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10. Points out its deep concern about any plan to introduce methods for the selection of sex in humans;
  11. Notes that any person may file a notice of opposition to the patent according to Article 99(1) of the European Patent Convention;
  12. Asks the Commission to file a notice of opposition to patent EP1257168 without delay;
  13. Calls on the European Patent Office, the Commission and the competent authorities in the Member States to work together with Parliament to confirm that all kinds of human cloning are excluded from patenting under the Directive;
  14. Insists that the creation of human embryonic stem cells implies the destruction of human embryos and that therefore the patenting of procedures involving human embryonic stem cells or cells that are grown from human embryonic stem cells is a violation of Article 6(2)(c) of the Directive;
  15. Takes note of the conclusions of the second report concerning the scope of patents and the patentability of stem cells;
  16. Calls on the Commission in the next report to consider carefully the proper implementation of Article 4(1)(a) of the Directive;
  17. Calls on the Commission to continue monitoring developments, taking into account both the ethical aspects and the potential impact on the accessibility and affordability of health care and competitiveness;
  18. Requests the European Patent Office to set up a further body which, because of the sensitivity of the issue, checks patents that are sensitive from an ethical point of view before they are granted;
  19. Instructs its President to forward this resolution to the Council, the Commission, the governments of the Member States and the European Patent Office.
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**P6\_TA(2005)0408****Economic migration****European Parliament resolution on an EU approach to managing economic migration (COM(2004)0811 — 2005/2059(INI))***The European Parliament,*

- having regard to the Commission Green Paper on an EU approach to managing economic migration (COM(2004)0811),
- having regard to the Universal Declaration of Human Rights, and in particular to Article 13 thereof on freedom of movement and residence and the right to return,
- having regard to the European Convention for the Protection of Human Rights and Fundamental Freedoms, and in particular to Article 8 thereof on the right to respect for private and family life,
- having regard to the Charter of Fundamental Rights of the European Union, and in particular to Article 15 thereof on professional freedom and the right to work,
- having regard to the Commission communication entitled "Study on the links between legal and illegal migration" (COM(2004)0412),

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- having regard to the Commission communication entitled “First Annual Report on Migration and Integration” (COM(2004)0508),
  - having regard to the opinions of the European Economic and Social Committee and the Committee of the Regions of 15 December 2004 and 24 January 2005 on the Commission Communication entitled “Study on the links between legal and illegal migration”,
  - having regard to its resolution of 15 January 2004 on the Communication from the Commission on immigration, integration and employment <sup>(1)</sup>,
  - having regard to the Treaty of Amsterdam, which conferred on the Community tasks and responsibilities in the areas of immigration and asylum, and to Article 63 of the EC Treaty,
  - having regard to conclusions of the European Council at its meetings of 15 and 16 October 1999 in Tampere, 14 and 15 December 2001 in Laeken, 21 and 22 June 2002 in Seville and 19 and 20 June 2003 in Thessaloniki,
  - having regard to its recommendation to the Council and to the European Council of 14 October 2004 on the future of the area of freedom, security and justice as well as on the measures required to enhance the legitimacy and effectiveness thereof <sup>(2)</sup>,
  - having regard to the conclusions of the European Council at its meeting of 4 and 5 November 2004 in Brussels and the attached Hague Programme,
  - having regard to Rule 45 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinions of the Committee on Development, the Committee on International Trade and the Committee on Women's Rights and Gender Equality (A6-0286/2005),
- A. whereas it should be the task of the European Union, in the interests of the managed migration of workers into the Community and of full employment, to develop a common migration policy in accordance with Community development policy and alongside the effective implementation of the right of freedom of movement of persons within the Community,
- B. whereas there is no European migration policy providing a comprehensive and coordinated framework, and it is necessary for the European Union and its Member States to manage existing migratory flows,
- C. whereas the EU must create a genuine European immigration policy as soon as possible,
- D. whereas economic immigration can help in the management of existing migratory flows, having as one of its important potential effects the reduction of illegal migration, and whereas it can also have the knock-on effect of helping to combat exploitation of illegal immigrants in the black economy and trafficking in people,
- E. whereas economic migration is only a part of the solution to the Community's demographic and economic difficulties; whereas, in order to meet the challenges of globalisation, efforts should be made to find new solutions in the field of economic policy and the labour market, notably in relation to the balance between professional and family life for women and men and equal pay for equal jobs,
- F. whereas a European immigration policy must be based on respect for the fundamental rights of the person, pursuant to the international conventions in force,
- G. having regard to the forecasts concerning the ageing of Europe's active population and the future threats to intergenerational solidarity in Europe, which will generate new needs for both skilled and unskilled labour in all the Member States,

<sup>(1)</sup> OJ C 92 E, 16.4.2004, p. 390.

