



2016/0176(COD)

3.3.2017

AMENDMENTS

339 - 637

Draft report

Claude Moraes

(PE595.499v04-00)

Conditions of entry and residence of third-country nationals for the purposes of highly skilled employment

Proposal for a directive

(COM(2016)0378 – C8-0213/2016 – 2016/0176(COD))

Amendment 339

Cécile Kashetu Kyenge, Brando Benifei, Elena Gentile, Jutta Steinruck

Proposal for a directive

Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) present a valid work contract or, as provided for in national law, a binding job offer for highly skilled employment, of at least *six* months in the Member State concerned;

Amendment

(a) present a valid work contract or, as provided for in national law, a binding job offer for highly skilled employment, of at least *twelve* months in the Member State concerned;

Or. en

Amendment 340

Birgit Sippel

Proposal for a directive

Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) present a valid work contract or, as provided for in national law, a binding job offer for highly skilled employment, of at least *six* months in the Member State concerned;

Amendment

(a) present a valid work contract or, as provided for in national law, a binding job offer for highly skilled employment, of at least *twelve* months in the Member State concerned;

Or. en

Amendment 341

Barbara Spinelli, Cornelia Ernst

Proposal for a directive

Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) present a valid work contract or, as provided for in national law, a binding job offer for highly skilled employment, of at

Amendment

(a) present a valid work contract or, as provided for in national law, a binding job offer for highly skilled employment, of at

least *six* months in the Member State concerned;

least *three* months in the Member State concerned;

Or. en

Amendment 342
Kristina Winberg

Proposal for a directive
Article 5 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) present a valid work contract or, as provided for in national law, *a binding job offer* for highly *skilled* employment, of at least *six* months in the Member State concerned;

(a) present a valid work contract or, as provided for in national law, for highly *qualified* employment, of at least *12* months in the Member State concerned;

Or. en

Amendment 343
Barbara Spinelli, Cornelia Ernst

Proposal for a directive
Article 5 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) *for unregulated professions, present evidence attesting higher professional qualifications;*

deleted

Or. en

Amendment 344
Monika Hohlmeier

Proposal for a directive
Article 5 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) for unregulated professions, present evidence attesting higher **professional** qualifications;

(c) for unregulated professions, present **written** evidence attesting higher **education** qualifications **and in particular attesting higher professional skills**;

Or. en

Justification

The Commission proposal to accept not only higher education qualifications but also higher professional skills (at least three years of relevant work experience) for unregulated professions could be a good tool to react on the reality, that third country nationals applying for Blue Cards in the EU often cannot prove higher education qualifications which would be equivalent to European standards, but would in practice be able to exercise those professions. However, Member States shall be obliged to verify whether higher professional skills actually exist, by requesting justifying documents such as recommendations of former employees, former working contracts, job references or certificates of employment before issuing a Blue Card. The general obligation for Member States to verify the availability of higher professional skills is the only possibility to ensure that all Member States employ the same criteria while issuing Blue Cards and enhances trust between Member States, especially with regards to the new Article 19 I of this proposal (Business activity in a second Member State: The second Member State shall not require any authorisation for exercising a business activity other than the Blue Card issued by the first Member State).

Amendment 345

Kazimierz Michał Ujazdowski

Proposal for a directive

Article 5 – paragraph 1 – point c

Text proposed by the Commission

Amendment

(c) for unregulated professions, present evidence attesting higher professional qualifications;

(c) for unregulated professions, present evidence attesting higher professional qualifications **in relation to the work to be carried out**;

Or. en

Amendment 346

Barbara Spinelli, Cornelia Ernst

Proposal for a directive
Article 5 – paragraph 1 – point d

Text proposed by the Commission

(d) present a valid travel document, as determined by national law, and, if required, an application for a visa or a valid visa or, where applicable, a valid residence permit or a valid long-stay visa;

Amendment

(d) present a valid travel document, as determined by national law, and, if required, an application for a visa or a valid visa or, where applicable, a valid residence permit or a valid long-stay visa;
Applicants and beneficiaries of international protection can face difficulties in accessing travel documents. In such cases, Member States should recognize other documents including, for example, past identity documentation, Convention Travel Documents, laissez-passers, or ICRC travel documents.

Or. en

Amendment 347

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive
Article 5 – paragraph 1 – point d

Text proposed by the Commission

(d) present a valid travel document, as determined by national law, and, if required, an application for a visa or a valid visa or, where applicable, a valid residence permit or a valid long-stay visa;

Amendment

(d) present a valid travel document, as determined by national law, and, if required, an application for a visa or a valid visa or, where applicable, a valid residence permit or a valid long-stay visa ***or a confirmation that an application for international protection or for protection under national law is pending or when a deportation cannot be enforced;***

Or. en

Amendment 348

Bodil Valero
on behalf of the Verts/ALE Group
Judith Sargentini, Barbara Spinelli

Proposal for a directive
Article 5 – paragraph 1 – point e

Text proposed by the Commission

(e) present evidence of having or, if provided for by national law, having applied for a sickness insurance for **all** the risks normally covered for nationals of the Member State concerned for periods where no such insurance coverage and corresponding entitlement to benefits are provided in connection with, or resulting from, the work contract.

Amendment

(e) present evidence of having or, if provided for by national law, having applied for a **basic** sickness insurance for the risks normally covered for nationals of the Member State concerned for periods where no such insurance coverage and corresponding entitlement to benefits are provided in connection with, or resulting from, the work contract.

Or. en

Amendment 349
Nathalie Griesbeck

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

2. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the salary threshold set and published for that purpose by the Member States. The salary threshold set by the Member States shall be at least 1.0 times but not higher than 1.4 times the average gross annual salary in the Member State concerned.

Amendment

deleted

Or. en

Justification

The current salary threshold in the Blue Card Directive is one of the main reasons for the current lack of attractiveness of the Blue Card. The public consultation, carried out by the European Commission indicated that the failure to fulfil the salary threshold was one of the reasons why skilled workers where issued a national permit instead of a blue card. Moreover, young graduates often do not qualify for Blue Cards because of the high salary threshold and it is also more difficult for SMEs (that often have lower average salaries) to use the Blue Card. So, to have a more flexible system, we should remove the salary threshold.

Amendment 350 **Kristina Winberg**

Proposal for a directive **Article 5 – paragraph 2**

Text proposed by the Commission

Amendment

2. *In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the salary threshold set and published for that purpose by the Member States. The salary threshold set by the Member States shall be at least 1.0 times but not higher than 1.4 times the average gross annual salary in the Member State concerned.* **deleted**

Or. en

Amendment 351 **Anna Maria Corazza Bildt**

Proposal for a directive **Article 5 – paragraph 2**

Text proposed by the Commission

Amendment

2. *In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work* **deleted**

contract or binding job offer shall not be inferior to the salary threshold set and published for that purpose by the Member States. The salary threshold set by the Member States shall be at least 1.0 times but not higher than 1.4 times the average gross annual salary in the Member State concerned.

Or. en

Justification

The modalities in which Member States will fix the salary threshold is a national competence

Amendment 352
Soraya Post

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. *In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the salary threshold set and published for that purpose by the Member States. The salary threshold set by the Member States shall be at least 1.0 times but not higher than 1.4 times the average gross annual salary in the Member State concerned.* **deleted**

Or. en

Amendment 353
Juan Fernando López Aguilar

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

2. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the salary threshold set and published for that purpose by the Member States. The salary threshold set by the Member States shall be at least 1.0 times but **not** higher than 1.4 **times** the average gross annual salary in the Member State concerned.

Amendment

2. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the salary threshold set and published for that purpose by the Member States. The salary threshold set by the Member States shall be at least, **for the same working hours, the minimum wage set up in collective or sectorial agreements for the workers of the same productive sector. In case of absence of those agreements, the salary threshold shall be, at least and for the same working hours,** 1.0 times but **no** higher than 1.4 **of** the average gross annual salary in the Member State concerned.

Or. en

Amendment 354

Bodil Valero

on behalf of the Verts/ALE Group

Jean Lambert, Judith Sargentini

Proposal for a directive

Article 5 – paragraph 2

Text proposed by the Commission

2. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the **salary threshold set and published for that purpose by the Member States. The salary threshold set by the Member States shall be at least 1.0 times but not higher than 1.4 times the average gross annual salary** in the Member State concerned.

Amendment

2. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the **wages which apply or would apply to a comparable worker in the same sector** in the Member State concerned.

Or. en

Amendment 355

Cécile Kashetu Kyenge, Brando Benifei, Miltiadis Kyrkos, Elena Gentile, Jutta Steinruck

Proposal for a directive Article 5 – paragraph 2

Text proposed by the Commission

2. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the salary threshold set and published for that purpose by the Member States. The salary threshold set by the Member States shall be at least 1.0 times but not higher than 1.4 times the average gross annual salary in the Member State concerned.

Amendment

2. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the salary threshold set and published for that purpose by the Member States. The salary threshold set by the Member States shall be at least 1.0 times but not higher than 1.4 times the average gross annual salary in the Member State concerned. ***Member States shall involve the social partners before introducing a salary threshold.***

Or. en

Amendment 356

Kazimierz Michał Ujazdowski

Proposal for a directive Article 5 – paragraph 2

Text proposed by the Commission

2. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the salary threshold set and published for that purpose by the Member States. The salary threshold set by the Member States shall be at least 1.0 times but not higher than ***1.4*** times the average gross annual salary in the Member State concerned.

Amendment

2. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the salary threshold set and published for that purpose by the Member States. The salary threshold set by the Member States shall be at least 1.0 times but not higher than ***2.0*** times the average gross annual salary in the Member State concerned.

Amendment 357
Heinz K. Becker

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

2. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the salary threshold set and published for that purpose by the Member States. The salary threshold set by the Member States shall be at least **1.0** times but not higher than **1.4** times the average gross annual salary in the Member State concerned.

Amendment

2. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the salary threshold set and published for that purpose by the Member States. The salary threshold set by the Member States shall be at least **0.8** times but not higher than **1.2** times the average gross annual salary in the Member State concerned.

Amendment 358
Jeroen Lenaers

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

2. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the salary threshold set and published for that purpose by the Member States. The salary threshold set by the Member States shall be at least 1.0 times **but not higher than 1.4 times** the average gross annual salary in the Member State concerned.

Amendment

2. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the salary threshold set and published for that purpose by the Member States. The salary threshold set by the Member States shall be at least 1.0 times the average gross annual salary in the Member State concerned.

Amendment 359
Monika Hohlmeier

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

2. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the salary threshold set and published for that purpose by the Member States. The salary threshold set by the Member States shall be at least 1.0 times ***but not higher than 1.4 times*** the average gross annual salary in the Member State concerned.

Amendment

2. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the salary threshold set and published for that purpose by the Member States. The salary threshold set by the Member States shall be at least 1.0 times the average gross annual salary in the Member State concerned.

Or. en

Amendment 360
Barbara Spinelli, Malin Björk, Cornelia Ernst, Paloma López Bermejo

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

2. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the ***salary threshold set and published for that purpose by the Member States. The salary threshold set by the Member States shall be at least 1.0 times but not higher than 1.4 times the average gross annual salary in the Member State concerned.***

Amendment

2. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the ***wages which apply or would apply to a comparable worker in the same sector in the Member State concerned in line with all conditions in the applicable laws, collective agreements or practices in the relevant occupational branches.***

Justification

The maintenance of a lowered salary threshold would be in contradiction to the aim of this proposal to increase the attractiveness of the Blue Card, as stated in recital 4. The public consultation, carried out by the European Commission between 27 May and 30 September 2015, indicates that the failure to fulfil the salary requirement was one of the main reasons why highly skilled TCN were issued a national permit instead of a Blue Card. Additionally, the majority of respondents suggested to make the salary threshold more flexible.

Amendment 361**Barbara Spinelli, Cornelia Ernst****Proposal for a directive****Article 5 – paragraph 2 a (new)***Text proposed by the Commission**Amendment*

2a. Member States shall require that:

(a) all conditions in the law, regulations, or administrative provisions and/or universally applicable collective agreements applicable to workers in a similar situation in the relevant occupational branches are met with regard to terms and conditions of employment other than remuneration.

In the absence of a system for declaring collective agreements of universal application, Member States may base themselves on collective agreements which are generally applicable to all similar undertakings in the geographical area and in the profession or industry concerned, and/or collective agreements which have been concluded by the most representative employers and employee organisations at national level and which are applied throughout their national territory;

(b) the remuneration granted to the third-country national during the entire working period is not less favourable than the remuneration granted to nationals of

the Member State where the work is carried out occupying comparable positions in accordance with applicable laws or collective agreements or practices in the Member State where the host entity is established.

Or. en

Amendment 362

Cécile Kashetu Kyenge, Brando Benifei, Juan Fernando López Aguilar, Elena Gentile, Jutta Steinruck

**Proposal for a directive
Article 5 – paragraph 4**

Text proposed by the Commission

Amendment

4. By way of derogation from paragraph 2, and for employment in professions which are in particular need of third-country national workers and which belong to major groups 1 and 2 of ISCO, the salary threshold shall be 80 percent of the salary threshold set by the Member State concerned in accordance with paragraph 2.

deleted

Or. en

Amendment 363

Nathalie Griesbeck

**Proposal for a directive
Article 5 – paragraph 4**

Text proposed by the Commission

Amendment

4. By way of derogation from paragraph 2, and for employment in professions which are in particular need of third-country national workers and which belong to major groups 1 and 2 of ISCO, the salary threshold shall be 80

deleted

percent of the salary threshold set by the Member State concerned in accordance with paragraph 2.

Or. en

Justification

The current salary threshold in the Blue Card Directive is one of the main reasons for the current lack of attractiveness of the Blue Card. The public consultation, carried out by the European Commission indicated that the failure to fulfil the salary threshold was one of the reasons why skilled workers where issued a national permit instead of a blue card. Moreover, young graduates often do not qualify for Blue Cards because of the high salary threshold and it is also more difficult for SMEs (that often have lower average salaries) to use the Blue Card. So, to have a more flexible system, we should remove the salary threshold.

