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COUNCIL DECISION

of 23 November 1995

on publication in the *Official Journal of the European Communities* of acts and other texts adopted by the Council in the field of asylum and immigration

(96/C 274/01)

The Council agrees that the acts and other texts in the field of asylum and immigration which have been adopted to date by the Council since the entry into force of the Treaty on European Union and which appear on the attached list and are reproduced in Annexes I, II, III and IV will be published in the *Official Journal of the European Communities*.

List of acts and other texts adopted by the Council in the field of asylum and immigration, to be published in the *Official Journal of the European Communities*

I. Resolutions

1. Council resolution of 20 June 1994 on limitations on admission of third-country nationals to the territory of the Member States for employment.
2. Council resolution of 30 November 1994 relating to the limitations on the admission of third-country nationals to the territory of the Member States for the purpose of pursuing activities as self-employed persons.
3. Council resolution of 30 November 1994 on the admission of third-country nationals to the territory of the Member States for study purposes.
4. Council resolution of 20 June 1995 on minimum guarantees for asylum procedures.

II. Recommendations

1. Council recommendation of 30 November 1994 concerning the adoption of a standard travel document for the expulsion of third-country nationals.
2. Council recommendation of 30 November 1994 concerning a specimen bilateral readmission agreement between a Member State and a third country.
3. Council recommendation of 24 July 1995 on the guiding principles to be followed in drawing up protocols on the implementation of readmission agreements.

III. Conclusions and other texts

1. Council conclusions of 20 June 1994 concerning the possible application of Article K.9 of the Treaty on European Union to asylum policy.

2. Means of proof in the framework of the Dublin Convention.
3. Form of a laissez-passer for the transfer of an asylum applicant from one Member State to another.
4. Circulation and confidentiality of joint reports on the situation in certain third countries.
5. Standard form for determining the State responsible for examining an application for asylum.
6. Council conclusions of 20 June 1994 on the Commission communication on immigration and asylum policies.
7. Council conclusions of 30 November 1994 on the organization and development of the Centre for Information, Discussion and Exchange on the Crossing of Frontiers and Immigration (Cirefi).

IV. *Miscellaneous*

1. Guidelines for joint reports on third countries.
 2. Second activity report on the Centre for Information, Discussion and Exchange on Asylum (Cirea).
 3. Honorary consuls already empowered to issue visas who, as a transitional measure, will be allowed to issue uniform visas.
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ANNEX I.1

COUNCIL RESOLUTION

of 20 June 1994

on limitations on admission of third-country nationals to the territory of the Member States for employment

THE COUNCIL OF THE EUROPEAN UNION,

It agreed to examine the matter at a later date.

Having regard to the Treaty on European Union, and in particular Article K.1 thereof,

- (v) Member States reserve the right to allow, in accordance with their national law, the spouse and dependent children to accompany persons admitted in accordance with this resolution.

HEREBY ADOPTS THIS RESOLUTION:

A. General considerations on policy

- (i) The Council recalls that, in the report adopted by the European Council held in Maastricht in 1991, priority was given to the harmonization of policies on admission for work as an employed or self-employed person, although it was emphasized that these policies should of necessity be restrictive.
- (ii) The Council acknowledges the contribution of migrant workers to the economic development of their respective host countries. At present, however, no Member State is pursuing an active immigration policy. All States have, on the contrary, curtailed the possibility of permanent legal immigration for economic, social and thus political reasons. Admission for temporary employment may therefore be considered only in terms of what is purely exceptional.
- (iii) The Council recognizes that the present high levels of unemployment in the Member States increase the need to bring Community employment preference properly into practice by making full use of the Eures system to improve the transparency of the labour markets and facilitate placement within the European Community. The Council further recognizes that the provisions within the European Community. The Council further recognizes that the provisions of the EC Treaty and the EEA Agreement enable job vacancies to be filled as far as possible by nationals of other Member States or of Member States or of EFTA countries which are parties to the EEA Agreement.
- (iv) The Council agreed not to regulate via this resolution the issue of third-country nationals lawfully resident on a permanent basis in the territory of a Member State, but who have no right of admission and residence in another Member State.

- (vi) In the light of these considerations, the Council resolves that the present restrictive measures should be continued and where necessary reinforced as regards the admission of third-country nationals for employment. To this end, the Council agrees that the national policies of Member States in respect of third-country nationals seeking admission to, or permission to remain in, their territories for employment should be governed by the principles set out below, which may not be relaxed by Member States in their national legislation. It agrees to have regard to these principles in any proposals for the revision of national legislation. The Member States will further endeavour to seek to ensure by 1 January 1996 that national legislation is in conformity with such principles. The principles are not legally binding on the Member States and do not afford a ground for action by individual workers or employers.