<sup>(2)</sup> OJ C 166 E, 7.7.2005, p. 58.

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- H. whereas, with regard to immigration, the Member States have developed from being countries of origin into countries of destination,
- I. whereas, in view of the fact that migratory flows involve not only the border countries but also the European Union as a whole, it is all the more necessary to adopt a common immigration policy,
- J. convinced that, as an area without internal frontiers, the European Union must pursue a common, coherent and effective approach to securing its external borders and devise a common visa, asylum and immigration policy which is based on mutual respect and solidarity and consistent with international human rights obligations in order to guarantee a safe European society; whereas such a policy must respect fundamental rights, include the fight against discrimination, racism and xenophobia and regulate migration on a global, balanced and humane basis,
- K. whereas the deadline for transposition of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents<sup>(1)</sup> will expire on 23 January 2006, and whereas that directive provides that, if a third-country national has resided legally in a Member State for five years, he or she may acquire long-term resident status and consequently the right to reside in another Member State,
- L. whereas immigration on economic grounds represents a major challenge to the European Union which calls for a common approach rather than a strictly national view of the migration issue,
- M. whereas immigration has proven to have positive effects on the labour market (dynamism) and should therefore be welcomed as an opportunity, rather than defined as a security issue,
- N. whereas economic migration policies should be linked to the Lisbon Strategy and the European Employment Strategy,
- O. convinced that measures to regulate legal immigration and integration must be accompanied by measures to secure external borders, a return policy and measures to combat illegal immigration and human trafficking and the exploitation of immigrants in illegal employment,
- P. convinced that a successful policy of legal immigration also depends on the implementation of a comprehensive and more pro-active strategy to achieve full integration, covering a range of social, economic and civic measures, as well as introduction programmes and language training, given that immigration and integration policies must not be considered separately,
- Q. whereas it is essential to guarantee full respect for the right to family life for all immigrants legally resident on EU territory, pursuant to the European Convention on Human Rights, and whereas it is necessary to revise Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification<sup>(2)</sup> in order to ensure that this right is respected,
- R. aware that cooperation between the European Union and its Member States and countries of origin is of major importance and needs to be accompanied by a genuine policy for codevelopment,
- S. whereas all Member States should ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,
- T. whereas illegal employment is the greatest draw for illegal immigration, and therefore Member States should step up efforts to tackle illegal employment and to deter and punish persons who employ illegal migrants,
1. Regrets that the Council has decided to maintain unanimity and the consultation procedure in the whole area of legal immigration; however, believes that only by means of the codecision procedure will it be possible to adopt effective and transparent legislation in that field;
2. Recalls that migrants have made a major contribution to the prosperity and the economic, cultural and social development of the Member States, and continue to do so;

<sup>(1)</sup> OJ L 16, 23.1.2004, p. 44.

<sup>(2)</sup> OJ L 251, 3.10.2003, p. 12.