Amendment 364

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini, Jean Lambert

Proposal for a directive

Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. *By way of derogation from paragraph 2, and for employment in professions which are in particular need of third-country national workers and which belong to major groups 1 and 2 of ISCO, the salary threshold shall be 80 percent of the salary threshold set by the Member State concerned in accordance with paragraph 2.*

deleted

Or. en

Amendment 365

Soraya Post

Proposal for a directive

Article 5 – paragraph 4

Text proposed by the Commission

Amendment

4. *By way of derogation from paragraph 2, and for employment in professions which are in particular need of third-country national workers and which belong to major groups 1 and 2 of ISCO, the salary threshold shall be 80 percent of the salary threshold set by the Member State concerned in accordance with paragraph 2.* **deleted**

Or. en

Amendment 366

Barbara Spinelli, Paloma López Bermejo, Cornelia Ernst

**Proposal for a directive
Article 5 – paragraph 4**

Text proposed by the Commission

Amendment

4. *By way of derogation from paragraph 2, and for employment in professions which are in particular need of third-country national workers and which belong to major groups 1 and 2 of ISCO, the salary threshold shall be 80 percent of the salary threshold set by the Member State concerned in accordance with paragraph 2.* **deleted**

Or. en

Justification

The maintenance of a lowered salary threshold would be in contradiction to the aim of this proposal to increase the attractiveness of the Blue Card, as stated in recital 4. The public consultation, carried out by the European Commission between 27 May and 30 September 20152, indicates that the failure to fulfil the salary requirement was one of the main reasons why highly skilled TCN were issued a national permit instead of a Blue Card. Additionally, the majority of respondents suggested to make the salary threshold more flexible.

Amendment 367

Anna Maria Corazza Bildt

**Proposal for a directive
Article 5 – paragraph 4**

Text proposed by the Commission

Amendment

4. By way of derogation from paragraph 2, and for employment in professions which are in particular need of third-country national workers and which belong to major groups 1 and 2 of ISCO, the salary threshold shall be 80 percent of the salary threshold set by the Member State concerned in accordance with paragraph 2.

deleted

Or. en

Justification

The modalities in which Member States will fix the salary threshold is a national competence

**Amendment 368
Kinga Gál**

**Proposal for a directive
Article 5 – paragraph 4**

Text proposed by the Commission

Amendment

4. By way of derogation from paragraph 2, and for employment in professions which are in particular need of third-country national workers and which belong to major groups 1 and 2 of ISCO, *the* salary threshold *shall be* 80 percent of the salary threshold set by the Member State concerned in accordance with paragraph 2.

4. By way of derogation from paragraph 2, and for employment in professions which are in particular need of third-country national workers and which belong to major groups 1 and 2 of ISCO, *a Member State may apply a lower* salary threshold *of at least* 80 percent of the salary threshold set by the Member State concerned in accordance with paragraph 2.

Or. en

**Amendment 369
Kazimierz Michał Ujazdowski**

Proposal for a directive
Article 5 – paragraph 4

Text proposed by the Commission

4. By way of derogation from paragraph 2, and for employment in professions which are in particular need of third-country national workers and which belong to major groups 1 and 2 of ISCO, **the** salary threshold **shall be** 80 percent of the salary threshold set by the Member State concerned in accordance with paragraph 2.

Amendment

4. By way of derogation from paragraph 2, and for employment in professions which are in particular need of third-country national workers and which belong to major groups 1 and 2 of ISCO, **Member States may apply a lower** salary threshold **of at least** 80 percent of the salary threshold set by the Member State concerned in accordance with paragraph 2.

Or. en

Amendment 370
Nathalie Griesbeck

Proposal for a directive
Article 5 – paragraph 5

Text proposed by the Commission

5. **By way of derogation from paragraph 2, as regards third-country nationals who have obtained a higher education qualification not more than three years before submitting the application for an EU Blue Card, the salary threshold shall be 80 percent of the salary threshold set by the Member State concerned in accordance with paragraph 2. The period of three years shall reapply after the attainment of each level of higher education qualifications.**

The salary threshold referred to in the first subparagraph of this paragraph shall apply whenever an application for a first EU Blue Card or a renewal is submitted during that period of three years. Where the EU Blue Card issued during the period of three years is renewed after the three years period has elapsed, the salary

Amendment

deleted

threshold referred to in paragraph 2 shall apply. However, where the first EU Blue Card issued during the period of three years was issued for less than 24 months, the lower salary threshold referred to in the first subparagraph of this paragraph shall apply upon the first renewal.

Or. en

Justification

The current salary threshold in the Blue Card Directive is one of the main reasons for the current lack of attractiveness of the Blue Card. The public consultation, carried out by the European Commission indicated that the failure to fulfil the salary threshold was one of the reasons why skilled workers were issued a national permit instead of a blue card. Moreover, young graduates often do not qualify for Blue Cards because of the high salary threshold and it is also more difficult for SMEs (that often have lower average salaries) to use the Blue Card. So, to have a more flexible system, we should remove the salary threshold.

Amendment 371

Cécile Kashetu Kyenge, Miltiadis Kyrkos, Juan Fernando López Aguilar

Proposal for a directive

Article 5 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

By way of derogation from paragraph 2, as regards third-country nationals who have obtained a higher education qualification not more than three years before submitting the application for an EU Blue Card, the salary threshold shall be 80 percent of the salary threshold set by the Member State concerned in accordance with paragraph 2. The period of three years shall reapply after the attainment of each level of higher education qualifications.

deleted

Or. en

Amendment 372

Bodil Valero
on behalf of the Verts/ALE Group
Judith Sargentini, Jean Lambert

Proposal for a directive
Article 5 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

By way of derogation from paragraph 2, as regards third-country nationals who have obtained a higher education qualification not more than three years before submitting the application for an EU Blue Card, the salary threshold shall be 80 percent of the salary threshold set by the Member State concerned in accordance with paragraph 2. The period of three years shall reapply after the attainment of each level of higher education qualifications.

deleted

Or. en

Amendment 373
Soraya Post

Proposal for a directive
Article 5 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

By way of derogation from paragraph 2, as regards third-country nationals who have obtained a higher education qualification not more than three years before submitting the application for an EU Blue Card, the salary threshold shall be 80 percent of the salary threshold set by the Member State concerned in accordance with paragraph 2. The period of three years shall reapply after the attainment of each level of higher education qualifications.

deleted

Or. en

Amendment 374

Anna Maria Corazza Bildt

Proposal for a directive

Article 5 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

By way of derogation from paragraph 2, as regards third-country nationals who have obtained a higher education qualification not more than three years before submitting the application for an EU Blue Card, the salary threshold shall be 80 percent of the salary threshold set by the Member State concerned in accordance with paragraph 2. The period of three years shall reapply after the attainment of each level of higher education qualifications. *deleted*

Or. en

Justification

The modalities in which Member States will fix the salary threshold is a national competence.

Amendment 375

Barbara Spinelli, Paloma López Bermejo, Cornelia Ernst

Proposal for a directive

Article 5 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

By way of derogation from paragraph 2, as regards third-country nationals who have obtained a higher education qualification not more than three years before submitting the application for an EU Blue Card, the salary threshold shall be 80 percent of the salary threshold set by the Member State concerned in accordance with paragraph 2. The period of three years shall reapply after the *deleted*

attainment of each level of higher education qualifications.

Or. en

Justification

The maintenance of a lowered salary threshold would be in contradiction to the aim of this proposal to increase the attractiveness of the Blue Card, as stated in recital 4. The public consultation, carried out by the European Commission between 27 May and 30 September 20152, indicates that the failure to fulfil the salary requirement was one of the main reasons why highly skilled TCN were issued a national permit instead of a Blue Card. Additionally, the majority of respondents suggested to make the salary threshold more flexible.

Amendment 376
Kinga Gál

Proposal for a directive
Article 5 – paragraph 5 – subparagraph 1

Text proposed by the Commission

By way of derogation from paragraph 2, as regards third-country nationals who have obtained a higher education qualification not more than three years before submitting the application for an EU Blue Card, ***the*** salary threshold ***shall be*** 80 percent of the salary threshold set by the Member State concerned in accordance with paragraph 2. ***The period of three years shall reapply after the attainment of each level of higher education qualifications.***

Amendment

By way of derogation from paragraph 2, as regards third-country nationals who have obtained a higher education qualification not more than three years before submitting the application for an EU Blue Card, ***a Member State may apply a*** salary threshold ***of at least*** 80 percent of the salary threshold set by the Member State concerned in accordance with paragraph 2.

Or. en

Amendment 377
Kazimierz Michał Ujazdowski

Proposal for a directive
Article 5 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

By way of derogation from paragraph 2, as regards third-country nationals who have obtained a higher education qualification not more than three years before submitting the application for an EU Blue Card, *the* salary threshold *shall be* 80 percent of the salary threshold set by the Member State concerned in accordance with paragraph 2. The period of three years shall reapply after the attainment of each level of higher education qualifications.

By way of derogation from paragraph 2, as regards third-country nationals who have obtained a higher education qualification not more than three years before submitting the application for an EU Blue Card, *Member States may apply a lower* salary threshold *of at least* 80 percent of the salary threshold set by the Member State concerned in accordance with paragraph 2. The period of three years shall reapply after the attainment of each level of higher education qualifications.

Or. en

Amendment 378

Cécile Kashetu Kyenge, Juan Fernando López Aguilar

Proposal for a directive

Article 5 – paragraph 5 – subparagraph 2

Text proposed by the Commission

The salary threshold referred to in the first subparagraph of this paragraph shall apply whenever an application for a first EU Blue Card or a renewal is submitted during that period of three years. Where the EU Blue Card issued during the period of three years is renewed after the three years period has elapsed, the salary threshold referred to in paragraph 2 shall apply. However, where the first EU Blue Card issued during the period of three years was issued for less than 24 months, the lower salary threshold referred to in the first subparagraph of this paragraph shall apply upon the first renewal.

Amendment

deleted

Or. en

Amendment 379

Barbara Spinelli, Paloma López Bermejo, Cornelia Ernst

Proposal for a directive
Article 5 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

The salary threshold referred to in the first subparagraph of this paragraph shall apply whenever an application for a first EU Blue Card or a renewal is submitted during that period of three years. Where the EU Blue Card issued during the period of three years is renewed after the three years period has elapsed, the salary threshold referred to in paragraph 2 shall apply. However, where the first EU Blue Card issued during the period of three years was issued for less than 24 months, the lower salary threshold referred to in the first subparagraph of this paragraph shall apply upon the first renewal.

deleted

Or. en

Justification

The maintenance of a lowered salary threshold would be in contradiction to the aim of this proposal to increase the attractiveness of the Blue Card, as stated in recital 4. The public consultation, carried out by the European Commission between 27 May and 30 September 20152, indicates that the failure to fulfil the salary requirement was one of the main reasons why highly skilled TCN were issued a national permit instead of a Blue Card. Additionally, the majority of respondents suggested to make the salary threshold more flexible.

Amendment 380
Monika Hohlmeier

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission

Amendment

6. Member States shall facilitate the validation and recognition of documents attesting the relevant higher **professional** qualifications pursuant to point (c) of paragraph 1.

6. Member States shall facilitate the validation and recognition of documents attesting the relevant higher **education** qualifications pursuant to point (c) of paragraph 1; **Member States shall always verify whether higher professional skills as in point (c) of paragraph 1 exist, for**

*example by requesting documents
attesting at least three years of relevant
professional experience*

Or. en

Justification

The Commission proposal to accept not only higher education qualifications but also higher professional skills (at least three years of relevant work experience) for unregulated professions could be a good tool to react on the reality, that third country nationals applying for Blue Cards in the EU often cannot prove higher education qualifications which would be equivalent to European standards, but would in practice be able to exercise those professions. However, Member States shall be obliged to verify whether higher professional skills actually exist, by requesting justifying documents such as recommendations of former employees, former working contracts, job references or certificates of employment before issuing a Blue Card. The general obligation for Member States to verify the availability of higher professional skills is the only possibility to ensure that all Member States employ the same criteria while issuing Blue Cards and enhances trust between Member States, especially with regards to the new Article 19 I of this proposal (Business activity in a second Member State: The second Member State shall not require any authorisation for exercising a business activity other than the Blue Card issued by the first Member State).

Amendment 381

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 5 – paragraph 6

Text proposed by the Commission

6. Member States shall facilitate the validation and recognition of documents attesting the relevant higher professional qualifications pursuant to point (c) of paragraph 1.

Amendment

6. Member States shall facilitate the **timely** validation and recognition of documents attesting the relevant higher professional qualifications pursuant to point (c) of paragraph 1.

Or. en

Amendment 382

Kinga Gál

Proposal for a directive
Article 5 – paragraph 6

Text proposed by the Commission

6. Member States **shall** facilitate the validation and recognition of documents attesting the relevant higher professional qualifications pursuant to point (c) of paragraph 1.

Amendment

6. Member States **may** facilitate the validation and recognition of documents attesting the relevant higher professional qualifications pursuant to point (c) of paragraph 1.

Or. en

Amendment 383
Claude Moraes

Proposal for a directive
Article 5 – paragraph 6 a (new)

Text proposed by the Commission

Amendment

6a. Member States shall develop mechanisms and arrangements for the evaluation of higher professional skills, as defined in Article 2(i) and the validation of professional experience, as defined in Article 2(j). When developing such mechanisms and arrangements, Member States shall consult with the social partners.

Or. en

Justification

Giving social partners a role in determining what constitutes “high professional skills” can facilitate a more accurate & efficient recognition process for qualifications and skills in Member States, while helping reassure those worried about national labour markets being undercut.

Amendment 384
Barbara Spinelli, Cornelia Ernst

Proposal for a directive
Article 5 – paragraph 7

Text proposed by the Commission

Amendment

7. Member States shall reject applications of third-country nationals who are considered to pose a threat to public policy, public security or public health.

deleted

Or. en

Amendment 385

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 5 – paragraph 7

Text proposed by the Commission

Amendment

7. Member States shall reject applications of third-country nationals who are **considered** to pose a threat to **public policy**, public security **or public health**.

7. Member States shall reject applications of third-country nationals who are **proven** to pose a threat to public security.

Or. en

Amendment 386

Barbara Spinelli, Cornelia Ernst

Proposal for a directive

Article 5 – paragraph 8 – subparagraph 1

Text proposed by the Commission

Amendment

Member States may require the third-country national concerned to provide his or her address in their territory.

deleted

Or. en

Justification

A third country national who has not yet received approval of his/her application for a Blue Card to come to the European Union cannot reasonably be asked to provide an address in the European Union in advance of that approval.

Amendment 387

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 5 – paragraph 8 – subparagraph 2

Text proposed by the Commission

Where the national law of a Member State requires an address to be provided at the time of application and the third-country national concerned does not yet know his or her future address, Member States shall accept a temporary address. In such a case, the third-country national shall provide his or her permanent address at the latest **when** the EU Blue Card pursuant to Article 8 is issued.

Amendment

Where the national law of a Member State requires an address to be provided at the time of application and the third-country national concerned does not yet know his or her future address, Member States shall accept a temporary address. In such a case, the third-country national shall provide his or her permanent address at the latest **one year after** the EU Blue Card pursuant to Article 8 is issued.