B. Persons to whom this resolution does not apply

The harmonization principles do not apply to:

- persons who have right of free movement under Community law, i.e. nationals of Member States, nationals of EFTA countries parties to the Agreement on the European Economic Area and members of their families,
- third-country nationals who have been allowed admission for the purpose of family reunification to join nationals of a Member State or of a third country resident in the Member State concerned,
- third-country nationals whose access to employment is covered by rights stemming from agreements governed by Community law concluded with third countries,

- persons undertaking casual work in the course of youth exchange or youth mobility schemes, including 'au pairs',
- persons entering Member States in order to pursue economic activities as self-employed persons or to set up and/or manage a business/undertaking which they effectively control. Such persons will be governed by the principles to be set out in a draft resolution covering the self-employed;
- persons who are lawfully present in a Member State as:
 - refugees under the terms of the Geneva Convention,
 - applicants for asylum,
 - third-country nationals admitted for asylum,
- displaced persons who are temporarily admitted,
- persons exceptionally allowed to stay on humanitarian grounds.

C. Principles governing Member States' policies

(i) *General criteria*

- Member States will refuse entry to their territories of third-country nationals for the purpose of employment,
- Member States will consider requests for admission to their territories for the purpose of employment only where vacancies in a Member State cannot be filled by national and Community manpower or by non-Community manpower lawfully resident on a permanent basis in that Member State and already forming part of the Member State's regular labour market. In this context they will apply the procedure laid down in Part II of Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community⁽¹⁾, in the light of Commission Decision 93/569/EEC⁽²⁾ on the implementing of the Regulation, in particular with regard to Article 15 (16);

⁽¹⁾ OJ No L 257, 19. 10. 1968, p. 2. Regulation as last amended by Regulation (EEC) No 2434/92 (OJ No L 245, 26. 8. 1992, p. 1).

⁽²⁾ OJ No L 274, 6. 11. 1993, p. 32.

- without prejudice to the application of the above two criteria, third-country nationals may, if necessary, be admitted on a temporary basis and for a specific duration to the territory of a Member State for the purpose of employment where:

- such an offer is made to a named worker or named employee of a service provider and is of a special nature in view of the requirement of specialist qualifications (professional qualifications, experience, etc.),

- an employer offers named workers vacancies only where the competent authorities consider, if appropriate, that the grounds adduced by the employer, including the nature of the qualifications required, are justified in view of a temporary manpower shortage on the national or Community labour market which significantly affects the operation of the undertaking or the employer himself,

- vacancies are offered to:

- seasonal workers, whose numbers are strictly controlled on admission to the territory of the Member States and who undertake well-defined jobs, normally fulfilling a traditional need in the Member State in question. Member States will restrict the admission of these workers to cases where there is no reason to believe that the persons concerned will seek to stay within their territory on a permanent basis,

- trainees,

- frontier workers,

- the persons concerned are intra-corporate transferees being transferred temporarily by the company as key personnel.

(ii) *Procedure for admission employment*

A third-country national will not be admitted for employment unless prior authorization has been given for him to take up employment in the territory of the Member State concerned. Such prior authorization may be in the form of a work permit issued either to the employer or to the employee.

In addition, third-country nationals must also be in possession of any necessary visa or, if the Member State concerned so requires, of a residence permit.

(iii) *Restrictions as to the scope of employment*

Initial authorization for employment will normally be restricted to employment in a specific job with a specified employer.

(iv) *Restrictions as to the period of admission for employment*

A seasonal worker will be admitted for a maximum of six months in any 12-month period, and must remain outside the territories of the Member States for a period of at least six months before being readmitted for employment.

Trainees will be admitted for a maximum period of one year in the first instance. This period may be fixed at more than a year and extended exclusively for the time needed to obtain a professional qualification recognized by the Member State concerned in the sphere of their activity.

Other third-country nationals admitted to the territories of the Member States for employment will only be admitted for a period not exceeding four years in the first instance.

(v) *Applications to extend a stay for the purpose of employment*

A person already present in the territory of a Member State as a visitor or student will not in principle be permitted to extend his stay for the purpose of taking or seeking employment. Such persons must return to their own countries on conclusion of their visit or studies.