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3. Considers that economic migration is a positive human phenomenon which has always promoted the development of civilisations and cultural and technological exchanges;
4. Regrets that the Council has not yet managed to adopt a common immigration policy, and has concentrated essentially on the punitive aspect (readmission agreements, police checks at borders, etc);
5. Points out that the effective development of a common migration policy with due regard for fundamental rights and international human rights obligations is a priority goal of European integration and has been notably reiterated in the Hague Programme adopted on 4 and 5 November 2004;
6. Recalls that the right to vote is a matter of Member State competence;
7. Considers that, in order to encourage the social and political integration of migrant workers, they should be granted equivalent rights; calls, therefore, on the Member States, the Commission and the Council to take all necessary steps to ensure recognition of the right of migrants who have been continuously resident in the Union for at least five years to vote in local and European Parliament elections;
8. Calls upon the Member States to create specific residence permits designed to facilitate the search for work;
9. Calls on the Commission to ensure the inclusion in decisions and framework decisions of all the provisions of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families adopted by the UN General Assembly on 18 December 1990, which is aimed at integrating migrant workers; calls on the Member States, in accordance with its resolution of 24 February 2005 on the EU's priorities and recommendations for the 61st session of the UN Commission on Human Rights in Geneva (14 March to 22 April 2005) <sup>(1)</sup> and the European Economic and Social Committee opinion <sup>(2)</sup>, to ensure the prompt ratification of the said UN Convention, which not a single Member State has ratified to date;
10. Emphasises that migration requires a differentiated approach depending on the reasons for entry, such as asylum, flight or economic migration;
11. Calls on Member States to remove immediately all barriers to free movement for EU citizens;
12. Considers that the European Union's immigration policy must follow a global and coherent approach based on synergies between various policy areas and not merely on labour market requirements in the Member States;
13. Insists on the need to adopt a common immigration policy in order to end the widespread exploitation of workers made vulnerable by the absence of legal immigration channels;
14. Calls on the Commission, in designing a European framework for economic migration, to take into account the different policies and experiences existing in the Member States, and stresses that a constant evaluation of the impact of migration policy on other EU policies, including trade policy, should be carried out;
15. Favours the possibility of making entry conditions more flexible and effective, with provision for a residence permit for purposes of employment, minimum standards for the admission of third-country nationals for the purpose of working either as employees or as self-employed persons, and residence and work permits for seasonal workers or those employed on a time-limited basis;
16. Believes that it is essential to strengthen solidarity, particularly with the new Member States, in the development of measures for the integration of migrants;
17. Points out that mass regularisation aims to provide prospects for illegal migrants, but is no substitute for substantial policies for dealing with immigration or an effective means of recruiting economic migrants;

<sup>(1)</sup> Texts Adopted, P6\_TA(2005)0051.

<sup>(2)</sup> Opinion SOC/173 of 30 June 2004.

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18. Calls on the Commission and the Member States to take account of the circumstances of migrants already present on Union territory (asylum seekers, migrant workers' relatives, students, illegal immigrants and others) who are already contributing to the prosperity of the Union's economy but enjoy no legal recognition;
19. Emphasises that economic migration is part of the solution to the problem of Europe's ageing population and its economic difficulties and believes that the Member States must adopt new approaches to economic and employment policies, including policies reconciling professional and family life, if they are to meet the challenges of a globalised world;
20. Recalls that problems within the EU labour market should be solved not only by economic migration but also by stimulating innovation and new technologies, increasing productivity and encouraging the employment of older workers in the EU;
21. Recommends that the Council take suitable action to facilitate exchange of information and better policy coordination;
22. Calls on the Commission to analyse the Member States' tested methods of combating illegal immigration;
23. Draws attention to the importance of the inclusion by the European Union, in all the association and cooperation agreements it concludes, of clauses on the common management of migratory flows and compulsory readmission in the event of illegal immigration;
24. Calls on the Commission and the Member States to launch public awareness and information campaigns on legal immigration policies and their positive impact, notably in order to dispel public anxiety and create a positive image of immigration;
25. Calls on the Commission to draw up a proposal for a directive laying down minimum and sufficient criteria for admitting third-country nationals into the Union for purposes of employment, the main objective being to open up legal channels for immigration;
26. Believes that this legislation should define an overall (rather than sectoral) regulatory framework of reference;
27. Is convinced that it is preferable to put in place one single administrative procedure for issuing an employment and residence permit for an economic migrant, taking into account the subsidiarity principle;
28. Notes that, in principle, the admission of an economic migrant under such a system should be linked to the existence of a specific job; however, calls on the Commission to investigate the possibility of issuing special residence permits for jobseekers and the self-employed;
29. Calls on the Member States to consider the introduction of special combined residence and work permits in order to facilitate the recruitment of workers on a seasonal or time-limited basis;
30. Believes that the proposal should, in order to reduce illegal immigration and black labour, include provisions enabling migrant workers to enter for the purposes of seeking employment;
31. Calls on the Commission to clearly define the rights and obligations of an economic migrant;
32. Calls on the Commission to define a return policy, based on the promotion of voluntary return, including possibly supportive measures in the country of origin;
33. Calls on the Commission to look also into the issue of possible over-stayers, taking into account the duration of employment and residence, the presence of family members and the degree of integration;
34. Calls on the Member States to take into account not only economic interests but also all other legitimate interests when authorising labour migration so that authorisation is the outcome of a balanced weighing-up of the interests involved;