Or. en

Amendment 388

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 6 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States **shall** reject an application for an EU Blue Card **in any of** the following cases:

Amendment

1. Member States **may** reject an application for an EU Blue Card **only in** the following cases:

Or. en

Amendment 389
Barbara Spinelli

Proposal for a directive
Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) where the *documents presented have been fraudulently acquired, or falsified or tampered with.*

Amendment

(b) where the *third-country national is considered to pose a threat to public policy or public security or public health. Diseases occurring after a three-month period from the date of arrival shall not constitute grounds for expulsion from the territory.*

Or. en

Justification

This amendment is consistent with Article 29 §2 of Directive 2004/38/EC

Amendment 390
Bodil Valero
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a directive
Article 6 – paragraph 1 – point b

Text proposed by the Commission

(b) where the documents presented have been fraudulently acquired, or falsified or tampered with.

Amendment

(b) where the documents presented, *with the knowledge of the owner*, have been fraudulently acquired, or falsified or tampered with.

Or. en

Amendment 391
Kinga Gál

Proposal for a directive

Article 6 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

where the applicant poses a threat to public security or health.

Or. en

**Amendment 392
Barbara Spinelli**

**Proposal for a directive
Article 6 – paragraph 2 – subparagraph 1**

Text proposed by the Commission

Amendment

In circumstances where their labour market situation undergoes serious disturbances such as a high level of unemployment in a given occupation or sector, which may be limited to a particular part of their territory, Member States may check whether the concerned vacancy could not be filled by national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for highly skilled employment in accordance with Chapter III of Directive 2003/109/EC.

deleted

Or. en

Justification

This ground for refusal has been amended and moved to the other grounds for refusal under Article 6(3).

**Amendment 393
Miapetra Kumpula-Natri, Claude Moraes**

Proposal for a directive
Article 6 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

In circumstances where their labour market situation undergoes serious disturbances such as a high level of unemployment in a given occupation or sector, which may be limited to a particular part of their territory, Member States may check whether the concerned vacancy could not be filled by national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for highly skilled employment in accordance with Chapter III of Directive 2003/109/EC.

deleted

Or. en

Amendment 394
Kinga Gál

Proposal for a directive
Article 6 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

In circumstances where their labour market situation undergoes serious disturbances such as a high level of unemployment in a given occupation or sector, which may be limited to a particular part of their territory, Member States may check whether the concerned vacancy could not be filled by national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term

deleted

residents wishing to move to that Member State for highly skilled employment in accordance with Chapter III of Directive 2003/109/EC.

Or. en

Amendment 395
Heinz K. Becker

Proposal for a directive
Article 6 – paragraph 2 – subparagraph 1

Text proposed by the Commission

In circumstances where their labour market situation undergoes serious disturbances such as a high level of unemployment in a given occupation or sector, which may be limited to a particular part of their territory, Member States may check whether the concerned vacancy could not be filled by national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for highly skilled employment in accordance with Chapter III of Directive 2003/109/EC.

Amendment

Member States may check whether the concerned vacancy could not be filled by national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for highly skilled employment in accordance with Chapter III of Directive 2003/109/EC.

Or. de

Amendment 396
Kazimierz Michał Ujazdowski

Proposal for a directive
Article 6 – paragraph 2 – subparagraph 1

Text proposed by the Commission

In circumstances where their labour market situation undergoes serious

Amendment

Member States may check whether the concerned vacancy could not be filled by

disturbances such as a high level of unemployment in a given occupation or sector, which may be limited to a particular part of their territory, Member States may check whether the concerned vacancy could not be filled by national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for highly skilled employment in accordance with Chapter III of Directive 2003/109/EC.

national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for highly skilled employment in accordance with Chapter III of Directive 2003/109/EC.

Or. en

Amendment 397
Monika Hohlmeier

Proposal for a directive
Article 6 – paragraph 2 – subparagraph 1

Text proposed by the Commission

In *circumstances where their labour market situation undergoes serious disturbances such as a high level of unemployment in a given occupation or sector, which may be limited to a particular part of their territory*, Member States may check whether the concerned vacancy could not be filled by national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for highly skilled employment in accordance with Chapter III of Directive 2003/109/EC.

Amendment

In *accordance with Article 79 V TFEU* Member States may check *under every circumstances* whether the concerned vacancy could not be filled by national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for highly skilled employment in accordance with Chapter III of Directive 2003/109/EC.

Or. en

Amendment 398

Bodil Valero

on behalf of the Verts/ALE Group

Jean Lambert, Judith Sargentini

Proposal for a directive

Article 6 – paragraph 2 – subparagraph 1

Text proposed by the Commission

In circumstances where their labour market situation undergoes serious disturbances such as a high level of unemployment in a given occupation or sector, ***which may be limited to a particular part of their territory, Member States may*** check whether the concerned vacancy could not be filled by national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for highly skilled employment in accordance with Chapter III of Directive 2003/109/EC.

Amendment

In circumstances where their labour market situation undergoes serious disturbances such as a high level of unemployment in a given occupation or sector, ***Member States may, after mandatory consultation with social partners and relevant national employment and social authorities and actors,*** check whether the concerned vacancy could not be filled by national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for highly skilled employment in accordance with Chapter III of Directive 2003/109/EC.

Or. en

Amendment 399

Anna Maria Corazza Bildt, Carlos Coelho

Proposal for a directive

Article 6 – paragraph 2 – subparagraph 1

Text proposed by the Commission

In circumstances where their labour market ***situation undergoes serious disturbances such as*** a high level of unemployment in a given occupation or sector, which may be limited to a particular part of their territory, Member States may check whether the concerned vacancy could not be filled by national or Union workforce, by third-

Amendment

In circumstances where their labour market ***experiences*** a high level of unemployment in a given occupation or sector, which may be limited to a particular part of their territory, Member States may check whether the concerned vacancy could not be filled by national or Union workforce, by third-country nationals lawfully resident

country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for highly skilled employment in accordance with Chapter III of Directive 2003/109/EC.

in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for highly skilled employment in accordance with Chapter III of Directive 2003/109/EC.

Or. en

Amendment 400

Miapetra Kumpula-Natri, Claude Moraes

Proposal for a directive

Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The Member State concerned shall notify the Commission of its intention to introduce such check in a given occupation or sector, which may be limited to a particular part of their territory, for third-country nationals coming from third countries for the next 12 months, and shall supply the Commission with all relevant reasons justifying this decision. For each extension of 12 months the Member State concerned shall send a new justified notification.

deleted

Or. en

Amendment 401

Kinga Gál

Proposal for a directive

Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The Member State concerned shall notify the Commission of its intention to

deleted

introduce such check in a given occupation or sector, which may be limited to a particular part of their territory, for third-country nationals coming from third countries for the next 12 months, and shall supply the Commission with all relevant reasons justifying this decision. For each extension of 12 months the Member State concerned shall send a new justified notification.

Or. en

Amendment 402
Kazimierz Michał Ujazdowski

Proposal for a directive
Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The Member State concerned shall notify the Commission of its intention to introduce such check in a given occupation or sector, which may be limited to a particular part of their territory, for third-country nationals coming from third countries for the next 12 months, and shall supply the Commission with all relevant reasons justifying this decision. For each extension of 12 months the Member State concerned shall send a new justified notification. *deleted*

Or. en

Amendment 403
Barbara Spinelli

Proposal for a directive
Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The Member State concerned shall notify the Commission of its intention to introduce such check in a given occupation or sector, which may be limited to a particular part of their territory, for third-country nationals coming from third countries for the next 12 months, and shall supply the Commission with all relevant reasons justifying this decision. For each extension of 12 months the Member State concerned shall send a new justified notification.

deleted

Or. en

Justification

This ground for refusal has been amended and moved to the other grounds for refusal under Article 6(3).

Amendment 404

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The Member State concerned shall ***notify*** the Commission of its intention to introduce such check in a given occupation or sector, which may be limited to a particular part of their territory, for third-country nationals coming from third countries for the next ***12*** months, and shall supply the Commission with all relevant reasons justifying this decision. For each extension of ***12*** months the Member State concerned shall ***send a new justified notification.***

The Member State concerned shall ***inform*** the Commission of its intention to introduce such check in a given occupation or sector, which may be limited to a particular part of their territory, for third-country nationals coming from third countries for the next ***6*** months, and shall supply the Commission with all relevant reasons justifying this decision. ***The Commission shall notify the Member State of its decision to approve or reject the proposed measures by the Member States.*** For each extension of ***6*** months the

Member State concerned shall *inform the Commission and provide new relevant reasons justifying such check. Member States shall not implement the abovementioned measures before approval by the Commission.*

Or. en

Amendment 405
Heinz K. Becker

Proposal for a directive
Article 6 – paragraph 2 – subparagraph 2

Text proposed by the Commission

*The Member State concerned shall notify the Commission of its intention to introduce such check in a given occupation or sector, which may be limited to a particular part of their territory, for third-country nationals coming from third countries for the next 12 months, **and shall supply the Commission with all relevant reasons justifying this decision. For each extension of 12 months the Member State concerned shall send a new justified notification.***

Amendment

***After consulting the national social partners, out of consideration for national practices, the** Member State concerned shall notify the Commission of its intention to introduce such check in a given occupation or sector, which may be limited to a particular part of their territory, for third-country nationals coming from third countries for the next 12 months. **Upon completion of the check,** the Member State shall *inform the Commission about the outcome thereof.**

Or. de

Amendment 406
Kinga Gál

Proposal for a directive
Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. A Member State may check whether the job vacancy could not be filled by a national of that country or another EU citizen or by third country

nationals lawfully residing in that Member State and already part of the EU's labour market.

Or. en

Amendment 407
Carlos Coelho, Mariya Gabriel

Proposal for a directive
Article 6 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. Member States *may* reject an application for an EU Blue Card where:

3. Member States *shall* reject an application for an EU Blue Card where:

Or. en

Amendment 408
Barbara Spinelli

Proposal for a directive
Article 6 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) *the employer has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;*

deleted

Or. en

Justification

The failure of an employer to meet its legal obligations in regard to social security, taxation, labour rights or working conditions punishes primarily the Blue Card holder and therefore should be eliminated whereas the articles on sanctions against the employers enshrined in Article 22 should be reinforced.

Amendment 409

Bodil Valero
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a directive
Article 6 – paragraph 3 – point a

Text proposed by the Commission

(a) the employer has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;

Amendment

(a) the employer has, ***in a serious manner***, failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions ***for a period of two years prior to the submission of the application***;

Or. en

Amendment 410
Barbara Spinelli

Proposal for a directive
Article 6 – paragraph 3 – point b

Text proposed by the Commission

(b) ***the employer's business is being or has been wound up under national insolvency laws or no economic activity is taking place; or***

Amendment

deleted

Or. en

Justification

This paragraph punishes primarily the Blue Card holder and therefore should be eliminated whereas the articles on sanctions against the employers enshrined in Article 22 should be reinforced.

Amendment 411
Barbara Spinelli

Proposal for a directive
Article 6 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) *the employer has been sanctioned for employment of illegally staying third-country nationals in accordance with Article 9 of Directive 2009/52/EC of the European Parliament and of the Council⁵¹, or for undeclared work or illegal employment according to national law.*

deleted

⁵¹ *Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009, p. 24).*

Or. en

Justification

This paragraph punishes primarily the Blue Card holder and therefore should be eliminated whereas the articles on sanctions against the employers enshrined in Article 22 should be reinforced.

Amendment 412

Heinz K. Becker

Proposal for a directive

Article 6 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) the employer has been sanctioned for employment of illegally staying third-country nationals in accordance with Article 9 of Directive 2009/52/EC of the European Parliament and of the Council⁵¹, or for undeclared work or illegal employment according to national law.

(c) the employer has been sanctioned, ***in the 12 months before the application was made***, for employment of illegally staying third-country nationals in accordance with Article 9 of Directive 2009/52/EC of the European Parliament and of the Council⁵¹, or for undeclared work or illegal employment according to national law.

⁵¹ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009, p. 24).

⁵¹ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009, p. 24).

Or. de

Amendment 413

Miapetra Kumpula-Natri, Claude Moraes

Proposal for a directive

Article 6 – paragraph 3 – subparagraph 1 (new)

Art 6 paragraph 3 (new)

Text proposed by the Commission

Amendment

In circumstances where their labour market situation undergoes serious disturbances such as a high level of unemployment in a given occupation or sector, which may be limited to a particular part of their territory and where the Member State in question has checked whether the concerned vacancy could not be filled by national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for highly skilled employment in accordance with Chapter III of Directive 2003/109/EC. Member States shall involve social partners in the assessment of the circumstances related to the domestic labour market.

The Member State concerned shall notify the Commission, at the latest one month in advance, of its intention to introduce such check in a given occupation or sector, which may be limited to a particular part of their territory, for third-country nationals coming from third

countries for the next six months, and shall supply the Commission with all relevant reasons justifying this decision. For each extension of 6 months the Member State concerned shall send a new justified notification.

Or. en

Amendment 414
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Article 6 – paragraph 3 – point c a (new)

Text proposed by the Commission

Amendment

(ca) where the documents presented have been fraudulently acquired, or falsified or tampered with in a way which is significant both in relation to the validity of the document and in relation to its relevance for the issuance of a Blue Card; or

Or. en

Amendment 415
Barbara Spinelli

Proposal for a directive
Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In circumstances where there is an acute level of unemployment in a given occupation or sector which may be limited to a particular part of their territory and before taking the decision on an application for an EU Blue Card, Member States may verify whether the concerned vacancy could not be filled in the short term by national or Union workforce, by

third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for highly skilled employment in accordance with Chapter III of Directive 2003/109/EC. Every decision for refusal has to be taken on a case by case basis and motivated by the labour market situation in the relevant sector or occupation. In the absence of a negative decision, the authorisation is to be presumed granted.

Member States shall ensure that such mechanisms

a) Have a time limit of no more than four weeks

b) Provide the employer concerned with a reasonable opportunity to present information about the difficulties in fulfilling the vacancy, taking into account inter alia the specific skills and competence requirements relating to the job, the labour market and any specific measures taken to fulfil it by the employer concerned or in comparable situations

Or. en

Justification

This amendment is consistent with some precisions with the 2001 proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purpose of paid employment and self-employed economic activities

Amendment 416

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini, Jean Lambert

Proposal for a directive

Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Access to due financial compensation and redress shall be granted to the applicant whose application has been refused pursuant to points (a), (b) or (c) of paragraph 3. This should not, in any case, prevent the applicant from submitting a fresh application and being granted an EU Blue Card.

Or. en

Amendment 417

Bodil Valero

on behalf of the Verts/ALE Group

Jean Lambert, Judith Sargentini

Proposal for a directive

Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States may reject an application for an EU Blue Card in order to ensure ethical recruitment in sectors suffering from a lack of qualified workers in the countries of origin.

4. Member States may **only** reject an application for an EU Blue Card in order to ensure ethical recruitment in **key** sectors **essential for sustainable development** suffering from a lack of qualified workers in the countries of origin.

Or. en

Justification

It is crucial to strike a balance between recognising national needs on the one hand and the right of an individual to choose to leave their country on the other, to gain experience, learn new skills or earn more.