In principle, a person admitted as a trainee or service provider or employee of a service provider will not be permitted to extend his stay in authorized employment except in order to complete the training or activity under contract for which he was admitted.

A seasonal worker will not be permitted to extend his stay for the purpose of taking employment of a different type. An extension of the period of his stay may be authorized to allow him to complete the work for which the original authorization was granted. However, the total length of his stay may not exceed six months in any 12-month period.

Other workers may be permitted to extend their period to stay in authorized employment, but only if the criteria originally applied to the decision on

whether to admit them for authorized employment continue to be met, in any event when the first extension is granted.

The Member States will examine the desirability of issuing a permanent residence permit to third-country nationals who have had restrictions on their employment lifted.

(vi) *Business visitors*

Nothing in these principles prevents a Member State from admitting as workers third-country nationals not residing in the territory of a Member State who are seeking entry in particular to:

- negotiate for the supply of goods or services,
- deliver goods or assemble machinery manufactured in a third country as part of a supply contract,

provided that such persons will be dealing only with businesses in the territory of the Member State and not with the general public and that any one visit and possibly the work permit do not exceed six months.

(vii) *Third countries with close links with a Member State*

Nothing in these principles prevents a Member State from continuing to admit third-country nationals to its territory for the purpose of employment pursuant to arrangements concluded by that Member State by the date of adoption of this resolution for nationals of a third country with which it has especially close links.

The Member States will undertake as soon as possible to renegotiate such arrangements in accordance with the terms of this resolution.

Where these arrangements concern the employees of a service provider, the Member States undertake to examine them in the spirit of this resolution within a reasonable period of time not exceeding three years, and to arrive at an assessment.

When this examination is carried out, account should be taken of the economic development of the States with which the Member States concluded the agreements in question.

The above provisions do not apply to arrangements covering employment of persons for instruction and vocational training purposes.

*Annex to Annex I.1***Definitions**

'Trainees' means workers whose presence in the territory of a Member State is strictly limited in duration and closely connected with increasing their skills and qualifications in their chosen profession before returning to their own countries to pursue their careers.

'Seasonal workers' means workers who are resident in a third country but are employed in an activity dependent on the rhythm of the seasons in the territory of a Member State on the basis of a contract for a specified period and for specific employment.

'Frontier workers' means workers who are employed in the frontier zone of a Member State but who return each day or at least once a week to the frontier zone of a neighbouring country in which they reside and of which they are nationals.

'Intra-corporate transferee' means a natural person working within a legal person, other than a non-profit making organization, established in the territory of a WTO member, and being temporarily transferred in the context of the provision of a service through commercial presence in the territory of a Member State of the Community; the legal persons concerned must have their principal place of business in the territory of a WTO member other than the Community and its Member States and the transfer must be to an establishment (office, branch or subsidiary) of that legal person, effectively providing like services in the territory of a Member State to which the EC Treaty applies. In Italy, 'intra-corporate transferee' is defined as a natural person working within a legal person constituted as a SPA (joint stock company) or an SRL (capital stock company with limited responsibility).

Annex I.2

COUNCIL RESOLUTION

of 30 November 1994

relating to the limitations on the admission of third-country nationals to the territory of the Member States for the purpose of pursuing activities as self-employed persons

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article K.1 thereof,

HEREBY ADOPTS THIS RESOLUTION:

A. General considerations on policy

1. The Council recalls that, in the report on immigration and asylum policy by the Ministers responsible for immigration adopted by the European Council held in Maastricht in 1991, priority was given to the harmonization of policies on admission for the purposes of pursuing self-employed occupation. In principle, these policies are restrictive. In any case, existing obligations and future developments for example in GATT, GATS and OECD agreements must be taken into account.
2. The Council notes that the 1994 programme of priority work in the field of justice and home affairs, adopted by the Council at its meeting in Brussels on 29 and 30 November 1993, included, as a priority measure, a decision to conclude work in the field of the admission of self-employed persons.
3. The Council welcomes the progress achieved as a result of the signing of the final act and agreements under the Uruguay Round in Marrakesh on 15 April 1994 towards free international trade for the promotion of investment and the creation of jobs.
4. The Council takes the view that, to a certain extent, the question of the admission of persons for the purposes of pursuing a salaried activity and that of the admission of self-employed persons can be treated distinctly. The admission of persons for the purpose of an independent economic activity who add value (investment, innovation, transfer of technology, job creation) to the economy of the host country is of benefit. Artists exercising an independent activity of significance may also be admitted.
5. The Council considers that third-country nationals should not be admitted to a Member State for the purposes of pursuing an independent economic activity when the latter is of no economic benefit to that State or any of its regions.
6. The Council considers it necessary to ensure that persons who are attempting to find employment in a dependent working relationship are not admitted as self-employed persons.
7. The Council also considers that it is necessary to avoid persons establishing themselves and embarking on a self-employed occupation without having the appropriate qualifications and/or financial means and to avoid their entering into a dependent working relationship.
8. The Council agrees not to deal in this resolution with the question of third-country nationals legally resident on a permanent basis in the territory of a Member State although they do not have the right to admission or residence in another Member State. It agrees to examine this question at a later date.
9. The Council accordingly agrees that the national policies of Member States in respect of third-country nationals seeking admission to, or permission to remain in, their territories in order to engage in a self-employed occupation should be governed by the principles set out below, which may not be relaxed by Member States in their national legislation. It agrees to have regard to these principles in any proposals for the revision of national legislation. The Member States will further endeavour to seek to ensure by 1 January 1996 that national legislation is in conformity with such principles. The principles are not legally binding on Member States and do not afford a ground for action by individuals.
10. The Council agrees that there shall be a regular review of the transposition of this resolution and of the need for amendments to it.
11. The Council also confirms that the application of these principles is no bar to the application of national rules on law and order, public health and national security.

B. Persons to whom this resolution does not apply

The harmonization principles do not apply to:

- persons who have right of free movement under Community law, i. e. nationals of Member States, nationals of EFTA countries parties to the Agreement on the European Economic Area and members of their families,
- third-country nationals who have been allowed admission for the purpose of family reunification to join nationals of a Member State or a third-country resident in the Member State concerned,
- third-country nationals whose access to employment is covered by rights stemming from agreements concluded with third countries which are governed by Community law and by bilateral and multilateral agreements, such as GATT, GATS or OECD agreements,
- third-country nationals entering the Member States in order to engage in paid employment. Such persons are covered by the principles set out in the resolution on limitations on admissions of third-country nationals to the Member States for employment adopted by the Council on 20 and 21 June 1994,
- third-country nationals entering the Member States for study purposes. Such persons are covered by the principles to be set out in the resolution on the admission of third-country nationals to the Member States for study purposes.

C. General principles*Point 1*

1. This Resolution concerns only individuals and does not affect the setting up of firms.
2. 'Activity as a self-employed person' means any activity carried out in a personal capacity or in the legal form of a company or firm within the meaning of the second paragraph of Article 58 of the EC Treaty without being answerable to an employer in either case.
3. Only those associates actively involved and whose presence is necessary in pursuing the company's or firm's aims and in its management may be authorized to establish themselves in the host Member State's territory. In cases where those associates do not have a majority or substantial shareholding in the company or firm, Member States may reserve the right not to admit them except in the case of salaried persons when they have received authorization to work.

Point 2

1. Member States may allow third-Country nationals wishing to pursue activities as self-employed persons to enter their territory where it has been duly established that that activity will produce the benefits referred to in Section A (4) or corresponds to the activity referred to in the last sentence of Section A (4) as required by each Member State and that general legal provisions governing entry and residence have been complied with.
2. The admission procedure should ensure that persons who quite obviously wish to engage in paid employment or whose partnership or directorship amounts to disguised paid employment are not admitted as self-employed persons. Without prejudice to the application of point 8 (2), once admitted, the admission to activities as a self-employed person does not extend to looking for or accepting a job on the labour market.

Point 3

1. Requests for admission must be submitted to the authorities of the host Member State which are competent under national law through the consular or diplomatic representation of the State or through another national competent authority designated for this purpose in the home country or the country of origin of the person seeking admission to pursue activities as a self-employed person.
2. Requests for admission must be accompanied by information which can be used to assess whether the planned activity meets the preconditions referred to under point 2, and also by documentary evidence that the activity will be carried out in accordance with the relevant national legislation.
3. The following could, for example, be required for assessing the preconditions referred to under point 2 in accordance with national legislation:
 - documents indicating the nature, scale and duration of the activity in which the person wishes to engage,
 - documents indicating the number of staff likely to be required,
 - a description of the premises where the activity will be carried out, which should be appropriate for it,
 - evidence of the funds available for the intended purpose.
4. The following could for example be required for assessing compliance with legislation in force, in accordance with national legislation:
 - proof that the self-employed person meets the conditions of the host Member State regarding professional qualifications and access to the occupation,

- in the case of companies or firms, the instrument of incorporation, evidence of publication or registration thereof, and the names of the directors and managerial staff and of the associates authorized to act on their behalf,
- proof such as police documentation or similar documents, showing the integrity of the person concerned.

