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(Acts whose publication is not obligatory)

EUROPEAN PARLIAMENT AND COUNCIL

RECOMMENDATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 28 September 2005

to facilitate the issue by the Member States of uniform short-stay visas for researchers from third countries travelling within the Community for the purpose of carrying out scientific research

(2005/761/EC)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 62(2)(b)(ii) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

(1) With a view to consolidating and restructuring European research policy, the Commission stated in its Communication of 18 January 2000 entitled 'Towards a European Research Area' that it was necessary to create a European research area as the centrepiece of future action by the Community in this field.

(2) At its meeting in Lisbon of 23 and 24 March 2000, the European Council, endorsing the European Research Area, set the Community the target of becoming the most competitive and dynamic knowledge-based economy in the world by the year 2010.

(3) The globalisation of the economy calls for greater mobility for researchers, which was recognised by the Community's sixth framework programme for research ⁽⁴⁾ when it opened up, to an even greater extent, its programmes to researchers from third countries.

(4) The number of researchers which the Community will need if it is to meet the target set by the European Council at its meeting in Barcelona of 15 and 16 March 2002 of investing 3 % of GDP in research is put at 700 000. This target should be met through a series of interlocking measures, such as making scientific careers more attractive to young people, promoting women's involvement in scientific research, increasing the opportunities for training and mobility in research, improving career prospects for researchers within the Community and opening up the Community to third-country nationals who might be allowed to enter and travel within the common area for the purposes of research.

⁽¹⁾ OJ C 120, 20.5.2005, p. 60.

⁽²⁾ OJ C 71, 22.3.2005, p. 6.

⁽³⁾ Opinion of the European Parliament of 12 April 2005 (not yet published in the Official Journal), and Council Decision of 18 July 2005.

⁽⁴⁾ Decision No 1513/2002/EC of the European Parliament and of the Council of 27 June 2002 concerning the sixth framework programme of the European Community for research, technological development and demonstration activities, contributing to the creation of the European Research Area and to innovation (2002 to 2006) (OJ L 232, 29.8.2002, p. 1). Decision as amended by Decision No 786/2004/EC (OJ L 138, 30.4.2004, p. 7).

- (5) In order to be competitive and attractive at international level, Member States should take the necessary steps to make it easier for researchers to enter and move within the Community for short periods.
- (6) For short stays, Member States should undertake to consider researchers from third countries, subject to a visa requirement under Regulation (EC) No 539/2001 ⁽¹⁾, as persons acting in good faith and extend to them the advantages provided for in the *acquis communautaire* for the purpose of the procedures for issuing short-stay visas.
- (7) Measures should be taken to encourage the exchange of information and best practices in order to improve the procedures for issuing short-stay visas for researchers.
- (8) This Recommendation respects the fundamental rights and observes the principles laid down in particular by the Charter of Fundamental Rights of the European Union.
- (9) In accordance with Articles 1 and 2 of the Protocol on the position of Denmark annexed to the Treaty on European Union and the Treaty establishing the European Community, Denmark is not taking part in the adoption of this Recommendation and is not affected by it. Given that this Recommendation builds upon the Schengen *acquis*, under the provisions of Title IV of Part Three of the Treaty establishing the European Community, Denmark shall, in accordance with Article 5 of the said Protocol, decide within a period of six months after the European Parliament and the Council have adopted this Recommendation whether it will implement it in its national law.
- (10) This Recommendation constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC of 29 May 2000 concerning the request of the United Kingdom of Great Britain and Northern Ireland to take part in some of the provisions of the Schengen *acquis* ⁽²⁾; the United Kingdom is therefore not taking part in its adoption and is not affected by it.
- (11) This Recommendation constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* ⁽³⁾; Ireland is therefore not taking part in its adoption and is not affected by it.
- (12) As regards Iceland and Norway, this Recommendation constitutes a development of provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* ⁽⁴⁾, which fall within the area referred to in Article 1, point B of Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement ⁽⁵⁾.
- (13) As regards Switzerland, this Recommendation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement signed between the European Union, the European Community and the Swiss Confederation concerning the association of the Swiss Confederation with the implementation, application and development of the Schengen *acquis*, which fall within the area referred to in Article 1, point B of Decision 1999/437/EC read in conjunction with Article 4(1) of Council Decision 2004/849/EC ⁽⁶⁾ and of Council Decision 2004/860/EC ⁽⁷⁾, on the signing, on behalf of the European Union, and on the signing, on behalf of the European Community, and on the provisional application of certain provisions, of that Agreement.
- (14) This Recommendation constitutes an act building upon the Schengen *acquis* or otherwise related to it, within the meaning of Article 3(2) of the 2003 Act of Accession.
- (15) This Recommendation is also intended to provide a flexible formula for researchers who wish to maintain a professional link with an organisation of their country of origin (e.g. by spending periods of up to three months every semester in a European host research organisation located in the common area while continuing to work the rest of the time in the research organisation of origin),

⁽¹⁾ Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81, 21.3.2001, p. 1). Regulation as last amended by Regulation (EC) No 851/2005 (OJ L 141, 4.6.2005, p. 3).

⁽²⁾ OJ L 131, 1.6.2000, p. 43.

⁽³⁾ OJ L 64, 7.3.2002, p. 20.

⁽⁴⁾ OJ L 176, 10.7.1999, p. 36.

⁽⁵⁾ OJ L 176, 10.7.1999, p. 31.

⁽⁶⁾ OJ L 368, 15.12.2004, p. 26.

⁽⁷⁾ OJ L 370, 17.12.2004, p. 78.

HEREBY RECOMMEND MEMBER STATES:

1. to facilitate the issue of visas by undertaking to expedite the examination of visa applications from researchers from third countries subject to a visa requirement under Regulation (EC) No 539/2001;
2. to promote the international mobility of researchers from third countries needing to travel frequently within the European Union by issuing them with multiple entry visas. When determining the period of validity of the visas, Member States should take into account the duration of the research programmes in which the researchers are taking part;
3. to undertake to facilitate the adoption of a harmonised approach to the supporting evidence that researchers are required to enclose with their visa application. They should consult the approved research organisations on this matter;
4. to encourage the issue of visas without administrative fees for researchers, in accordance with the rules laid down in the *acquis communautaire*;
5. to take account of the goal of facilitating the issue of visas to researchers from third countries when engaging in local consular cooperation, in order to promote the exchange of best practices;
6. to undertake to supply the Commission by 28 September 2006 with information about best practices adopted to facilitate the issue of uniform visas for researchers, so as to enable it to evaluate the progress made. Having regard to whether or not the directive on a specific procedure for admitting third-country nationals for the purposes of scientific research ⁽¹⁾ is adopted, and to the outcome of the evaluation, the possibility of incorporating the provisions of this Recommendation in an appropriate legally binding instrument should be examined.

Done at Strasbourg, 28 September 2005.

For the European Parliament
The President
J. BORRELL FONTELLES

For the Council
The President
D. ALEXANDER

⁽¹⁾ See page 15 of this Official Journal.