Amendment 418

Barbara Spinelli

Proposal for a directive

Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. ***Without prejudice to paragraph 1, any decision to reject an application shall take account of the specific circumstances of the case and respect the principle of proportionality.***

5. ***Any decision to reject an application pursuant to paragraph 3 shall take account of the specific circumstances of the case and shall be proportionate.***

Or. en

Justification

All the decisions taken under Article 6(3) - possible grounds for refusal - should take account of the specific circumstances of the case and the decision to refuse should be proportionate.

Amendment 419

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Article 6 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. A decision to reject an application shall be given in writing and it shall be notified to the applicant without undue delay in a language he or she understands or is reasonably meant to understand.

Where an application is rejected, the reasons in fact and in law shall be stated in the decision. Applicants shall have access to effective judicial remedies and receive information on how to challenge the abovementioned decision shall be given in writing, unless otherwise already provided to the applicant.

Or. en

Justification

This amendment brings the legislation in line with Article 11 and 46 of the “Asylum Procedures Directive” (Directive 2013/32/EU)

Amendment 420
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Article 7 – title

Text proposed by the Commission

Withdrawal *or non-renewal* of the EU
Blue Card

Amendment

Withdrawal of the EU Blue Card

Or. en

Amendment 421
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Article 7 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall withdraw *or refuse to renew* an EU Blue Card where:

Amendment

1. Member States shall withdraw an EU Blue Card where:

Or. en

Amendment 422
Bodil Valero
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a directive
Article 7 – paragraph 1 – point a

Text proposed by the Commission

(a) the EU Blue Card or the documents presented have been fraudulently acquired, or have been falsified or tampered with;

Amendment

(a) the EU Blue Card or the documents presented, *with the knowledge of the owner*, have been fraudulently acquired, or have been falsified or tampered with;

Or. en

Amendment 423
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Article 7 – paragraph 1 – point a

Text proposed by the Commission

(a) the *EU Blue Card or the documents presented have been fraudulently acquired, or have been falsified or tampered with;*

Amendment

(a) the *third-country national is considered to pose a threat to public policy, and public security; or*

Or. en

Justification

This amendment is consistent with Article 29 §2 of Directive 2004/38/EC stating that “Diseases occurring after a three-month period from the date of arrival shall not constitute grounds for expulsion from the territory.”

Amendment 424
Miltiadis Kyrkos

Proposal for a directive
Article 7 – paragraph 1 – point α a (new)

Text proposed by the Commission

Amendment

(aa) *the third-country national is considered to pose a threat to public policy, public security or public health, a threat which can be objectively established;*

Or. el

Amendment 425
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the third-country national no longer holds a valid work contract for highly skilled employment or the qualifications required by points (b) and (c) of Article 5(1) or his or her salary no longer meets the salary threshold as set in accordance with Article 5(2), (4) or (5), as applicable, without prejudice to Article 14.

deleted

Or. en

Amendment 426
Nathalie Griesbeck

Proposal for a directive
Article 7 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) the third-country national no longer holds a valid work contract for **highly** skilled employment or the qualifications required by points (b) and (c) of Article 5(1) **or his or her salary no longer meets the salary threshold as set in accordance with Article 5(2), (4) or (5), as applicable,** without prejudice to Article 14.

(b) the third-country national no longer holds a valid work contract for skilled employment or the qualifications required by points (b) and (c) of Article 5(1), without prejudice to Article 14

Or. en

Justification

The current salary threshold in the Blue Card Directive is one of the main reasons for the current lack of attractiveness of the Blue Card. The public consultation, carried out by the European Commission indicated that the failure to fulfil the salary threshold was one of the reasons why skilled workers where issued a national permit instead of a blue card. Moreover, young graduates often do not qualify for Blue Cards because of the high salary threshold and it is also more difficult for SMEs (that often have lower average salaries) to use the Blue Card. So, to have a more flexible system, we should remove the salary threshold.

Amendment 427
Bodil Valero
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a directive
Article 7 – paragraph 1 – point b

Text proposed by the Commission

(b) the third-country national no longer holds a valid work contract for highly skilled employment or the qualifications required by points (b) and (c) of Article 5(1) or his or her salary no longer meets the salary ***threshold as set*** in accordance with Article 5(2), (4) or (5), ***as applicable, without prejudice to Article 14.***

Amendment

(b) the third-country national no longer holds a valid work contract for highly skilled employment or the qualifications required by points (b) and (c) of Article 5(1) or his or her salary no longer meets the salary ***levels as defined*** in accordance with Article 5.

Or. en

Amendment 428
Barbara Spinelli

Proposal for a directive
Article 7 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) A decision to withdraw a Blue Card shall be given in writing and it shall be notified to the applicant without undue delay in a language he or she understands or is reasonably meant to understand.

Where the Blue Card is withdrawn, the reasons in fact and in law shall be stated in the decision. Applicants shall have access to effective judicial remedies and receive information on how to challenge the abovementioned decision shall be given in writing, unless otherwise already provided to the applicant.

Or. en

Justification

This amendment brings the legislation in line with Article 11 and 46 of the “Asylum Procedures Directive” (Directive 2013/32/EU)

Amendment 429
Kinga Gál

Proposal for a directive
Article 7 – paragraph 1 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

for public security and health reasons.

Or. en

Amendment 430
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Article 7 – paragraph 2 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

Member States may withdraw *or refuse to renew* an EU Blue Card issued on the basis of this Directive *in any of the following cases*:

Member States may withdraw an EU Blue Card issued on the basis of this Directive:

Or. en

Amendment 431
Kazimierz Michał Ujazdowski

Proposal for a directive
Article 7 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) *for reasons of public policy, public security or public health;* *deleted*

Or. en

Amendment 432

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) for reasons of public policy, public security **or public health**;

(a) for reasons of public policy, **and** public security

Or. en

Justification

This amendment is consistent with Article 29 §2 of Directive 2004/38/EC stating that “Diseases occurring after a three-month period from the date of arrival shall not constitute grounds for expulsion from the territory.” Since the Blue Card holder has already spent more than three months in the EU due to his previous Blue Card, the rule should apply.

Amendment 433

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1 – point a

Text proposed by the Commission

Amendment

(a) for reasons of public **policy, public** security **or public health**;

(a) for **duly justified** reasons of public security;

Or. en

Amendment 434

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) **where appropriate, where the employer has failed to meet its legal obligations regarding social security,**

deleted

taxation, labour rights or working conditions;

Or. en

Justification

The failure of an employer to meet its legal obligations in regard to social security, taxation, labour rights or working conditions punishes primarily the Blue Card holder and therefore should be eliminated whereas the articles on sanctions against the employers enshrined in Article 22 should be reinforced.

Amendment 435

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1 – point b

Text proposed by the Commission

(b) where appropriate, where the employer has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;

Amendment

(b) where appropriate, where the employer has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions ***and has failed to rectify the situation within a reasonable time;***

Or. en

Amendment 436

Carlos Coelho, Mariya Gabriel

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) where appropriate, where the third Country national has failed to meet its obligations regarding social security, taxation or labour law;

Amendment 437

Barbara Spinelli, Paloma López Bermejo, Patrick Le Hyaric

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) *where the third-country national has not communicated the changes referred to in Article 13(1), where applicable, and in Article 14(3);* **deleted**

Amendment 438

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1 – point d

Text proposed by the Commission

Amendment

(d) where the third-country national has not communicated the changes referred to in Article 13(1), where applicable, and in Article 14(3);

(d) where the third-country national has not communicated the changes referred to in Article 13(1), where applicable, and in Article 14(3) ***without justification pursuant to paragraph 3;***

Amendment 439

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) *where the third-country national no longer holds a valid travel document;* *deleted*

Or. en

Amendment 440

Barbara Spinelli, Paloma López Bermejo, Patrick Le Hyaric

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1 – point e

Text proposed by the Commission

Amendment

(e) where the third-country national no longer holds a valid travel document;

(e) where the third-country national no longer holds a valid travel document, *provided that prior to withdrawing the EU Blue Card, the Member State had duly notified and set a reasonable deadline for the third-country national concerned to obtain and present a valid travel document;*

Or. en

Amendment 441

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1 – point f

Text proposed by the Commission

Amendment

(f) *where the third-country national fails to comply with the conditions of mobility under this Chapter or repetitively makes use of the mobility provisions of this Chapter in an abusive manner.* *deleted*

Or. en

Amendment 442

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1 – point f

Text proposed by the Commission

(f) where the third-country national fails to comply with the conditions of mobility under this Chapter *or repetitively makes use of the mobility provisions of this Chapter in an abusive manner.*

Amendment

(f) where the third-country national fails to comply with the conditions of mobility under this Chapter.

Or. en

Amendment 443

Carlos Coelho, Mariya Gabriel

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1 – point f

Text proposed by the Commission

(f) where the third-country national fails to comply with the conditions of mobility under this Chapter *or repetitively makes use of the mobility provisions of this Chapter in an abusive manner.*

Amendment

(f) where the third-country national fails to comply with the conditions of mobility under this Chapter.

Or. en

Amendment 444

Kazimierz Michał Ujazdowski

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1 – point f

Text proposed by the Commission

(f) where the third-country national fails to comply with the conditions of mobility under this Chapter or repetitively

Amendment

(f) where the third-country national fails to comply with the conditions of mobility under this Chapter or

makes use of the mobility provisions of this Chapter in an abusive manner.

intentionally or repetitively makes use of the mobility provisions of this Chapter in an abusive manner.

Or. en

Amendment 445
Barbara Spinelli

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) where the third-country national has been unemployed for a period exceeding nine consecutive months, except where such unemployment is the result of illness or disability; or

Or. en

Amendment 446
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1 – point f b (new)

Text proposed by the Commission

Amendment

(fb) where the EU Blue Card or the documents presented have been fraudulently acquired, or have been falsified or tampered with; in a way which is significant both in relation to the validity of the document and in relation to its relevance for the issuance or withdrawal of a Blue Card.;

Or. en

Amendment 447

Kinga Gál

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

where the third-country national's real purpose of residing differs from those for which he or she applied to be admitted.

Or. en

Amendment 448

Barbara Spinelli

Proposal for a directive

Article 7 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

Where an EU Blue Card is withdrawn or not renewed on the basis of point (e) of paragraph 2, Member States shall, prior to withdrawing or not renewing the EU Blue Card, set a reasonable deadline for the third-country national concerned to obtain and present a valid travel document.

deleted

Or. en

Justification

This provision has been moved into Article 7(2)(e) directly.

Amendment 449

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini, Jean Lambert

Proposal for a directive

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Access to due compensation and redress shall be granted to the EU Blue Card holder whose permit has been withdrawn or not renewed pursuant to points (b) or (c) of paragraph 2. In the case of withdrawal of an EU Blue Card pursuant to points (b) or (c) of paragraph 2, Member States shall grant the EU Blue Card holder a temporary residence permit for a period of at least six months, during which the EU Blue Card holder shall be allowed to seek and take up employment in accordance with the conditions set out in Article 13.

Or. en

Amendment 450

Cécile Kashetu Kyenge, Miltiadis Kyrkos, Juan Fernando López Aguilar

Proposal for a directive

Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The EU Blue Card can only be withdrawn after the Blue Card holder is duly notified by the responsible authorities. Notification must occur at least 60 days before the day of withdrawal.

Or. en

Amendment 451

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall not withdraw an EU Blue Card where the EU Blue Card holder temporarily does not fulfil the criteria for admission in paragraph 2 of Article 5 as a result of illness, disability or parental leave.

Or. en

Amendment 452
Kristina Winberg

Proposal for a directive
Article 7 – paragraph 4

Text proposed by the Commission

4. Without prejudice to paragraph 1, any decision to withdraw or refuse to renew an EU Blue Card shall **take account of the specific circumstances of the case and** respect the principle of proportionality.

Amendment

4. Without prejudice to paragraph 1, any decision to withdraw or refuse to renew an EU Blue Card shall respect the principle of proportionality.

Or. en

Amendment 453
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Article 7 – paragraph 4

Text proposed by the Commission

4. Without prejudice to paragraph 1, any decision to withdraw **or refuse to renew** an EU Blue Card shall take account of the specific circumstances of the case and **respect the principle of proportionality**.

Amendment

4. Without prejudice to paragraph 1, any decision to withdraw an EU Blue Card **taken pursuant to paragraph 2** shall take account of the specific circumstances of the case and **shall be proportionate**.

Or. en

Amendment 454
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The EU Blue Card shall not be withdrawn where the third-country national:

(a) is temporarily unable to work as the result of an illness or accident;

(b) is in duly recorded involuntary unemployment and has registered as job-seeker with the relevant employment office;

(c) begins vocational training;

(d) where the former employer is being or has been wound up under national insolvency laws;

Or. en

Amendment 455
Bodil Valero
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a directive
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The withdrawal of an EU Blue Card shall take effect 60 days after the holder has been duly notified by the responsible authorities of a decision to withdraw a Blue Card.

Or. en

Amendment 456

Proposal for a directive

Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Non-renewal of an EU Blue Card

1. Where an EU Blue Card holder or his or her employer applies to renew the EU Blue Card, Member States shall refuse to renew where:

(a) the third-country national is considered to pose a threat to public policy and public security;

(b) the third-country national no longer holds a valid work contract for highly skilled employment or the qualifications required by points (b) and (c) of Article 5(1)

2. Where an EU Blue Card Holder or his or her employer applies to renew his or her EU Blue Card, Member States may refuse to renew that EU Blue Card:

(a) where the EU Blue Card or the documents presented have been fraudulently acquired, or have been falsified or tampered with in a way which is significant both in relation to the validity of the document and in relation to its relevance for the issuance or withdrawal of a Blue Card.;

(b) where the third-country national has been unemployed for a period exceeding nine consecutive months;

(c) where the third-country national no longer holds a valid travel document, provided that, prior to refusing to renew the EU Blue Card, the Member State concerned had set a reasonable deadline for the third-country national concerned to obtain and present a valid travel document; or

Any decision to refuse to renew an EU Blue Card pursuant to this paragraph shall take account of the specific circumstances of the case and shall be proportionate.

3. Member States shall not to refuse to renew an EU Blue Card where the EU Blue Card holder temporarily does not fulfil the criteria for admission in paragraph 2 of Article 5 as a result of illness, disability or parental leave.

4. A decision to refuse to renew an EU Blue Card shall be given in writing and it shall be notified to the applicant without undue delay in a language he or she understands or is reasonably meant to understand.

Where a Blue Card is not renewed, the reasons in fact and in law shall be stated in the decision. Applicants shall have access to effective judicial remedies and receive information on how to challenge the abovementioned decision shall be given in writing, unless otherwise already provided to the applicant.

