




Fiche de procédure

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Directive	Procedure lapsed or withdrawn
Free movement of workers and their families: abolition of restrictions on movement and residence	
Subject 2.30 Free movement of workers	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	JURI Legal Affairs, Citizens' Rights		29/09/1995
		PPE LEHNE Klaus-Heiner	
	Committee for opinion	Rapporteur for opinion	Appointed
	LIBE Civil Liberties and Internal Affairs		23/10/1995
		UPE CACCAVALE Ernesto	
Council of the European Union	Council configuration	Meeting	Date
	Competitiveness (Internal Market, Industry, Research and Space)	1970	26/11/1996
	Justice and Home Affairs (JHA)	1933	04/06/1996
	Competitiveness (Internal Market, Industry, Research and Space)	1929	28/05/1996

Key events			
18/09/1995	Committee referral announced in Parliament, 1st reading		
26/03/1996	Vote in committee, 1st reading		Summary
26/03/1996	Committee report tabled for plenary, 1st reading	A4-0095/1996	
28/05/1996	Debate in Council	1929	
04/06/1996	Debate in Council	1933	Summary
16/07/1996	Debate in Parliament		Summary
16/07/1996	Debate in Parliament		Summary
16/07/1996	Decision by Parliament, 1st reading	COM(1995)0348	Summary
	Decision by Parliament, 1st reading		Summary

23/10/1996		T4-0516/1996	
26/11/1996	Debate in Council	1970	Summary
27/10/1999	Debate in Parliament		Summary
11/12/2001	End of procedure in Parliament		
11/12/2001	Additional information		Summary

Technical information

Procedure reference	1995/0202(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Directive
Legal basis	EC Treaty (after Amsterdam) EC 052-p1; EC Treaty (after Amsterdam) EC 044-p1; EC Treaty (after Amsterdam) EC 040
Stage reached in procedure	Procedure lapsed or withdrawn

Documentation gateway

Legislative proposal		COM(1995)0348 OJ C 307 18.11.1995, p. 0018	12/07/1995	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		A4-0095/1996 OJ C 141 13.05.1996, p. 0006	26/03/1996	EP	
Economic and Social Committee: opinion, report		CES0418/1996 OJ C 174 17.06.1996, p. 0040	27/03/1996	ESC	Summary
Text adopted by Parliament, 1st reading/single reading		T4-0516/1996 OJ C 347 18.11.1996, p. 0050-0058	23/10/1996	EP	Summary

Additional information

European Commission	EUR-Lex
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Free movement of workers and their families: abolition of restrictions on movement and residence

OBJECTIVE: to amend Directives 68/630/EEC and 73/148/EEC with a view to adapting the secondary legislation on the free movement of citizens of the Union (and members of their family) so as to ensure that existing secondary legislation is compatible with the abolition of checks at internal borders. **SUBSTANCE:** the proposal for a European Parliament and Council directive stipulates that: - an identity card or passport is no longer required when crossing an internal border; - a valid identity card or passport is still required when crossing external borders to leave or enter the Union; - Member States may require persons to be in possession of a valid identity card or passport when they exercise their right of free movement, particularly when issuing a residence permit. ?

Free movement of workers and their families: abolition of restrictions on movement and residence

The committee adopted the report by Mr Klaus-Heiner LEHNE (PPE, D) on the abolition of identity checks at borders (amendment of Directive 68/360/EEC on the movement and residence of employed persons from Member States and their families and Directive 73/148/EEC on the abolition of restrictions with regard to the establishment and provision of services). The previous directives left Member States with the power to demand an identity card or passport from persons entering their territory. This proposal aimed to abolish checks at internal borders not only for workers or self-employed persons and members of their families, but also for the other categories benefiting from free movement: pensioners, students, etcetera. In general, the committee supported the Commission's proposal, which removed restrictions to free movement, a fundamental right for citizens of the European Union (Article 8a of the EC Treaty), and did not adopt any amendments. The rapporteur, Mr LEHNE, hoped that the directive would soon be adopted by the Council so that border controls for European citizens would disappear as quickly as possible. During the debate, Mr Georgios ANASTASSOPOULOS (PPE, G) stressed that it was essential to bring together the various directives on the movement of persons in a single text (codification) as the EP had often requested. ?

Free movement of workers and their families: abolition of restrictions on movement and residence

The Committee endorses the proposal, which supplements the proposal for a Directive on the elimination of controls on persons crossing the EU's internal frontiers.?

Free movement of workers and their families: abolition of restrictions on movement and residence

Following the discussion held by the Internal Market Council on 28 May, and in response to a request made at that time by the French delegation in particular, the Council examined a number of issues that had been raised by the proposal for a directive put forward by the Commission on 24 August 1995. In this connection, the Council noted the statements made by several delegations, which indicated among other things that as well as pursuing the objective of providing freedom of movement for persons within the Community the proposals concerned important issues such as immigration and homeland security. It had been recognised that these aspects, along with accompanying measures designed to achieve the effective abolition of internal border checks, came under the provisions of the third pillar. One of the delegations repeated that it was opposed in principle to the approach being adopted by the Commission, though this did not rule out some element of cooperation in this area between the Member States within the framework of the third pillar. The Commission for its part indicated that it would keep its proposals as they were until Parliament had given its opinion, which was expected in July. In conclusion, the President asked the Permanent Representatives Committee to continue with its work of examining the proposals concerned with a view to the discussions being resumed within the Council (Internal Market/Justice and Home Affairs).

Free movement of workers and their families: abolition of restrictions on movement and residence

Parliament approved the referral back to committee of the report by Mr Klaus-Heiner LEHNE (PPE, D) pursuant to Rule 129(1) of its Rules of Procedure. ?

Free movement of workers and their families: abolition of restrictions on movement and residence

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Free movement of workers and their families: abolition of restrictions on movement and residence

In adopting the report by Mr Klaus-Heiner LEHNE (PPE, D), Parliament approved with amendments the proposal concerning the amendment of the 1968 and 1973 Directives on the abolition of restrictions on movement and residence for nationals of Member States. In order to prevent any discrimination between Union citizens, Parliament called for the removal of the provision that Member States may require persons to be in possession of a valid identity card or passport when they exercise their right of free movement. It also insisted that freedom of movement should apply to workers and their families, whether they are European citizens or nationals of non-Member countries. ?

Free movement of workers and their families: abolition of restrictions on movement and residence

The Council took note of the announcement by Mr MONTI that following the opinions given by Parliament the Commission proposed to make certain amendments to its proposals for a directive concerning the abolition of checks at internal borders and the right of third-country nationals to travel within the Community. On the other hand, the Commission did not intend to amend its proposal on the abolition of restrictions to the right of travel and residence within the Community of workers and their families, and on the abolition of restrictions to the right of travel and residence

within the Community of nationals of Member States as far as the establishment and provision of services was concerned.

Free movement of workers and their families: abolition of restrictions on movement and residence

The European Parliament confirms as its first reading the text voted on 23.10.1996 on the proposal for a Directive amending Directive 68/360/CEE on the abolition of restrictions on movement and residence within the Community with regard to establishment and the provision of services the number of the legal base of which has changed with the entry into force of the Amsterdam Treaty.?

Free movement of workers and their families: abolition of restrictions on movement and residence

The Directorates General or responsible departments have asked for this proposal to be withdrawn. The reasons are indicated as follows: A) for objective reasons (change of de facto situation, objectives already achieved by other means, etc) B) because the Commission has now adopted another approach : - the proposal is replaced implicitly, - a new proposal is in preparation, - no planned replacement.?

