EUROPEAN COMMUNITIES
THE COUNCIL

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EXTRACT
from the
DRAFT
SUMMARY RECORD

of the 1408th meeting of the PERMANENT REPRESENTATIVES COMMITTEE
held in Brussels on Friday 17 November 1989

Subject: Preparation for the meeting of the Council (Internal Market) on
23 November 1989
- Right of residence
PREPARATION FOR THE MEETING OF THE COUNCIL (INTERNAL MARKET) ON 23 NOVEMBER 1989

- Right of residence
  9805/89 CRS/CRP 39 DS 33 EXT 4
  9829/89 DS 32

The Committee resumed examination of this question on the basis of suggestions from the Presidency regarding the major outstanding issues. The Presidency reported on steps taken by it to obtain the Opinion of the European Parliament.

The Commission representative stated that the Commission would state its position on the matter on 22 November 1989.

The Committee's discussions centred on the following topics and may be summarized as follows:

A. Resources (retired persons/persons who are not occupationally active, persons who are not occupationally active/non-retired persons)

The Committee was in favour of the following text, which it had amended in the light particularly of the comments from the United Kingdom delegation:

"Article 1(1), second subparagraph

The resources of the person concerned shall be deemed sufficient where they are higher than the level of resources below which the host Member State may grant social assistance to its nationals, taking into account their personal circumstances and, where appropriate, the personal circumstances of their dependents."
While agreeing to this approach, the Spanish delegation stated that this text was for the time being inapplicable in Spain since there was no social assistance system there for all categories of person. A bill on the introduction of social assistance for certain categories had been submitted to the Cortes. The present old age pension for retired persons or persons who were not occupationally active stood at 37 205 pesetas.

B. Extinction of the right of residence (retired persons and persons receiving a pension; persons who are not occupationally active, students)

The Committee agreed on the following Article:

"Article [ ]

The right of residence shall remain for as long as beneficiaries of that right fulfil the conditions laid down in Article 1."

C. "Glaubhaftmachung" (students)

Eleven delegations confirmed their agreement to the following text submitted by the Presidency and amended at the meeting:

"Article 1(1)

(...). Accordingly (the Member States) shall recognize the right of residence of any student who is a national of a Member State ... where the student vouches to the national authority, by means of a declaration or by such alternative means as the student may choose that are at least equivalent, for having sufficient resources to avoid becoming a burden on the social assistance system of the host Member State during their period of residence."
The Greek delegation entered a scrutiny reservation on this text.

D. Vocational training (students)

The Committee confirmed its agreement of principle to the following text:

"Article 1

... provided that the student is enrolled in a recognized educational establishment for the principal purpose of following vocational or professional training courses there ...".

E. Maintenance grants (students)

Eleven delegations agreed to

- the following recital:

"Whereas assistance granted to students, as established by the case law of the Court of Justice, does not come under the scope of application of the EEC Treaty within the meaning of Article 7 thereof;"

- the inclusion in the Directive of the following Article:

"This Directive shall not establish any entitlement to the payment of maintenance grants on the part of students."
The Portuguese delegation entered a scrutiny reservation.

F. Other questions

. The Belgian delegation asked that the deadline for the transposition of this Directive into national law be set at 31 December 1991 instead of 31 December 1990.

. Several delegations reiterated their reservations on the legal bases proposed by the Commission.

Winding up the proceedings, the Presidency said that this topic would be placed on the agenda for the Internal Market Council on 23 November 1989.