Or. en

Justification

§4 brings the legislation in line with Article 11 and 46 of the “Asylum Procedures Directive” (Directive 2013/32/EU)

Amendment 457

Tomáš Zdechovský, Michaela Šojdrová

Proposal for a directive Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Volumes of admission

This Directive shall not affect the right of a Member State to determine the volumes of admission of third-country nationals entering its territory for the purposes of highly qualified employment.

Or. cs

Amendment 458

Tomáš Zdechovský, Michaela Šojdrová

Proposal for a directive

Article 8 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Where a third-country national fulfils the criteria set out in Article 5 and where no ground for rejection pursuant to Article 6 applies, he or she shall be issued with an EU Blue Card.

Amendment

Where a third-country national fulfils the criteria set out in Article 5 and where no ground for rejection pursuant to Article 6 applies, he or she shall be issued with an EU Blue Card *unless the volumes of admission provided for in Article 7a are thereby exceeded.*

Or. cs

Amendment 459

Kazimierz Michał Ujazdowski

Proposal for a directive

Article 8 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where a Member State only issues residence permits on its territory and the third-country national *fulfils all the admission conditions laid down in this Directive*, the Member State concerned shall issue him or her the requisite visa.

Amendment

Where a Member State only issues residence permits on its territory and the third-country national *received a positive decision to award a Blue Card*, the Member State concerned shall issue him or her the requisite visa.

Or. en

Amendment 460
Kristina Winberg

Proposal for a directive
Article 8 – paragraph 2

Text proposed by the Commission

2. Member States shall set a standard period of validity for the EU Blue Card, which shall be **at least 24 months**. ***If the work contract covers a shorter period, the EU Blue Card shall be issued at least for the duration of the work contract plus three months. Where an EU Blue Card is renewed, its period of validity shall be at least 24 months.***

Amendment

2. Member States shall set a standard period of validity for the EU Blue Card, which shall be issued at least for the duration of the work contract.

Or. en

Amendment 461
Barbara Spinelli

Proposal for a directive
Article 8 – paragraph 2

Text proposed by the Commission

2. Member States shall set a standard period of validity for the EU Blue Card, which shall be at least **24** months. If the work contract covers a shorter period, the EU Blue Card shall be issued at least for the duration of the work contract plus three months. Where an EU Blue Card is renewed, its period of validity shall be at least **24** months.

Amendment

2. Member States shall set a standard period of validity for the EU Blue Card, which shall be at least **48** months. If the work contract covers a shorter period, the EU Blue Card shall be issued at least for the duration of the work contract plus three months. Where an EU Blue Card is renewed, its period of validity shall be at least **48** months.

Or. en

Amendment 462
Bodil Valero
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a directive
Article 8 – paragraph 2

Text proposed by the Commission

2. Member States shall set a standard period of validity for the EU Blue Card, which shall be at least **24** months. If the work contract covers a shorter period, the EU Blue Card shall be issued at least for the duration of the work contract plus three months. Where an EU Blue Card is renewed, its period of validity shall be at least **24** months.

Amendment

2. Member States shall set a standard period of validity for the EU Blue Card, which shall be at least **36** months. If the work contract covers a shorter period, the EU Blue Card shall be issued at least for the duration of the work contract plus three months. Where an EU Blue Card is renewed, its period of validity shall be at least **36** months.

Or. en

Justification

This would allow the family members of a person whose Blue Card has been renewed once to apply for an independent long-term residence permit at the end of the 36 months. This would simplify administrative procedures, create less administrative burden for the national public administrations and ensure more security of status for the family members. This would also cover cases where an EU Blue Card holder has resided in different Member States pursuant to Article 20.

Amendment 463
Kristina Winberg

Proposal for a directive
Article 8 – paragraph 4

Text proposed by the Commission

4. Where a Member State issues an EU Blue Card to a third-country national to whom it has granted international protection, it shall enter the following remark in that third-country national's EU Blue Card, under the heading "Remarks": "International protection granted by [name of the Member State] on [date]". Where that Member State withdraws the international protection enjoyed by the EU Blue Card holder, it

Amendment

deleted

shall, where appropriate, issue a new EU Blue Card not containing that remark.

Or. en

Amendment 464
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Article 8 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. *Where a Member State issues an EU Blue Card to a third-country national who has applied for international protection in that Member State, it shall enter the following remark in that third-country national’s EU Blue Card, under the heading “Remarks”: “Applicant for International Protection in [name of the Member State] as from [date of lodging application for international protection].”*

Should the EU Blue Card holder decide to withdraw his or her application for international protection upon obtaining the EU Blue Card, a new EU Blue Card shall be issued not containing that remark.

Or. en

Amendment 465
Kristina Winberg

Proposal for a directive
Article 8 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Amendment

Where an EU Blue Card is issued by a Member State to a third-country national who is a beneficiary of international protection in another Member State, the

deleted

Member State issuing the EU Blue Card shall enter the remark “International protection granted by [name of the Member State] on [date]” in the EU Blue Card.

Or. en

Amendment 466
Barbara Spinelli

Proposal for a directive
Article 8 – paragraph 5 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where an EU Blue Card is issued by a Member State to a third-country national who is an applicant for international protection in another Member State, the Member State issuing the EU Blue Card shall enter the remark “Applicant for International protection in [name of the Member State] as from [date of lodging of application for international protection]” in the EU Blue Card.

Before the Member State enters that remark, it shall notify the Member State to be mentioned in that remark of the issuance of the EU Blue Card and request that Member State to provide information as to whether the EU Blue Card holder is still maintaining his/her application for international protection and/or whether that person has become a beneficiary of international protection. The Member State mentioned in the remark shall reply no later than one month after receiving the request for information. Where the application for international protection has been withdrawn, the Member State issuing the EU Blue Card shall not enter that remark.

Or. en

Amendment 467
Kristina Winberg

Proposal for a directive
Article 8 – paragraph 5 – subparagraph 2

Text proposed by the Commission

Amendment

Before the Member State enters that remark, it shall notify the Member State to be mentioned in that remark of the issuance of the EU Blue Card and request that Member State to provide information as to whether the EU Blue Card holder is still a beneficiary of international protection. The Member State mentioned in the remark shall reply no later than one month after receiving the request for information. Where international protection has been withdrawn by a final decision, the Member State issuing the EU Blue Card shall not enter that remark.

deleted

Or. en

Amendment 468
Kristina Winberg

Proposal for a directive
Article 8 – paragraph 5 – subparagraph 3

Text proposed by the Commission

Amendment

Where, in accordance with the relevant international instruments or national law, responsibility for the international protection of the EU Blue Card holder was transferred to the Member State after it issued an EU Blue Card in accordance with the first subparagraph, that Member State shall amend the remark accordingly within three months after the transfer.

deleted

Or. en

Amendment 469
Kristina Winberg

Proposal for a directive
Article 8 – paragraph 6 – point b

Text proposed by the Commission

Amendment

(b) enjoy the rights recognised in this Directive. **deleted**

Or. en

Amendment 470
Barbara Spinelli, Patrick Le Hyaric

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall **determine whether** applications for an EU Blue Card **are to be made** by the **third-country national or** by the employer. **Member States may also allow an application from either of the two.**

1. Member States shall **allow** applications for an EU Blue Card **from either the third-country national, his lawyer or** by the **employer. An application made** by the employer **shall not restrict the procedural rights enjoyed by the third-country national seeking the EU Blue Card during the application procedure, or the rights enjoyed by the EU Blue Card holder during the period of employment or the EU Blue Card renewal procedure.**

Or. en

Amendment 471
Cécile Kashetu Kyenge, Juan Fernando López Aguilar

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall determine whether applications for an EU Blue Card are to be made by the third-country national or by the employer. Member States may also allow an application from either of the two.

1. Member States shall determine whether applications for an EU Blue Card are to be made by the third-country national or by the employer. Member States may also allow an application from either of the two. *An application made by the employer shall not restrict the Blue Card holder's rights during the application procedure, the period of employment or the Blue Card renewal procedure.*

Or. en

Amendment 472
Carlos Coelho, Mariya Gabriel

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall *determine whether* applications for an EU Blue Card *are* to be made by the third-country national or by the employer. *Member States may also allow an application from either of the two.*

Amendment

1. Member States shall *allow* applications for an EU Blue Card to be made by the third-country national or by the employer.

Or. en

Amendment 473
Barbara Spinelli

Proposal for a directive
Article 9 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In order to put in place a modernisation and simplification of EU Blue Card application procedure, Member States should enable online applications for EU Blue Card applicants.

Amendment 474

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 9 – paragraph 2

Text proposed by the Commission

2. The application shall be considered and examined either when the third-country national concerned is residing outside the territory of the Member State to which he or she wishes to be admitted, or when he or she is already *legally* present in the territory of that Member State.

Amendment

2. The application shall be considered and examined either when the third-country national concerned is residing outside the territory of the Member State to which he or she wishes to be admitted, or when he or she is already present in the territory of that Member State. ***The application shall equally be considered when the applicant falls under one of the circumstances listed in points (a), (b), (c) and (d) of [Article 3.1aNEW].***

Amendment 475

Kristina Winberg

Proposal for a directive

Article 9 – paragraph 2

Text proposed by the Commission

2. The application shall be considered and examined *either* when the third-country national concerned is residing outside the territory of the ***Member State to which he or she wishes to be admitted, or when he or she is already legally present in the territory of that*** Member State.

Amendment

2. The application shall be considered and examined when the ***high qualified*** third-country national concerned is residing outside the territory of the Member State.

Amendment 476

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall grant third-country nationals the possibility to submit their application remotely, by post or electronically.

Or. en

Amendment 477

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

The competent authorities of the Member States shall adopt a decision on the application for an EU Blue Card and notify the applicant in writing, in accordance with the notification procedures laid down in the national law of the Member State concerned. The notification shall be made at the latest within **60** days of the date of submission of the application.

The competent authorities of the Member States shall adopt a decision on the application for an EU Blue Card and notify the applicant in writing, in accordance with the notification procedures laid down in the national law of the Member State concerned. The notification shall be made at the latest within **30** days of the date of submission of the application **and within 30 days of the date of submission of an application for renewal.**

Or. en

Amendment 478

Barbara Spinelli

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The competent authorities of the Member States shall adopt a decision on the application for an EU Blue Card and notify the applicant in writing, in accordance with the notification procedures laid down in the national law of the Member State concerned. The notification shall be made **at the latest within 60** days of the date of submission of the application.

Amendment

The competent authorities of the Member States shall adopt a decision on the application for an EU Blue Card and notify the applicant in writing, in accordance with the notification procedures laid down in the national law of the Member State concerned. The notification shall be made **as soon as possible but no later than 20** days of the date of submission of the application.

Or. en

Justification

Wording aligned with the wording of the ICT Directive (Directive 2014/66/EU).

Amendment 479

Kinga Gál

Proposal for a directive

Article 10 – paragraph 1 – subparagraph 1

Text proposed by the Commission

The competent authorities of the Member States shall adopt a decision on the application for an EU Blue Card and notify the applicant in writing, in accordance with the notification procedures laid down in the national law of the Member State concerned. The notification shall be made at the latest within **60** days of the date of submission of the application.

Amendment

The competent authorities of the Member States shall adopt a decision on the application for an EU Blue Card and notify the applicant in writing, in accordance with the notification procedures laid down in the national law of the Member State concerned. The notification shall be made at the latest within **90** days of the date of submission of the application.

Or. en

Amendment 480

Bodil Valero
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a directive
Article 10 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where the employer has been recognised in accordance with Article 12, the notification shall be made at the latest within 30 days of the date of submission of the application.

Amendment

Where the employer has been recognised in accordance with Article 12, the notification shall be made at the latest within 30 days of the date of submission of the application **and within 2 weeks of the date of submission of an application for renewal.**

Or. en

Amendment 481
Barbara Spinelli

Proposal for a directive
Article 10 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where the employer has been recognised in accordance with Article 12, the notification shall be made **at the latest within 30** days of the date of submission of the application.

Amendment

Where the employer has been recognised in accordance with Article 12, the notification shall be made **as soon as possible but no later than 10** days of the date of submission of the application.

Or. en

Justification

Wording aligned with the wording of the ICT Directive (Directive 2014/66/EU).

Amendment 482
Bodil Valero
on behalf of the Verts/ALE Group
Judith Sargentini, Barbara Spinelli

Proposal for a directive

PE599.784v02-00

76/160

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Article 10 – paragraph 3

Text proposed by the Commission

3. **Where** the information or documents supplied in support of the application are inadequate or incomplete, the competent authorities shall notify the applicant of the additional information that is required and set a reasonable deadline for providing **it**. The period referred to in paragraph 1 shall be suspended until the authorities have received the additional information or documents required. If the additional information or documents have not been provided within the deadline, the application may be rejected.

Amendment

3. **Prior to rejecting an application for an EU Blue Card or withdrawing or not renewing the EU Blue Card**, where the information or documents supplied in support of the application **or the renewal application** are inadequate or incomplete, the competent authorities shall **duly** notify the applicant of the additional information that is required and set a reasonable deadline for providing **such additional information**. The period referred to in paragraph 1 shall be suspended until the authorities have received the additional information or documents required. If the additional information or documents have not been provided within the deadline, the application may be rejected **or the EU Blue Card may not be renewed, unless the applicant proves that the documents have not been provided within the deadline for a reason independent of the applicant's will. In this case, a new deadline shall be set by the authorities for the applicant to provide the relevant information or documents**.

Or. en

Amendment 483

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 10 – paragraph 4

Text proposed by the Commission

4. Any decision rejecting an application for an EU Blue Card, or a decision not to renew or to withdraw an EU Blue Card shall be notified in writing

Amendment

4. Any decision rejecting an application for an EU Blue Card, or a decision not to renew or to withdraw an EU Blue Card shall be **duly** notified in

to the third-country national concerned and, where relevant, to his employer in accordance with the notification procedures set out in the relevant national law. The notification shall specify the reasons for the decision and the competent authority with which an appeal may be submitted as well as the time limit for submitting the appeal. Member States shall provide an effective judicial remedy, in accordance with national law.

writing *and in a language that the applicant understands or is reasonably meant to understand*, to the third-country national concerned and, where relevant, to his employer in accordance with the notification procedures set out in the relevant national law. The notification shall specify the reasons for the decision and the competent authority with which an appeal may be submitted as well as the time limit for submitting the appeal. Member States shall provide an effective judicial remedy, in accordance with national law. *Previous grounds for refusal shall not affect the possibility for the applicant to submit a new application for an EU Blue Card or an application for renewal in case of faults on the side of the employer pursuant to Article 6.3(a) or where lawful mistakes in the application have been rectified.*

Or. en

Amendment 484

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 10 – paragraph 5

Text proposed by the Commission

5. An applicant shall be allowed to submit an application for renewal before the expiry of the EU Blue Card. Member States may set a maximum deadline of **60** days prior to the expiry of the EU Blue Card for submitting an application for renewal.

