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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	**ADOPTION OF LEGISLATIVE ACTS FOLLOWING THE EUROPEAN PARLIAMENT'S SECOND READING** Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast) - Outcome of the European Parliament's second reading (Strasbourg, 9 to 12 May 2016)

I. VOTE

On 11 May 2016, since no amendment had been adopted, the President of the European Parliament declared the Council's position at first reading approved.

The text of the European Parliament's legislative resolution is annexed to this note.

II. ADOPTION OF LEGISLATIVE ACTS FOLLOWING THE EUROPEAN PARLIAMENT'S SECOND READING

Since the European Parliament has approved the Council's position at first reading, the act in question is deemed to have been adopted in the wording which corresponds to the Council's position at first reading, as provided for in Article 294 (7)(a) of the TFEU.

After signature by the President of the European Parliament, the President of the Council and the Secretaries-General of the two Institutions, the act in question will be published in the *Official Journal* of the European Union.

Entry and residence of third-country nationals for the purposes of research, studies, training, volunteering, pupil exchange and au pairing ***II

European Parliament legislative resolution of 11 May 2016 on the Council position at first reading with a view to the adoption of a directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast) (14958/2/2015 – C8-0131/2016 – 2013/0081(COD))

(Ordinary legislative procedure: second reading)

The European Parliament,

– having regard to the Council position at first reading (14958/2/2015 – C8-0131/2016),

– having regard to the reasoned opinion submitted, within the framework of Protocol No 2 on the application of the principles of subsidiarity and proportionality, by the Greek Parliament, asserting that the draft legislative act does not comply with the principle of subsidiarity,

– having regard to the opinion of the European Economic and Social Committee of 18 September 2013[1],

– having regard to the opinion of the Committee of the Regions of 28 November 2013[2],

– having regard to its position at first reading[3] on the Commission proposal to Parliament and the Council (COM(2013)0151),

– having regard to Article 294(7) of the Treaty on the Functioning of the European Union,

– having regard to Rule 76 of its Rules of Procedure,

– having regard to the recommendation for second reading of the Committee on Civil Liberties, Justice and Home Affairs (A8-0166/2016),

1. Approves the Council position at first reading;

2. Approves the joint statement by Parliament and the Commission annexed to this resolution;

3. Notes that the act is adopted in accordance with the Council position;

4. Instructs its President to sign the act with the President of the Council, in accordance with Article 297(1) of the Treaty on the Functioning of the European Union;

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1 OJ C 341, 21.11.2013, p. 50.
2 OJ C 114, 15.4.2014, p. 42.
3 Texts adopted of 25.2.2014, P7_TA(2014)0122.

5. Instructs its Secretary-General to sign the act, once it has been verified that all the procedures have been duly completed, and, in agreement with the Secretary-General of the Council, to arrange for its publication in the *Official Journal of the European Union*;

6. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

ANNEX TO THE LEGISLATIVE RESOLUTION

Joint statement by the European Parliament and the Commission on the ground for rejection specified in point (f) of Article 20(2)

The European Parliament and the Commission understand point (f) of Article 20(2) of this Directive as allowing Member States to reject an application only on a case-by-case basis and taking into account the specific circumstances of the third-country national and the principle of proportionality and on the basis of evidence or serious and objective reasons. The Commission will ensure that Member States implement this provision in line with this interpretation when transposing the Directive, and will inform the Parliament and the Council thereof, in the framework of its obligations under Article 39.

The European Parliament and the Commission consider that the inclusion of this provision in this Directive should not constitute a precedent for future legal migration instruments.