Point 4

1. Authorization to engage in a self-employed occupation will be granted in accordance with the provisions of national aliens' legislation and in writing, for example in the form of a passport stamp or other document. Such authorization will be personal and non-transferable.
2. The validity of the initial authorization may be limited in time. Upon application, it may be extended for a further period and/or be of unlimited validity, if the conditions for access continue to obtain as provided for in national legislation.

Point 5

1. All requests for renewal must, where so required under Member States' national legislation, be accompanied by documentary evidence that the self-employed person offers guarantees for the continued orderly pursuit of his occupation.
2. At least at the time when any renewal application referred to under point 4 (2) is submitted, a check may be made on the bona fide nature of the activity engaged in, whether it still corresponds to the activity for which authorization was given, the ability of the person concerned to support himself by the income from that activity and its continuing compliance with the preconditions referred to under point 2 (1).
3. Any further checks which Member States may make thereafter could in principle be limited.

Point 6

1. Under the conditions laid down by national law, Member States may grant third-country nationals wishing to provide a service, leave to enter their territory with authorization to carry out the relevant work for the performance of the service.
2. 'Service provider' means a self-employed person (residing abroad) whose services are sought by a

person residing in a Member State in order to carry out, against remuneration, a specific task over a specific period.

Point 7

Persons already present in the territory of a Member State as students, trainees, seasonal workers, service providers, contract workers or for other reasons will not as a general rule be permitted to extend their stay for the purpose of establishing themselves as self-employed persons. Such persons must leave the country once the purpose of stay on the basis of which they were given leave to enter the country has ceased to apply.

Point 8

1. In principle, care must be taken to ensure that persons admitted to pursue activities as self-employed persons do not eventually enter into a paid employment relationship.
2. Member States may allow self-employed persons who have acquired the right to long-term/permanent residence to seek where appropriate a work permit in order to obtain paid employment.

Point 9

The spouse and unmarried children under a maximum age, varying between 16 and 18 years depending on the Member State concerned, of a self-employed person will in principle be admitted to join that person, subject to the conditions set out in the resolution concerning family reunification adopted by the Ministers responsible for immigration questions of the European Union on 1 June 1993.

Point 10

1. Member States' arrangements enabling them to refuse admission on grounds of public security and public order shall not be affected by this resolution.
2. The provisions of this resolution shall not affect Member States' provisions governing trades and professions or arrangements concerning the mutual recognition of vocational qualifications.

Point 11

Nothing in this resolution prevents a Member State from reserving the right to admit, subject to its national law, third-country nationals who make very substantial investments in the commerce and industry of that Member State where there are strong economic reasons justifying exemption from those principles in this resolution that limit the business activities in which the third-country national is engaged.

ANNEX I.3

COUNCIL RESOLUTION

of 30 November 1994

on the admission of third-country nationals to the territory of the Member States for study purposes

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article K.1 thereof,

HEREBY ADOPTS THIS RESOLUTION:

A. General considerations

1. The Council recalls that, in the report adopted by the Maastricht European Council (December 1991) from the Ministers responsible for immigration and asylum policy, priority was given to the harmonization of rules for the admission of students from third countries. In the 1994 programme of work on justice and home affairs, which the Council approved at its meeting on 29 and 30 November 1993 in Brussels, the completion of work on the admission of students was also given priority status.
2. The Council confirms that the international exchange of students and academics is desirable; it acknowledges that the education of students and the exchange of academics have positive implications for relations between the Member States and the States of origin.
3. The Council agrees that, at the end of their studies, students must in principle return to their countries of origin so that the knowledge and skills they have acquired are made available to those countries.
4. The Council considers it is important to ensure that the admission of third-country nationals to study in the Member States for a limited period in principle does not turn into permanent immigration. Similarly, the Council considers it is necessary to devise suitable systems to prevent those who are mainly seeking employment from receiving authorization to stay on as students.
5. The Council agrees not to regulate via this resolution the issue of third-country nationals lawfully resident on a permanent basis in the territory of a Member State, but who have no right of admission and residence in another Member State.

This does not affect the position of third-country nationals who are already covered or who may, in the future, be covered by bilateral agreements between the Member States regarding the cooperation between institutions of higher education.