Amendment

5. An applicant shall be allowed to submit an application for renewal before the expiry of the EU Blue Card. Member States may set a maximum deadline of **90** days prior to the expiry of the EU Blue Card for submitting an application for renewal.

Or. en

Amendment 485

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 10 – paragraph 6

Text proposed by the Commission

6. Where the validity of the EU Blue Card permit expires during the procedure for renewal, Member States shall allow the third-country national to stay on their territory until the competent authorities have taken a decision on the application.

Amendment

6. Where the validity of the EU Blue Card permit expires during the procedure for renewal, Member States shall allow the third-country national to stay on their territory ***under the same conditions laid down in this Directive*** until the competent authorities have taken a decision on the application, ***without prejudice to the right of the EU Blue Card holder to pursue his or her employment during this period.***

Or. en

Amendment 486

Kristina Winberg

Proposal for a directive

Article 10 – paragraph 6

Text proposed by the Commission

6. ***Where the validity of the EU Blue Card permit expires during the procedure for renewal, Member States shall allow the third-country national*** to stay on their territory until the competent authorities have taken a decision on the application.

Amendment

6. ***It is for the Member State concerned to decide if the third-country national is*** allow to stay on their territory until the competent authorities have taken a decision on the application.

Or. en

Amendment 487

Barbara Spinelli

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

The level of fees required by Member States for the processing of applications shall not be disproportionate or excessive.

Amendment

Member States may require the payment of fees for the handling of applications in accordance with this Directive. The level of fees required by Member States for the processing of applications shall not be disproportionate or excessive ***and overall not higher than the level of fees required for other residence permit applications in the Member State.***

Or. en

Justification

Member States should choose whether or not to impose a fee, it does not have to be self-evident. This “may” wording is used in the Seasonal Workers (2014/36/EU), the ICT (2014/66/EU) as well as in the Students and Researchers (2016/801/EU) Directives.

Amendment 488 **Soraya Post**

Proposal for a directive **Article 11 – paragraph 1**

Text proposed by the Commission

The level of fees required by Member States for the processing of applications shall not be disproportionate or excessive.

Amendment

The level of fees required by Member States for the processing of applications shall not be disproportionate or excessive ***and overall not higher than the level of fees required for other residence permit applications in the Member State.***

Or. en

Amendment 489 **Bodil Valero** on behalf of the Verts/ALE Group **Judith Sargentini**

Proposal for a directive

PE599.784v02-00

80/160

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Article 11 – paragraph 1

Text proposed by the Commission

The level of fees required by Member States for the processing of applications shall not be disproportionate or excessive.

Amendment

The level of fees required by Member States for the processing of applications shall not be disproportionate or excessive ***and overall not higher than the level of fees required for other residence permit applications in the Member State.***

Or. en

Amendment 490

Cécile Kashetu Kyenge, Juan Fernando López Aguilar

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

The level of fees required by Member States for the processing of applications shall not be disproportionate or excessive.

Amendment

The level of fees required by Member States for the processing of applications shall not be disproportionate or excessive ***and overall not higher than the level of fees required for other residence permit applications in the Member State.***

Or. en

Amendment 491

Nathalie Griesbeck

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

The level of fees required by Member States for the processing of applications shall not be disproportionate or excessive.

Amendment

The level of fees required by Member States for the processing of applications shall not be disproportionate or excessive ***or higher than the level of fees required by the Member State for other working permit applications.***

Justification

The fees for the Blue Card must not be higher than the fees for the competing national scheme for skilled employment.

Amendment 492

Anna Maria Corazza Bildt, Carlos Coelho

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

The level of fees required by Member States for the processing of applications shall not be disproportionate or excessive.

Amendment

The level of fees required by Member States for the processing of applications *in accordance with this Directive* shall not be disproportionate or excessive *in a way that would hinder the fulfilment of its objectives*.

Amendment 493

Barbara Spinelli, Paloma López Bermejo, Cornelia Ernst

Proposal for a directive

Article 11 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Applicants and beneficiaries for international protection shall be exempt from paying a fee if they do not have sufficient means to pay the latter

Amendment 494

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Article 12 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States **may decide to** provide for recognition procedures for employers in accordance with their national law or administrative practice for the purpose of applying simplified procedures for obtaining an EU Blue Card.

Amendment

Member States **shall** provide for recognition procedures for employers in accordance with their national law or administrative practice for the purpose of applying simplified procedures for obtaining an EU Blue Card. **Where a Member State decides to provide for recognition procedures, it shall involve the social partners in, amongst other, decisions on the conditions and criteria for approval. Member States shall provide clear and transparent information to the employers concerned.**

Or. en

Justification

Where a Member State decides to provide for recognition procedures, it shall involve the social partners in, amongst other, decisions on the conditions and criteria for approval. The social partner's expertise on the national labour markets and the applicable working conditions is fundamental in order to establish relevant conditions and criteria for approval. The involvement of the social partners will thus enhance the chance of including serious employers, meanwhile excluding the others, from such a system

Amendment 495

Anna Maria Corazza Bildt, Carlos Coelho

Proposal for a directive

Article 12 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States **may decide to** provide for recognition procedures for employers in accordance with their national law or administrative practice for the purpose of applying simplified procedures for obtaining an EU Blue Card.

Amendment

Member States **shall** provide for recognition procedures for employers in accordance with their national law or administrative practice for the purpose of applying simplified procedures for obtaining an EU Blue Card.

Or. en

Amendment 496
Nathalie Griesbeck

Proposal for a directive
Article 12 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States *may decide to* provide for recognition procedures for employers in accordance with their national law or administrative practice for the purpose of applying simplified procedures for obtaining an EU Blue Card.

Amendment

Member States *shall* provide for recognition procedures for employers in accordance with their national law or administrative practice for the purpose of applying simplified procedures for obtaining an EU Blue Card.

Or. en

Amendment 497
Anna Maria Corazza Bildt, Carlos Coelho

Proposal for a directive
Article 12 – paragraph 1 – subparagraph 2

Text proposed by the Commission

Where a Member State decides to provide for recognition procedures, it shall provide clear and transparent information to the employers concerned about, among others, the conditions and criteria for approval, the period of validity of the recognition and the consequences of non-compliance with the conditions, including possible withdrawal and non-renewal, as well as any sanction applicable.

Amendment

Member *States* shall provide clear and transparent information to the employers concerned about, among others, the conditions and criteria for approval, the period of validity of the recognition and the consequences of non-compliance with the conditions, including possible withdrawal and non-renewal, as well as any sanction applicable.

Or. en

Amendment 498
Heinz K. Becker

Proposal for a directive

Article 12 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The recognition procedures shall not entail disproportionate or excessive administrative burden or costs for the employers.

Amendment

The recognition procedures shall not entail disproportionate or excessive administrative burden or costs for the employers, ***in particular for small and medium-sized undertakings (SMU).***

Or. de

Amendment 499

Carlos Coelho, Mariya Gabriel

Proposal for a directive

Article 12 – paragraph 1 – subparagraph 3

Text proposed by the Commission

The recognition procedures shall not entail disproportionate or excessive administrative burden or costs for the employers.

Amendment

The recognition procedures shall not entail disproportionate or excessive administrative burden or costs for the employers, ***in particular for SMEs.***

Or. en

Amendment 500

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Article 12 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Member States may refuse to recognise an employer pursuant to paragraph 1, where the employer has been sanctioned for employment of ***illegally*** staying third-country nationals pursuant to Directive 2009/52/EC.

Amendment

Member States may refuse to recognise an employer pursuant to paragraph 1, where the employer has been sanctioned for employment of ***irregularly*** staying third-country nationals pursuant to Directive 2009/52/EC ***or where the employer has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions.***

Amendment 501
Kazimierz Michał Ujazdowski

Proposal for a directive
Article 12 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The simplified procedures shall include processing of applications as provided for in the second subparagraph of Article 10(1). Applicants **shall** be exempt from presenting the evidence referred to in points (c) and (e) of Article 5(1) and in Article 5(8).

Amendment

The simplified procedures shall include processing of applications as provided for in the second subparagraph of Article 10(1). Applicants **may** be exempt from presenting the evidence referred to in points (c) and (e) of Article 5(1) and in Article 5(8).

Amendment 502
Jeroen Lenaers

Proposal for a directive
Article 12 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The simplified procedures shall include processing of applications as provided for in the second subparagraph of Article 10(1). Applicants **shall** be exempt from presenting the evidence referred to in points (c) and (e) of Article 5(1) and in Article 5(8).

Amendment

The simplified procedures shall include processing of applications as provided for in the second subparagraph of Article 10(1). Applicants **may** be exempt from presenting the evidence referred to in points (c) and (e) of Article 5(1) and in Article 5(8).

Amendment 503
Barbara Spinelli, Patrick Le Hyaric, Paloma López Bermejo

Proposal for a directive
Article 12 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Member States shall ***provide for measures to prevent possible abuses. Those measures may include monitoring, assessment at regular intervals and,*** where appropriate, ***inspection*** in accordance with national law or administrative practice.

Amendment

Member States shall ***monitor and assess at regular intervals the functioning and effectiveness of the recognition procedures for employers under paragraph 1 and any form of arbitrariness and discrimination, as per Council Directive 2000/43/EC, Council Directive 2000/78/EC and Council Directive 2002/73/EC. To that end, they shall,*** where appropriate, ***carry out inspections*** in accordance with national law or administrative practice ***and ensure that there are effective mechanisms through which all third-country nationals may lodge complaints against their employers, directly or through third parties designated by Member States such as trade unions or other associations or a competent authority of the Member State when provided for by national legislation.***

Or. en

Amendment 504

Cécile Kashetu Kyenge, Juan Fernando López Aguilar

Proposal for a directive

Article 12 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Member States shall provide for measures to prevent possible abuses. Those measures may include monitoring, assessment at regular intervals and, where appropriate, inspection in accordance with national law or administrative practice.

Amendment

Member States shall provide for measures to prevent possible abuses ***and any form of arbitrariness and discrimination, as per Council Directive 2000/43/EC, Council Directive 2000/78/EC and Council Directive 2002/73/EC.*** Those measures may include monitoring, assessment at regular intervals and, where appropriate, inspection in accordance with national law or administrative practice.

Or. en

Amendment 505
Soraya Post

Proposal for a directive
Article 12 – paragraph 3 – subparagraph 1

Text proposed by the Commission

Member States shall provide for measures to prevent possible abuses. Those measures may include monitoring, assessment at regular intervals and, where appropriate, inspection in accordance with national law or administrative practice.

Amendment

Member States shall provide for measures to prevent possible abuses ***and any form of arbitrariness and discrimination, as per Council Directive 2000/43/EC, Council Directive 2000/78/EC and Council Directive 2002/73/EC.*** Those measures may include monitoring, assessment at regular intervals and, where appropriate, inspection in accordance with national law or administrative practice.

Or. en

Amendment 506
Barbara Spinelli

Proposal for a directive
Article 12 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Member States may, among other measures, refuse to renew or decide to withdraw the status of recognised employer where the employer has not respected its obligations under this Directive or in cases where the recognition has been fraudulently acquired.

Amendment

Member States may, among other measures, refuse to renew or decide to withdraw the status of recognised employer where the employer has not respected its obligations under this Directive or in cases where the recognition has been fraudulently acquired. ***If the recognised employer starts respecting again its obligations under this Directive it should be allowed to apply again for the status of “recognized employer”***

Or. en

Amendment 507
Kinga Gál

Proposal for a directive
Article 13 – paragraph 1 – subparagraph 1

Text proposed by the Commission

EU Blue Card holders shall have full access to highly skilled employment in the Member State concerned. Member States may require that a change of employer and changes affecting the fulfilment of the criteria for admission as set out in Article 5 are communicated in accordance with procedures laid down by national law.

Amendment

EU Blue Card holders - ***when fulfilling the criteria for admission in Article 5*** - shall have full access to highly skilled employment in the Member State concerned. Member States may require that a change of employer and changes affecting the fulfilment of the criteria for admission as set out in Article 5 are communicated in accordance with procedures laid down by national law.

Or. en

Amendment 508
Kazimierz Michał Ujazdowski

Proposal for a directive
Article 13 – paragraph 1 – subparagraph 1

Text proposed by the Commission

EU Blue Card holders shall have ***full*** access to highly skilled employment in the Member State concerned. ***Member States may require that a change of employer and changes affecting the fulfilment of the criteria for admission as set out in Article 5 are communicated in accordance with procedures laid down by national law.***

Amendment

EU Blue Card holders shall have access to highly skilled employment in the Member State concerned, ***provided that*** the criteria for admission as set out in Article 5 are ***met and third country national does not fall within the grounds set out in art. 6 paragraph 2.***

Or. en

Amendment 509
Kristina Winberg

Proposal for a directive
Article 13 – paragraph 1 – subparagraph 1

Text proposed by the Commission

EU Blue Card holders shall have *full* access to highly *skilled* employment in the Member State concerned. Member States may require that a change of employer and changes affecting the fulfilment of the criteria for admission as set out in Article 5 are communicated in accordance with procedures laid down by national law.

Amendment

EU Blue Card holders shall have access to highly *qualified* employment in the Member State concerned. Member States may require that a change of employer and changes affecting the fulfilment of the criteria for admission as set out in Article 5 are communicated in accordance with procedures laid down by national law.

Or. en

Amendment 510
Kazimierz Michał Ujazdowski

Proposal for a directive
Article 13 – paragraph 1 – subparagraph 1 – point a (new)

Text proposed by the Commission

Amendment

(a) subject to prior authorisation in writing of the competent authorities in the Member State concerned in accordance with procedure laid down by national law to be granted or denied within 60 days of the date of the request made by the applicant.

Or. en

Amendment 511
Kazimierz Michał Ujazdowski

Proposal for a directive
Article 13 – paragraph 1 – subparagraph 1 – point b (new)

Text proposed by the Commission

Amendment

(b) communicated by the applicant in accordance with procedures laid down by national law.

Or. en

Amendment 512
Kinga Gál

Proposal for a directive
Article 13 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In case of a change of employer of the Blue Card holder in the first 2 years of employment in a Member State, the concerned Member State may require that this change of employer be subject to the check set out in Article 6(2a).

Or. en

Amendment 513
Kazimierz Michał Ujazdowski

Proposal for a directive
Article 13 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

During the first two years of legal employment in the Member State concerned as an EU Blue Card holder, Member State may require that a change of employer and changes which may affect the criteria for admission set out in Article 5 are:

Or. en

Amendment 514

Kazimierz Michał Ujazdowski

**Proposal for a directive
Article 13 – paragraph 1 – subparagraph 2**

Text proposed by the Commission

The communication procedure shall not suspend the right of the EU Blue Card holder to pursue the employment.

