



EUROPEAN COMMISSION

Brussels, 7.2.2014
C(2013) 626 final

Dear President,

The Commission would like to thank the Senát for its Opinion on the proposal for 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, pupil exchange, remunerated and unremunerated training, voluntary service and au pairing {COM(2013) 151 final} and apologises for the delay in replying.

The proper functioning of the European Union requires active participation of all stakeholders, including national Parliaments. Thus, the Commission welcomes this opinion and appreciates the interest in the proposal shown by the Senát.

This proposal aims at increasing the EU competitiveness in attracting the brightest talents, and thereby contributes to smart, substantial and inclusive growth, in line with the objectives of the Europe 2020 Strategy. It also aims at increasing people-to-people contact, mobility, transfers of skills and know-how, while at the same time providing for safeguards ensuring fair treatment of third-country nationals.

The Commission takes good note of the observations of the Senát and would like to make the following comments in response.

The Commission has included different groups in the proposal, thereby allowing for a substantial number of provisions, including general admission conditions, grounds for refusal, withdrawal or non-renewal of authorisations, or procedural guarantees, to apply for all groups, while at the same time setting out for each group specific provisions, chiefly in the form of specific admission conditions, that take into account their particular needs and characteristics. By doing so, the Commission has managed to address in a single legislative instrument the weaknesses that have been identified in the currently existing Directives. This would make for a more consistent, clear and transparent framework.

Regarding the disagreement the Senát expressed over the proposed 12 month time period for job-searching or setting-up of a business after studies, the Commission would like to emphasise that an authorisation for such a purpose would be based on the fulfilment of a number of conditions specified in the proposed Directive, while the authorisation itself would be under national law. This job-seeking possibility was not included in the proposal for reasons of better protection, but to enable the labour market of an EU Member State to

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benefit from the knowledge and skills third-country national graduates have acquired in that Member State. This does not constitute an automatic right for third-country national graduates to access the labour market following studies.

Regarding the issue of family reunification, the Commission stresses that while the proposed Directive provides for family reunification for third-country national researchers, it does not do so for third-country national students. While a number of Member States do allow for such a possibility in national legislation, this does not form part of the proposal.

The proposed shortened period to handle applications for beneficiaries of Union programmes, including mobility measures, was introduced in order to align more closely funding programmes and immigration rules. A third-country national student or researcher who has successfully applied to participate in a Union programme should be able to benefit from this advanced measure.

The Commission hopes that these clarifications address the concerns expressed by the Senát and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*
