

## STUDENTS DIRECTIVE

**State of play.** On 25 March 2013 the Commission launched a proposal for a directive, recasting the current directives on researchers and students. The Committee on Civil Liberties, Justice and Home Affairs has tabled its report for plenary voting, which now awaits first reading in the European Parliament.

The evaluation report concludes that the current directive(s) show(s) many weaknesses regarding admission procedures, clarity, coherence and binding force. Also, policy contexts and circumstances have changed and therefore a recast is justified. With the proposal, the Commission wishes to implement the Europe 2020 Strategy, aiming to make Europe a more attractive region for research and innovation.

The Commission proposes to extend the general scope of Directive 2004/114/EC to remunerated trainees and au pairs, to gather the directives on researchers (Directive 2005/17/EC) and students (Directive 2004/114/EC) into one directive for the sake of coherence and turn several discretionary provisions mandatory. More specific, some provisions regarding time limits, family admission, access to the national labor market and intra-EU mobility provide better protection and an enhanced residence status.

The proposal aims to improve:

- Procedural guarantees
- Intra-EU mobility and transfer of skills and knowledge
- Access to the labour market
- The overall protection of additional groups of non-EU nationals, who are not covered by the existing EU legislation.

More information in [the summary of the legislative proposal](#).

### Background information:

#### Directive of 13 December 2004

- **Official name:** Council [directive 2004/114/EC](#) on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service.
- **Objective of the directive.** From the broader objective to promote Europe as a whole as a world centre of excellence for studies and vocational training, the directive applies common rules of admission for non-EU nationals who request admission to an EU State for one of the following: studies leading to a higher education qualification (students); to follow a recognised programme of secondary education (pupils); to pursue a training period without remuneration (unremunerated trainees); or to take part in a national or EU volunteer programme. [Summary](#) of the directive.
- **Transposition deadline:** 12 January 2007
- **Evaluation:** [Evaluation report](#) of 28 September 2011 of the European Commission on the application of the directive.
  - The report concluded that foreign students still experience difficulties coming to the EU to study, due to an uneven implementation of the relevant EU legislation. The first report on how MS have implemented EU rules on the entry and residence of students, pupils, unremunerated trainees and volunteers from third countries suggests that the use of these forms of temporary migration could be further improved. In particular, the level of

harmonisation achieved by the directive and the rights it grants could be increased and strengthened. [More information](#).

### **Improving directive 2004/114/EC: assembling, extending and strengthening**

- **25 March 2013 – Commission proposal on recast**
  - [Proposal](#) for a directive of the European Parliament and the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, pupil exchange, remunerated and unremunerated trainees, voluntary service and au pairing.
- **12 November 2013 – Committee report tabled for plenary, 1<sup>st</sup> reading/single reading**
  - The LIBE Committee tabled its [report](#) on the proposal
  - The report contains some amendments to the text of the Commission proposal, some of them merely textual adaptations, some enhancing the level of protection and extending certain rights, other limiting and cutting the edges of some proposals.
- **Forecast:**
  - An indicative plenary sitting for 1<sup>st</sup> reading/single reading in the European Parliament is planned for **11 March 2014**.

### **More information:**

- On the recast Directive: [Commission Staff Working Document](#)
- Background information on the website of the [European Commission](#).
- [Procedure file](#) of the Legislative Observatory