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35. Calls on the Commission to consider the setting of minimum standards with regard to selection norms and to the certification of foreign diplomas;
36. Calls on the Commission to devise and implement jointly with Member States, without delay, guidelines on the objective compiling of meaningful statistics so as to obtain a complete and differentiated picture of migration and its economic impact in the Member States and countries of origin, and on existing labour requirements in the whole of the European Union;
37. Advocates, in the knowledge that Member States are responsible for decisions to select and determine the number of third-country nationals in their territory, that data from Member States be evaluated and, where appropriate, global estimates made;
38. Calls on the Commission to examine the possibility of local and/or regional information/contact points for European companies interested in employing economic migrants;
39. Calls on the Member States to provide the Commission with estimates backed up by statistics so that it can provide forecasts of labour requirements in the whole European Union;
40. Encourages Member States to establish a dedicated website with job vacancies, so as to provide up-to-date and publicly accessible information to applicants, and to make the job vacancies available on the EURES website;
41. Calls on the Commission, when preparing its future action plan, to include provisions enabling the exchange between the Member States of best practices in the area of integration;
42. Draws attention to the responsibility of individual Member States in matters of integration, which involves rights and responsibilities not only for the host society but also for immigrants; calls on the Member States to coordinate their individual policies using the open coordination method on the basis of the common guidelines on EU immigrant integration policy adopted by the Council on 19 November 2004;
43. Calls on the Commission to propose a regulation to ensure that, following their return to developing countries, economic migrants have access to the money paid by them into European social security schemes;
44. Calls on the Commission and the Member States to pay special attention to the specific situation of women migrants with dependent children, particularly as regards their rights under temporary contracts of employment;
45. Calls on the host Member States and migrants' countries of origin to conclude agreements to guarantee transfers of entitlements acquired in either country to the other regarding length of service, wherever worked, or social security;
46. Stresses that payments transferred by migrants from developing countries to their home countries significantly exceed development aid payments and are of huge importance to achievement of the Millennium Development Goal of eradicating poverty, and urges the relevant institutions to make the transfer of payments easier by charging the lowest possible fees;
47. Emphasises the importance of cooperation between the host society on the one hand and immigrants and their communities of origin on the other;
48. Considers it necessary to alter the public perception of migration in Europe, notably by actively combating discrimination, racism and xenophobia and including the history of migrations in school curricula;
49. Is in favour of encouraging "brain circulation" by extending the principle of "Community preference" to those who have already worked for some years in the EU before returning to their own country;
50. Considers it vital that a European economic migration policy should also comprise practical solutions to the problem of the brain drain;

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51. Calls on the Commission to open a dialogue with the governments of countries of origin without delay, in order to achieve balanced legislation that allows migration and enables professional experience to be developed; also calls on the Commission, within the context of this dialogue, to enhance the development of specific measures in the sectors particularly affected by the brain drain, in accordance with the countries concerned;
  52. Calls on the Member States concerned to inform potential immigrants of their options in law and their prospects before they leave countries of origin and calls on the Commission to encourage coordination between the diplomatic and consular services of Member States present in the same country, not least to steer immigrants as far as possible towards Member States that have absorption capacity matching their respective professional profiles;
  53. Recalls that fair treatment and fair rights for migrants are essential;
  54. Points out that the common migration policy must take account of the factors which drive migrants to come to Europe, in some cases risking their lives, and that it must therefore be linked to an active common development cooperation policy;
  55. Stresses the importance of, and the need to strengthen, cooperation not only between the EU and the countries of origin but also between the countries of origin themselves, especially among the countries included in the European Neighbourhood Policy, between the ACP countries and between the former and the latter;
  56. Expects the Commission, when taking measures against organised trafficking in human beings from developing countries, not to criminalise the victims, but to focus on punishing the perpetrators; notes that many women who are victims of human trafficking have no access to legal or social protection;
  57. Calls on the Commission to recognise child migration as a distinct aspect of economic migration and to guarantee the rights of, and protection for, migrants who are minors, pursuant to Article 24 of the Charter of Fundamental Rights of the European Union;
  58. Considers that the regulation of immigration between third countries would help to protect the human and labour rights of immigrants, whilst helping to track down human traffickers and bring them to justice;
  59. Recommends that the Commission make it easier for legal migrants who have returned to developing countries to immigrate again to the EU than for migrants immigrating to the European Union for the first time, in recognition of the experience of integrating which the former have gained;
  60. Instructs its President to forward this resolution to the Council, the Commission and the governments and parliaments of the Member States.
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