 2007, which represent a substantial discrimination between Union citizens[1]; ***the preference clause should be enforced for all Union citizens and the creation of the single market completed;***
[1] For the latest update on transitional arrangements see Commission Memo/08/718 of 18 November 2008, online at http://www.lex.unict.it/eurolabor/documentazione/comunicati/2008/rapid181108.pdf	[1]For the latest update on transitional arrangements see Commission Memo/08/718 of 18 November 2008, online at http://www.lex.unict.it/eurolabor/documentazione/comunicati/2008/rapid181108.pdf

Or. en

Amendment 85
Marco Cappato

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution	*Amendment*
	8a. Calls on the Commission to monitor whether certain ethnic communities, such as Roma, or national communities, such as Romanians and Bulgarians, are subject to discriminatory practices in relation to free movement, and to require Member States to refrain from such practices and review them urgently; calls on the Italian government to repeal the law providing for heavier criminal penalties for Union citizens who do not register, as it is contrary to EC law but still provided for in the law adopted in July 2008;

Or. en

Amendment 86
Tatjana Ždanoka, Jean Lambert,

Motion for a resolution
Paragraph 8 a (new)

Motion for a resolution	*Amendment*
	8a. Calls on the Commission and Member States in the implementation of the Directive 2004/38/EC to consider the potential discriminatory effects of social security regulations and access to services of general interest which could constitute barriers to free movement;

Or. en

Amendment 87
Marian-Jean Marinescu

Motion for a resolution
Paragraph 9 a (new)

Motion for a resolution	*Amendment*
	9a. Calls on the Czech Presidency of the Union to justify its priority "to remove any barriers that still stand in the way of the full utilisation of all internal market freedoms, namely the free movement of workers and services, as well as the movement of knowledge" ("Europe without Barriers" being the symbolic motto of the Presidency) and to define its strategy with a view to ensuring access to every Union citizen to work in any Member State;

Or. en

Amendment 88
Marian-Jean Marinescu

Motion for a resolution
Paragraph 9 b (new)

Motion for a resolution	*Amendment*
	9b. Calls on the Czech Presidency to reassure Union citizens, in the light of the current economic crisis, that free labour mobility is self-regulatory, provides flexibility, reduces undeclared work and the natural rate of unemployment, and to remind Member States that, over the past five years, workers from the new Member States have helped to meet labour demand in host Member States without making heavy demands on social security systems and without significantly displacing local workers or driving down their wages;

Or. en

Amendment 89
Marian-Jean Marinescu

Motion for a resolution
Paragraph 9 c (new)

Motion for a resolution	*Amendment*
	9c. Calls on the Commission to launch a study in order to identify the current and future labour shortages in the internal market, and the potential contribution to sustained economic growth of workers from all Member States having full access to the EU labour market;

Or. en

Amendment 90
Csaba Sógor

Motion for a resolution
Paragraph 10

Motion for a resolution	*Amendment*
10. Supports the approach proposed by the Commission based on continuous and comprehensive monitoring of the implementation of Directive 2004/38/EC, on assisting Member States in ensuring the full and correct application of the Directive through the drawing-up of guidelines in the first half of 2009 and on bringing proceedings against Member States where their national laws conflict with the Directive;	10. Supports the approach proposed by the Commission based on continuous and comprehensive monitoring of the implementation of Directive 2004/38/EC, on assisting Member States in ensuring the full and correct application of the Directive through the drawing-up of guidelines in the first half of 2009 and on bringing proceedings against Member States where their national laws ***and/or practices*** conflict with the Directive;

Or. hu

Amendment 91
Marian-Jean Marinescu

Motion for a resolution
Paragraph 10 a (new)

Motion for a resolution	*Amendment*
	10a. Calls on the Commission to detail in its guidelines common criteria for setting the minimum amount regarded as sufficient resources and to clarify on which basis Member States should take into account "the personal situation of the person concerned" under Article 8(4) of Directive 2004/38/EC.

Or. en

Amendment 92
Marian-Jean Marinescu

Motion for a resolution
Paragraph 10 b (new)

Motion for a resolution	*Amendment*
	10b. Calls on the Commission to develop in its guidelines a uniform interpretation mechanism of the normative categories of "public policy", "public security" and "public health", and to clarify how taking account of considerations such as residence period, age, state of health, family and economic situation, social and cultural integration, and links with the country of origin, are relevant for the expulsion decision provided for in Article 28(1) of Directive 2004/38/EC.

Or. en

Amendment 93
Michael Cashman, Iliana Malinova Iotova

Motion for a resolution
Paragraph 13 a (new)

Motion for a resolution	*Amendment*
	13a. Recognises the restrictions on repatriation of mortal remains of Union citizens and calls on the Commission to bring forward a Code of Conduct to which Member States could adhere to, in order to ensure that it is a corollary to the freedom of movement of citizens.

Or. en

Amendment 94
Alfredo Antoniozzi

Motion for a resolution
Paragraph 13 a (new)

Motion for a resolution	*Amendment*
	13a. Calls on the Commission to increase funds and to set up a specific budget line for supporting national and local projects aimed at the integration of Union citizens and their family members, as defined by Articles 2 and 3 of Directive 2004/38/EC residing in another Member State;

Or. en

Amendment 95
Sophia in 't Veld

Motion for a resolution
Paragraph 14

Motion for a resolution	*Amendment*
14. Calls on the Commission to require from Member States data in relation to	14. Calls on the Commission to require from Member States data in relation to

freedom of movement, for instance on the number ***of*** expulsions carried out and for which reason;	freedom of movement, for instance on the number ***of occasions when entry and residence rights were denied and of*** expulsions carried out and for which reason;

Or. en

Amendment 96
Nicolae Vlad Popa

Motion for a resolution
Article 14

Motion for a resolution	*Amendment*
14. Calls on the Commission to require from Member States data in relation to freedom of movement, for instance on the number of expulsions carried out and for which reason;	14. Calls on the Commission to require from Member States ***statistical*** data in relation to freedom of movement, for instance on the number of expulsions carried out and for which reason;

Or. en

Amendment 97
Csaba Sógor

Motion for a resolution
Paragraph 14

Motion for a resolution	*Amendment*
14. Calls on the Commission to require from Member States ***data in relation to*** freedom of movement, for instance on the number of expulsions carried out and for which reason;	14. Calls on the Commission to require from Member States ***periodic reports on*** freedom of movement, for instance on the number of expulsions carried out and for which reason;

Or. hu

Amendment 98
Nicolae Vlad Popa

Motion for a resolution
Article 14 a (new)

Motion for a resolution	*Amendment*
	14a. Calls on the Member States to assist their nationals residing in other Member States by offering at their consular and diplomatic missions all necessary information on freedom of movement;

Or. en

Amendment 99
Marco Cappato

Motion for a resolution
Paragraph 15 a (new)

Motion for a resolution	*Amendment*
	15a. Calls on the Commission to verify the existence in Member States of systems for processing personal data specific to Union citizens who are not nationals of that Member State and whether they contain only those data necessary for applying the Directive and national transposition legislation; calls on it also to verify whether similar systems exist for the purpose of fighting crime, and calls on those Member States which have such systems, to review them, in compliance with the Huber case;

Or. en

Amendment 100
Marco Cappato

Motion for a resolution
Paragraph 15 b (new)

Motion for a resolution	*Amendment*
	15b. Calls on those Member States which have laws that are not compatible with the Metock case to review them urgently and invites the Commission to bring proceedings against them if they do not comply;

Or. en