Amendment

After these first two years, the Member State may only require such changes to be communicated in accordance with the procedures laid down by national law.

The communication procedure shall not suspend the right of the EU Blue Card holder to pursue the employment.

Or. en

Amendment 515

Cécile Kashetu Kyenge, Miltiadis Kyrkos, Juan Fernando López Aguilar

**Proposal for a directive
Article 14 – paragraph 1**

Text proposed by the Commission

1. Unemployment in itself shall not constitute a reason for withdrawing an EU Blue Card, unless the period of unemployment exceeds three consecutive months, or where the unemployment occurs more than once during the period of validity of an EU Blue Card.

Amendment

1. Unemployment in itself shall not constitute a reason for withdrawing an EU Blue Card, unless the period of unemployment exceeds three consecutive months, or where the unemployment occurs more than once during the period of validity of an EU Blue Card. ***However, the EU Blue Card shall not be withdrawn where the third-country national:***

(a) is temporarily unable to work as the result of an illness or accident;

(b) is in duly recorded involuntary unemployment and has registered as job-seeker with the relevant employment office;

(c) begins vocational training which, unless the third-country national concerned is involuntarily unemployed,

shall be related to the previous employment;

Or. en

Amendment 516
Kristina Winberg

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

1. Unemployment in itself shall *not* constitute a reason for withdrawing *an EU Blue Card, unless the period of unemployment exceeds three consecutive months, or where the unemployment occurs more than once during the period of validity of an EU Blue Card.*

Amendment

1. Unemployment in itself shall constitute a reason for withdrawing an EU Blue Card.

Or. en

Amendment 517
Barbara Spinelli, Cornelia Ernst

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

1. Unemployment in itself shall not constitute a reason for withdrawing an EU Blue Card, unless the period of unemployment exceeds *three* consecutive months, *or where the unemployment occurs more than once during the period of validity of an EU Blue Card.*

Amendment

1. Unemployment in itself shall not constitute a reason for withdrawing an EU Blue Card, unless the period of unemployment exceeds *nine* consecutive months.

Or. en

Amendment 518

Bodil Valero
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

1. Unemployment in itself shall not constitute a reason for withdrawing an EU Blue Card, unless the period of unemployment exceeds **three** consecutive months, or where the unemployment occurs more than **once** during the period of validity of an EU Blue Card.

Amendment

1. Unemployment in itself shall not constitute a reason for withdrawing an EU Blue Card, unless the period of unemployment exceeds **six** consecutive months, or where the unemployment occurs more than **three times** during the period of validity of an EU Blue Card.

Or. en

Amendment 519
Bodil Valero
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a directive
Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Temporary inability to work as the result of an illness or accident shall not constitute a reason for withdrawing an EU Blue Card.

Or. en

Amendment 520
Kristina Winberg

Proposal for a directive
Article 14 – paragraph 2

Text proposed by the Commission

Amendment

2. *During the period referred to in paragraph 1, the EU Blue Card holder shall be allowed to seek and take up employment in accordance with the conditions set out in Article 13.*

deleted

Or. en

Amendment 521
Barbara Spinelli, Cornelia Ernst

Proposal for a directive
Article 14 – paragraph 2

Text proposed by the Commission

2. During the period referred to in paragraph 1, the EU Blue Card holder shall be allowed to seek and take up employment *in accordance with the conditions set out* in Article 13.

Amendment

2. During the period referred to in paragraph 1, the EU Blue Card holder shall be allowed to seek and take up employment *or other types of visas granting him stay in the EU. In the following cases, Member States shall provide the EU Blue Card holder with a period of nine consecutive months to seek alternative employment under the conditions in Article 13:*

(a) where the employer has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;

(b) where the conditions in the applicable laws, collective agreements or practices in the relevant occupational branches for highly skilled employment are no longer met;

Or. en

Amendment 522
Jeroen Lenaers

Proposal for a directive
Article 14 – paragraph 2

Text proposed by the Commission

2. During the period referred to in paragraph 1, the EU Blue Card holder shall be allowed to seek and take up employment in accordance with the conditions set out in Article 13.

Amendment

2. During the period referred to in paragraph 1, the EU Blue Card holder shall be allowed to seek and take up employment in accordance with the conditions set out in Article 13. ***After this period has elapsed and in the event of continuing unemployment, the EU Blue Card shall be withdrawn.***

Or. nl

Amendment 523

Barbara Spinelli, Cornelia Ernst

Proposal for a directive

Article 14 – paragraph 3

Text proposed by the Commission

3. ***The EU Blue Card holder shall communicate the beginning and, where appropriate, the end of the period of unemployment to the competent authorities of the Member State of residence, in accordance with the relevant national procedures.***

Amendment

deleted

Or. en

Amendment 524

Kristina Winberg

Proposal for a directive

Article 14 – paragraph 3

Text proposed by the Commission

3. The EU Blue Card holder shall communicate ***the beginning and, where appropriate, the end of the period*** of unemployment to the competent authorities of the Member State of residence, in

Amendment

3. The EU Blue Card holder shall communicate ***immediately in the case*** of unemployment to the competent authorities of the Member State of residence, in

accordance with the relevant national procedures.

accordance with the relevant national procedures.

Or. en

Amendment 525

Barbara Spinelli, Cornelia Ernst

Proposal for a directive

Article 16 – paragraph 4

Text proposed by the Commission

4. By way of derogation from the first subparagraph of Article 5(4) of Directive 2003/86/EC, where the conditions for family reunification are fulfilled and the applications were submitted simultaneously, residence permits for family members shall be granted at the same time as the EU Blue Card. Where the family members join the EU Blue Card holder after the EU Blue Card has been granted to him or her and where the conditions for family reunification are fulfilled, residence permits shall be granted **at the latest within 60** days from the date on which the application was submitted.

Amendment

4. By way of derogation from the first subparagraph of Article 5(4) of Directive 2003/86/EC, where the conditions for family reunification are fulfilled and the applications were submitted simultaneously, residence permits for family members shall be granted at the same time as the EU Blue Card. Where the family members join the EU Blue Card holder after the EU Blue Card has been granted to him or her and where the conditions for family reunification are fulfilled, residence permits shall be granted **as soon as possible but no later than 20** days from the date on which the application was submitted.

Or. en

Amendment 526

Barbara Spinelli, Paloma López Bermejo, Cornelia Ernst

Proposal for a directive

Article 16 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall establish in national law possibilities for family members of Blue Card holders to be granted an independent residence permit

in the event of widowhood or the dissolution of the marriage or the relationship, in particular in cases of violence. The conditions relating to the granting and duration of the residence permits shall be established by internal law.

Or. en

Justification

Possibilities for family members to be granted an independent residence permit are necessary to prevent them falling into irregularity through no fault of their own, including in situations of domestic violence. This amendment draws on Article 59 of the Council of Europe Istanbul Convention and Article 15 §3 of Directive 2003/86/EC (the “Family Reunification” Directive).

Amendment 527

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini, Jean Lambert

Proposal for a directive

Article 16 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. Member States shall establish in national law possibilities for family members of Blue Card holders to be granted an independent residence permit in the event of the dissolution of the marriage or the relationship, in particular in cases of violence. The conditions relating to the granting and duration of the residence permits shall be established by national law.

Or. en

Justification

Possibilities for family members to be granted an independent residence permit are necessary to prevent them falling into irregularity through no fault of their own, including in situations

of domestic violence. This amendment draws on Article 59 of the Council of Europe Istanbul Convention.

Amendment 528

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini, Jean Lambert

Proposal for a directive

Article 16 – paragraph 5 b (new)

Text proposed by the Commission

Amendment

5b. Survivor family members who derive rights from the EU Blue Card holder, shall be granted the right to remain in the Member State until the expiry of the Blue Card and, in any case, for a period of at least 12 months, under the same conditions enjoyed as family members of an EU Blue Card holders.

Or. en

Amendment 529

Anna Maria Corazza Bildt

Proposal for a directive

Article 16 – paragraph 6 – subparagraph 2

Text proposed by the Commission

Amendment

Before a family member is granted access to employment, Member States may check whether the concerned vacancy could not be filled by national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for employment in accordance with Chapter III of Directive 2003/109/EC.

deleted

Justification

Family members of EU Blue card holders should have access to work once they join the EU blue card holder in Europe. The labour market checks for families members would be an unnecessary burden for administrations and for companies, as the persons concerned would be already lawfully resident in that Member State.

Amendment 530**Barbara Spinelli, Cornelia Ernst****Proposal for a directive****Article 16 – paragraph 6 – subparagraph 2***Text proposed by the Commission**Amendment*

Before a family member is granted access to employment, Member States may check whether the concerned vacancy could not be filled by national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for employment in accordance with Chapter III of Directive 2003/109/EC.

deleted

Justification

In order to facilitate better integration, family members of EU Blue Card holders should be allowed to work once they join the EU Blue Card holder in the Member State in question. A labour market test is therefore not appropriate for family members joining someone already granted an EU Blue Card to work in that Member State and the second subparagraph should therefore be deleted.

Amendment 531**Bodil Valero**

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive
Article 16 – paragraph 6 – subparagraph 2

Text proposed by the Commission

Amendment

Before a family member is granted access to employment, Member States may check whether the concerned vacancy could not be filled by national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for employment in accordance with Chapter III of Directive 2003/109/EC.

deleted

Or. en

Amendment 532
Nathalie Griesbeck

Proposal for a directive
Article 16 – paragraph 6 – subparagraph 2

Text proposed by the Commission

Amendment

Before a family member is granted access to employment, Member States may check whether the concerned vacancy could not be filled by national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for employment in accordance with Chapter III of Directive 2003/109/EC.

deleted

Or. en

Justification

In order to facilitate better integration, family members of EU Blue Card holders, whatever their qualifications, should be allowed to enter the EU and to work once they join the EU Blue Card holder in the Member State.

Amendment 533
Kristina Winberg

Proposal for a directive
Article 16 – paragraph 10

Text proposed by the Commission

Amendment

10. This Article shall apply to EU Blue Card holders who are beneficiaries of international protection only when they reside in a Member State other than the Member State which granted them international protection.

deleted

Or. en

Amendment 534
Bodil Valero
on behalf of the Verts/ALE Group
Judith Sargentini, Jean Lambert

Proposal for a directive
Article 16 – paragraph 10

Text proposed by the Commission

Amendment

10. This Article shall apply to EU Blue Card holders who are beneficiaries of international protection **only** when they reside in a Member State other than the Member State which granted them international protection.

10. This Article shall apply to EU Blue Card holders who are beneficiaries of international protection **for what relates to any more favourable condition for family members which could derive from this Directive, including** when they reside in a Member State other than the Member State which granted them international protection.

Or. en

Amendment 535

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Article 16 – paragraph 10 a (new)

Text proposed by the Commission

Amendment

10a. Member States shall take due account of the nature and solidity of the person's family relationships and the duration of his residence in the Member State and of the existence of family, cultural and social ties with his/her country of origin where they reject an application, withdraw or refuse to renew a residence permit or decide to order the removal of the sponsor or members of his family.

Or. en

Justification

This amendment corresponds to Article 17 of Directive 2003/86/EC.

Amendment 536

Barbara Spinelli, Paloma López Bermejo, Cornelia Ernst

Proposal for a directive

Article 16 – paragraph 10 b (new)

Text proposed by the Commission

Amendment

10b. The Member States shall ensure that the sponsor and/or the members of his/her family have the right to mount a legal challenge where an application for family reunification is rejected or a residence permit is either not renewed or is withdrawn or removal is ordered.

Or. en

Justification

This amendment is consistent with Article 18 of Directive 2003/86/EC (the “Family Reunification Directive”).

Amendment 537

Heinz K. Becker

Proposal for a directive

Article 17 – paragraph 2

Text proposed by the Commission

Amendment

2. By way of derogation from Article 4(1) of Directive 2003/109/EC, Member States shall grant EU long-term resident status to third-country nationals who have legally and continuously resided as EU Blue Card holders within their territory for three years immediately prior to the submission of the relevant application. *deleted*

The EU long-term resident status granted in accordance with the first subparagraph of this paragraph may be withdrawn before the period of legal and continuous residence of five years referred to in Article 4(1) of Directive 2003/109/EC within the territory of the Member States has been completed, where the third-country national becomes unemployed and does not have sufficient resources to maintain himself or herself and, where applicable, the members of his or her family, without having recourse to the social assistance system of the Member State concerned.

However, the EU long-term resident status shall not be withdrawn where the third-country national:

(a) is temporarily unable to work as the result of an illness or accident;

(b) is in duly recorded involuntary unemployment and has registered as job-

seeker with the relevant employment office;

(c) begins vocational training which, unless the third-country national concerned is involuntarily unemployed, shall be related to the previous employment.

Or. de

Amendment 538
Kazimierz Michał Ujazdowski

Proposal for a directive
Article 17 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

By way of derogation from Article 4(1) of Directive 2003/109/EC, Member States shall grant EU long-term resident status to third-country nationals who have legally and continuously resided as EU Blue Card holders within their territory for three years immediately prior to the submission of the relevant application.

deleted

Or. en

Amendment 539
Kristina Winberg

Proposal for a directive
Article 17 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

By way of derogation from Article 4(1) of Directive 2003/109/EC, Member States shall grant EU long-term resident status to third-country nationals who have legally and continuously resided as EU Blue Card holders within their territory for **three**

By way of derogation from Article 4(1) of Directive 2003/109/EC, Member States shall grant EU long-term resident status to third-country nationals who have legally and continuously resided as EU Blue Card holders within their territory for **ten** years

years immediately prior to the submission of the relevant application.

immediately prior to the submission of the relevant application.

Or. en

Amendment 540

Kazimierz Michał Ujazdowski

Proposal for a directive

Article 17 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The EU long-term resident status granted in accordance with the first subparagraph of this paragraph may be withdrawn before the period of legal and continuous residence of five years referred to in Article 4(1) of Directive 2003/109/EC within the territory of the Member States has been completed, where the third-country national becomes unemployed and does not have sufficient resources to maintain himself or herself and, where applicable, the members of his or her family, without having recourse to the social assistance system of the Member State concerned.

deleted

Or. en

Amendment 541

Barbara Spinelli, Paloma López Bermejo, Cornelia Ernst

Proposal for a directive

Article 17 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The EU long-term resident status granted in accordance with the first subparagraph of this paragraph may be withdrawn before the period of legal and continuous residence of five years referred to in

deleted

Article 4(1) of Directive 2003/109/EC within the territory of the Member States has been completed, where the third-country national becomes unemployed and does not have sufficient resources to maintain himself or herself and, where applicable, the members of his or her family, without having recourse to the social assistance system of the Member State concerned.