6. The Council agrees that the national policies of Member States in respect of the admission of third-country nationals for study purposes should be governed by the principles set out below, which may not be relaxed by Member States in their national legislation.

The Council agrees to have regard to these principles in any proposals for the revision of national legislation.

The Member States will further endeavour to seek to ensure by 1 January 1996 that national legislation is in conformity with such principles. The principles are not legally binding on Member States and do not afford a ground for action by individuals.

7. The Council agrees that there shall be a regular review of the transposition of this resolution and of the need for amendments to it.
8. The Member States should facilitate the admission and residence of students from third countries within the framework of special cooperation programmes, the financing of which is secured at national or Community level.
9. Application of the said principles does not prevent application of national rules on public policy, public health or safety.

B. Persons exempt from the scope of this resolution

The principles of harmonization will not apply to:

- individuals who enjoy the right of freedom of movement under Community law, i.e. nationals of the Member States, nationals of the EFTA countries which are parties to the Agreement on the European Economic Area and members of their families,

- third-country nationals who have been admitted for the purposes of family reunification to take up residence with nationals of a Member State or third country who reside in the Member State in question.

C. Principles by which the policies of the Member States will be guided

1. General criteria

Within the meaning of these principles, a student is a national of a third country admitted by a State or State-recognized higher education institution or a comparable institution in a Member State in order to:

- take up a course of study,
- study for a doctorate, or
- pursue academic activity following a course of higher education within the framework of further study or training, where the earning of income is not the principal aim.

It should also be noted that for the purposes of this resolution school pupils and apprentices are not included.

For the purpose of this resolution, a person who participates in a course aimed at preparing for a specific course of university studies (e.g. providing language training) shall also be deemed to be a student.

2. Requirements for admission

A national of a third country who requests admission as a student will have to prove to the competent authorities of the Member State that he/she:

- fulfils all the requirements applicable to foreigners as regards entry and stay in the territory of the Member State,
- has a firm offer of admission to a State or State-recognized higher education institution or a comparable institution appropriate to his/her studies for a course of study as a main activity and is so required by national legislation that this offer concurs with requirements made by the competent immigration authorities.

Member States may also request proof of continuity between previous studies and studies to be undertaken in the host country,

- has the financial means required to support the cost of his/her studies and subsistence for himself/herself so that during his/her stay the

student does not need to claim social assistance in the host Member State and the earning of an income is not the principal aim,

- if required by national legislation, has health cover for all risks in the host Member State.

A Member State may also require the student to satisfy the immigration authorities that he/she would return to his/her own country on completion of studies.

A Member State may permit persons to enter who are interested in preparing their application for studies in the respective State or who can demonstrate a genuine and realistic plan for undertaking a course of study. It may be permitted for the person concerned not to have to leave the country in order to obtain an extension of his/her authorization to stay.

Nationals of third countries who entered the Member State with the aim of working there in an employed or self-employed capacity shall on the basis of this resolution not be admitted in principle to engage in study as a main activity.

3. Authorization to reside

The duration of residence is limited to the length of the course.

The length of the course is dictated by the duration of studies in the chosen subject. At the end of the course of study, or if the student abandons his/her studies, authorization to reside expires. Any change in subject will involve a change in the reason for residence which, as a rule, argues against a fresh authorization or an extension of the existing one if it does not take place within the initial phase of the studies.

Proof of authorization to reside will take the form of an entry in the student's passport or a particular personal identity card.

If the period of study is longer than one year, the authorization can initially be limited to a one-year period; in that case it can be renewed on a yearly basis. Renewal will depend on the student's ability to prove that he/she fulfils the requirements for its original issue and that he/she has passed any tests or examinations set by the institution in which he/she is studying.

At the end of his/her course of study, or if the student abandons his/her studies, a national of a third country will in principle have to leave the territory of the Member State; if he/she wishes to return to that

country he/she will have to re-apply for authorization to re-enter.

4. *Employment authorization*

In principle a national of a third country who is studying in the territory of a Member State may not engage in gainful employment, either in a self-employed or employed capacity. Member States may allow short-term or subsidiary jobs. Such jobs must not affect the continuation of his/her studies; neither must they, in principle, represent an income vital for the subsistence of the student.

5. *Admission of family members*

National provisions will apply as regards the possible admission of family members and the taking-up of employment or study by the spouse.

Once the third country national has ended his/her studies, the spouse and children to whom authorization to stay was granted are also required to leave the territory of the Member State if they have no other authorization to remain.
