

Proposal for a Council Regulation (EEC) amending Directive 68/360/EEC on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families

COM(88) 815 final — SYN 185

(Submitted by the Commission to Council on 11 January 1989)

(89/C 100/07)

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

HAS ADOPTED THIS DIRECTIVE:

Having regard to the Treaty establishing the European Economic Community and in particular Article 49 thereof,

Having regard to the proposal from the Commission,

In cooperation with the European Parliament,

Having regard to the opinion of the Economic and Social Committee,

Whereas Council Directive 68/360/EEC⁽¹⁾ of 15 October 1968 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families as last amended by the Act of Accession of Spain and Portugal, lays down the circumstances in which these restrictions are abolished or alleviated for persons covered by Council Regulation (EEC) No 1612/68⁽²⁾, as last amended by Regulation (EEC) No .../...;

Whereas Council Regulation (EEC) No .../... amended Regulation (EEC) No 1612/68 to extend the personal scope of the latter, whereas the need has consequently emerged to adapt the provisions of Directive 68/360/EEC in line with those amendments, both as regards workers and members of their families who are nationals of a Member State and as regards members of their families who are not nationals of a Member State;

Whereas the procedures linked to the issue of residence cards and related documents have in many cases proved too long and the costs very high and these difficulties constitute an objective obstacle to the organization of the daily lives of those concerned and a constraint on their integration into the host country;

Whereas, from the point of view of stability of residence, account should be taken of the new conditions obtaining on the employment market, particularly as regards the increase in precarious and intermittent employment;

Whereas in the context of the People's Europe, the feeling of belonging to a European people should be promoted by entitling the residence card 'European Communities Residence Card',

Article 1

Directive 68/360/EEC is hereby amended as follows:

1. In Article 4 (2), the first sentence is replaced by the following:

'As proof of the right of residence, a document entitled "European Communities Residence Card" shall be issued.'

2. In Article 4 (3), the beginning of the sentence is replaced by the following:

'For the issue of a European Communities Residence Card ...'

3. The following is added to Article 4 (3), first indent, point (b):

'in the cases referred to in Article 6 (4), a certificate proving the worker's entitlement to unemployment benefit issued in the host State;'

4. Article 4 (3), second indent, point (e) is replaced by the following:

'(e) For the members of the family as referred to in Article 10 (1) (c) of Regulation (EEC) No 1612/68 a document issued by the competent authority of the State whence they came or of the State of origin certifying that they are dependent on the worker or the spouse or that they live under his roof or that of the spouse in that country.'

5. Article 4 (4) is deleted.

6. The following paragraph is added to Article 5:

'These formalities shall be completed as quickly as possible.'

7. Article 6 (1) (b) is replaced by the following:

'(b) must be valid for at least five years from the date of issue; it shall be automatically renewable for periods of 10 years.'

⁽¹⁾ OJ No L 257, 19. 10. 1968, p. 13.

⁽²⁾ OJ No L 257, 19. 10. 1968, p. 2.

8. In Article 6 (2), the following words are inserted after 'military service':

'or for medical reasons, maternity or study, or in the event of secondment as described in Article 9 a of Regulation (EEC) No 1612/68.'

9. In Article 6 (3), the following subparagraph is inserted after the first:

'However, when the worker has held several successive temporary jobs for a total period of not less than twelve months, within an uninterrupted residence period of eighteen months, the host Member State shall issue to him the residence card referred to in paragraph 1 on presentation of a confirmation of engagement or a certificate of employment even for a period of less than one year.'

10. In Article 6, the following is added:

'4. Where the worker has been employed for a period exceeding three months but not exceeding one year in the host State and has acquired an entitlement to unemployment benefit under the legislation of the said State, the residence card issued to him under the first subparagraph of paragraph 3 shall be automatically renewable until his entitlement to unemployment benefit has expired.'

Where the worker has been employed for a period of less than three months in the host State and has acquired an entitlement to unemployment benefit under the legislation of the said State, the latter shall issue to him a residence card valid for three months which is automatically renewable until his entitlement to benefit has expired.'

11. In Article 7 (1), the words 'as a result of illness or accident' are replaced by the words 'as a result of illness, accident or maternity'.

12. In Article 7 (1), the following subparagraph is added:

'When the residence card expires during a period of incapacity for work, it shall be automatically renewed in accordance with Article 6.'

13. Article 7 (2) is deleted.

14. Article 9 (1) is replaced by the following:

'1. The residence documents and supporting documents granted to persons enjoying the rights conferred by this Directive shall be issued and renewed free of charge or on payment of an amount not exceeding the dues and taxes charged for the issue of identity cards to nationals.'

15. The following paragraph is added to Article 9:

'4. Presentation of the residence card may not be demanded on crossing frontiers.'

16. The wording of the statement contained in the Annex to the Directive and provided for in Article 4 (2) is replaced by the following:

'This card is issued pursuant to Council Regulation (EEC) No 1612/68 of 15 October 1968 and to the measures taken in implementation of Council Directive 68/360/EEC of 15 October 1968.'

In accordance with the abovementioned Regulation, the holder of this card has the right to take up and pursue an activity as an employed person on ...⁽¹⁾ territory under the same conditions as ...⁽¹⁾ nationals.

⁽¹⁾ Nationality of State issuing the card.'

Article 2

Member States shall take the measures necessary to comply with this Directive within six months of its notification and shall forthwith inform the Commission thereof.

The provisions adopted pursuant to the first paragraph shall make express reference to this Directive.

Article 3

This Directive is addressed to the Member States.