Or. en

Justification

The Commission proposes a specific three-year rule for a residence permit for Blue Card holders who stay and work in the same Member State for those three years. But the proposal then adds conditions and derogations which only serve to complicate that rule for Blue Card holders and national administrations dealing with Blue Card holders. The three-year rule should apply without conditions and derogations.

Amendment 542

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 17 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The EU long-term resident status granted in accordance with the first subparagraph of this paragraph may be withdrawn before the period of legal and continuous residence of five years referred to in Article 4(1) of Directive 2003/109/EC within the territory of the Member States has been completed, where the third-country national becomes unemployed and does not have sufficient resources to maintain himself or herself and, where applicable, the members of his or her family, without having recourse to the social assistance system of the Member State concerned.

Amendment

The EU long-term resident status granted in accordance with the first subparagraph of this paragraph may be withdrawn before the period of legal and continuous residence of five years referred to in Article 4(1) of Directive 2003/109/EC within the territory of the Member States has been completed, where the third-country national becomes unemployed and ***he or she or, in the alternative a family member or another person acting as sponsor***, does not have sufficient resources to maintain himself or herself and, where applicable, the members of his or her family, without having recourse to the

social assistance system of the Member State concerned.

Or. en

Amendment 543
Kazimierz Michał Ujazdowski

Proposal for a directive
Article 17 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

However, the EU long-term resident status shall not be withdrawn where the third-country national:

deleted

(a) is temporarily unable to work as the result of an illness or accident;

(b) is in duly recorded involuntary unemployment and has registered as job-seeker with the relevant employment office;

(c) begins vocational training which, unless the third-country national concerned is involuntarily unemployed, shall be related to the previous employment.

Or. en

Amendment 544
Kristina Winberg

Proposal for a directive
Article 17 – paragraph 2 – subparagraph 3 – point b

Text proposed by the Commission

Amendment

(b) is in duly recorded involuntary unemployment and has registered as job-seeker with the relevant employment office;

deleted

Amendment 545
Kristina Winberg

Proposal for a directive
Article 17 – paragraph 2 – subparagraph 3 – point c

Text proposed by the Commission

Amendment

(c) *begins vocational training which, unless the third-country national concerned is involuntarily unemployed, shall be related to the previous employment.* **deleted**

Amendment 546
Kazimierz Michał Ujazdowski

Proposal for a directive
Article 17 – paragraph 3 – point a

Text proposed by the Commission

Amendment

(a) five years of legal and continuous residence within the territory of the Member States; **and**

(a) five years of legal and continuous residence within the territory of the Member States **and two years of legal and continuous residence as an EU Blue Card holder immediately prior to the submission of the relevant application within the territory of the Member State where the application for the EU long-term resident status is submitted.**

Amendment 547
Kristina Winberg

Proposal for a directive
Article 17 – paragraph 3 – point a

Text proposed by the Commission

(a) **five** years of legal and continuous residence within the territory of the Member States; and

Amendment

(a) **ten** years of legal and continuous residence within the territory of the Member States; and

Or. en

Amendment 548
Kristina Winberg

Proposal for a directive
Article 17 – paragraph 3 – point b

Text proposed by the Commission

(b) **two** years of legal and continuous residence as an EU Blue Card holder immediately prior to the submission of the relevant application within the territory of the Member State where the application for the EU long-term resident status is submitted.

Amendment

(b) **ten** years of legal and continuous residence as an EU Blue Card holder immediately prior to the submission of the relevant application within the territory of the Member State where the application for the EU long-term resident status is submitted.

Or. en

Amendment 549
Kristina Winberg

Proposal for a directive
Article 17 – paragraph 4

Text proposed by the Commission

4. For the purpose of calculating the five years period of legal and continuous residence in the Union referred to in point (a) of paragraph 3 and by way of derogation from the first subparagraph of Article 4(3) of Directive 2003/109/EC, periods of absence from the territory of the Member States shall not interrupt the five years period if those periods of absence are shorter than twelve

Amendment

deleted

consecutive months and do not exceed in total eighteen months within the five years period of legal and continuous residence.

Or. en

Amendment 550
Kristina Winberg

Proposal for a directive
Article 17 – paragraph 5

Text proposed by the Commission

Amendment

5. *By way of derogation from Article 9(1)(c) of Directive 2003/109/EC, Member States shall extend to 24 consecutive months the period of absence from the territory of the Member States which is allowed to an EU long-term resident holder of a long-term residence permit with the remark referred to in Article 18(2) of this Directive and of his family members having been granted the EU long-term resident status.*

deleted

Or. en

Amendment 551
Bodil Valero
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a directive
Article 17 – paragraph 6

Text proposed by the Commission

Amendment

6. The derogations set out in paragraphs 4 and 5 may be restricted to cases where the third-country national concerned can present evidence that he has been absent from the territory of the Member States to exercise an economic

6. The derogations set out in paragraphs 4 and 5 may be restricted to cases where the third-country national concerned can present evidence that he has been absent from the territory of the Member States to exercise an economic

activity in an employed or self-employed capacity, or to perform a voluntary service, or to study in his own country of origin.

activity in an employed or self-employed capacity, or to perform a voluntary service, or **a military service, or** to study in his **or her** own country of origin.

Or. en

Amendment 552
Barbara Spinelli

Proposal for a directive
Article 19 – title

Text proposed by the Commission

Business activity in a second Member State

Amendment

Short-term mobility for EU Blue Card holders

Or. en

Amendment 553
Monika Hohlmeier

Proposal for a directive
Article 19 – paragraph 1

Text proposed by the Commission

1. Where a third-country national who holds a valid EU Blue Card issued by a Member State applying the Schengen acquis in full enters and stays in one or several second Member States for a period of 90 days in any 180-day period for the purpose of carrying out a business activity, the second Member State ***shall not*** require ***any authorisation for exercising such activity other than the EU Blue Card issued*** by the first Member State.

Amendment

1. Where a third-country national who holds a valid EU Blue Card issued by a Member State applying the Schengen acquis in full enters and stays in one or several second Member States for a period of 90 days in any 180-day period for the purpose of carrying out a business activity, the second Member State ***may*** require ***the justification documents the Blue Card holder has submitted*** to the first Member State ***while applying for a Blue Card.***

Or. en

Amendment 554
Barbara Spinelli

Proposal for a directive
Article 19 – paragraph 1

Text proposed by the Commission

1. Where a third-country national who holds a valid EU Blue Card issued by a Member State ***applying the Schengen acquis in full*** enters and stays in one or several second Member States for a period of 90 days in any 180-day period for the purpose of carrying out a business activity, the second Member State shall not require any authorisation for exercising such activity other than the EU Blue Card issued by the first Member State.

Amendment

1. Where a third-country national who holds a valid EU Blue Card issued by a Member State enters and stays in one or several second Member States ***and work in any work entity*** for a period of 90 days in any 180-day period for the purpose of carrying out a business activity, the second Member State shall not require any authorisation for exercising such activity other than the EU Blue Card issued by the first Member State.

Or. en

Amendment 555
Kazimierz Michał Ujazdowski

Proposal for a directive
Article 19 – paragraph 2

Text proposed by the Commission

2. A third-country national who holds a valid EU Blue Card issued by a Member State not applying the Schengen acquis in full shall be entitled to enter and stay for the purpose of carrying out a business activity in one or several second Member States for up to 90 days in any 180-day period on the basis of the EU Blue Card issued by the first Member State. The second Member State shall not require any authorisation for exercising the business activity other than the EU Blue Card issued by the first Member State.

Amendment

2. A third-country national who holds a valid EU Blue Card issued by a Member State not applying the Schengen acquis in full shall be entitled to enter and stay for the purpose of carrying out a business activity in one or several second Member States for up to 90 days in any 180-day period on the basis of the EU Blue Card issued by the first Member State ***and a valid travel document***. The second Member State shall not require any authorisation for exercising the business activity other than the EU Blue Card issued by the first Member State.

Or. en

Amendment 556
Barbara Spinelli

Proposal for a directive
Article 20 – title

Text proposed by the Commission

Application for an EU Blue Card in a second Member State

Amendment

Long-term mobility for EU Blue Card Holders

Or. en

Amendment 557
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Article 20 – paragraph 1

Text proposed by the Commission

1. ***After twelve months of legal residence in the first Member State as an EU Blue Card holder, the third-country national*** shall be entitled to enter ***a second Member State*** for the purpose of highly skilled employment on the basis of the EU Blue Card and a valid travel document under the conditions set out in this Article.

Amendment

1. EU Blue Card ***holders*** shall be entitled to enter, ***stay and work in one or several Member States*** for the purpose of highly skilled employment on the basis of the EU Blue Card and a valid travel document under the conditions set out in this Article.

Or. en

Justification

A key way to increase the attractiveness of the Blue Card would be to simplify the procedure for intra-EU mobility. This amendment is consistent with Article 20 of the ICT Directive (2014/66/EU)

Amendment 558
Barbara Spinelli

Proposal for a directive
Article 20 – paragraph 2 – subparagraph 1

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Text proposed by the Commission

As soon as possible and no later than one month after entering the territory of the second Member State, the EU Blue Card holder or his employer or both shall **submit an application for an EU Blue Card to** the competent authority of that Member State **and present all the documents proving the fulfilment of the conditions referred to in paragraph 3 for the second Member State.**

Amendment

As soon as possible and no later than one month after entering the territory of the second Member State, the EU Blue Card holder or his **or her** employer or both shall **notify** the competent authority of that **second Member State of his or her employment in that Member State and shall present the documents required under paragraph 3.**

Or. en

Justification

A key way to increase the attractiveness of the Blue Card would be to simplify the procedure for intra-EU mobility. Taking inspiration from other EU labour migration legislation, the proposals on the Blue Card can be amended to replace additional applications with notifications and allow the Blue Card holder to work in a second Member State once he/she has notified the second Member State concerned.

Amendment 559
Kinga Gál

Proposal for a directive
Article 20 – paragraph 2 – subparagraph 2

Text proposed by the Commission

The EU Blue Card holder shall be allowed to work in the second Member State immediately after submitting the application.

Amendment

deleted

Or. en

Amendment 560
Barbara Spinelli

Proposal for a directive
Article 20 – paragraph 2 – subparagraph 2

Text proposed by the Commission

Amendment

The EU Blue Card holder shall be allowed to work in the second Member State immediately after submitting the **application**.

The EU Blue Card holder shall be allowed to work in the second Member State immediately after submitting the **notification**.

Or. en

Justification

Paragraph altered to reflect previous amendments concerning intra-EU mobility.

Amendment 561
Barbara Spinelli

Proposal for a directive
Article 20 – paragraph 2 – subparagraph 3

Text proposed by the Commission

Amendment

The **application** may also be submitted to the competent authorities of the second Member State while the EU Blue Card holder is still residing in the territory of the first Member State.

The **notification** may also be submitted to the competent authorities of the second Member State while the EU Blue Card holder is still residing in the territory of the first Member State.

Or. en

Justification

Paragraph altered to reflect previous amendments concerning intra-EU mobility.

Amendment 562
Barbara Spinelli

Proposal for a directive
Article 20 – paragraph 3 – introductory part

Text proposed by the Commission

Amendment

3. For the purposes of the **application** referred to in paragraph 2, the EU Blue Card holder shall present:

3. For the purposes of the **notification** referred to in paragraph 2, the EU Blue Card holder shall present:

Justification

Paragraph altered to reflect previous amendments concerning intra-EU mobility.

Amendment 563
Monika Hohlmeier

Proposal for a directive
Article 20 – paragraph 3 – point a a (new)

Text proposed by the Commission

Amendment

(aa) upon request of the second Member State, the justification documents the Blue Card holder had submitted during the application for the Blue Card in the first Member State

Or. en

Amendment 564
Barbara Spinelli

Proposal for a directive
Article 20 – paragraph 3 – point b

Text proposed by the Commission

Amendment

(b) a valid work contract or, as provided for in national law, a binding job offer for highly skilled employment, of at least *six* months in the second Member State;

(b) a valid work contract or, as provided for in national law, a binding job offer for highly skilled employment, of at least *three* months in the second Member State;

Or. en

Amendment 565
Barbara Spinelli

Proposal for a directive
Article 20 – paragraph 3 – point e

Text proposed by the Commission

Amendment

(e) evidence of meeting the salary threshold set in the second Member State in application of paragraph 2 or, where applicable, of paragraphs 4 or 5 of Article 5. **deleted**

Or. en

Justification

Deleted for consistency reasons with previous amendments on the abolition of salary thresholds

Amendment 566
Nathalie Griesbeck

Proposal for a directive
Article 20 – paragraph 3 – point e

Text proposed by the Commission

Amendment

(e) evidence of meeting the salary threshold set in the second Member State in application of paragraph 2 or, where applicable, of paragraphs 4 or 5 of Article 5. **deleted**

Or. en

Justification

The current salary threshold in the Blue Card Directive is one of the main reasons for the current lack of attractiveness of the Blue Card. The public consultation, carried out by the European Commission indicated that the failure to fulfil the salary threshold was one of the reasons why skilled workers where issued a national permit instead of a blue card. Moreover, young graduates often do not qualify for Blue Cards because of the high salary threshold and it is also more difficult for SMEs (that often have lower average salaries) to use the Blue Card. So, to have a more flexible system, we should remove the salary threshold.

Amendment 567
Bodil Valero
on behalf of the Verts/ALE Group

Jean Lambert, Judith Sargentini

**Proposal for a directive
Article 20 – paragraph 3 – point e**

Text proposed by the Commission

(e) evidence of meeting the salary ***threshold set*** in the second Member State in application of paragraph 2 or, where applicable, of paragraphs 4 or 5 of Article 5.

Amendment

(e) evidence of meeting the salary ***levels defined*** in the second Member State in application of paragraph 2 or, where applicable, of paragraphs 4 or 5 of Article 5.

Or. en

**Amendment 568
Barbara Spinelli**

**Proposal for a directive
Article 20 – paragraph 4 – introductory part**

Text proposed by the Commission

4. ***The second Member State shall reject an application for an EU Blue Card*** in any of the following cases:

Amendment

4. ***Within 30 days of the date of receipt of the notification, the second Member State may object to the mobility*** in any of the following cases:

Or. en

Justification

The time period for objecting to mobility is aligned with time period for deciding on an application laid down in Article 10(1).

**Amendment 569
Bodil Valero**
on behalf of the Verts/ALE Group
Judith Sargentini

**Proposal for a directive
Article 20 – paragraph 4 – point a**

Text proposed by the Commission

Amendment

(a) the documents required pursuant to paragraph 3 are not presented;

(a) the documents required pursuant to paragraph 3 are not presented, *after a request to submit the required documents has been notified by the public administration to the applicant and the applicant has failed to provide the required documents within a reasonable deadline set by the public administration;*

Or. en

Amendment 570

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Article 20 – paragraph 4 – point b

Text proposed by the Commission

(b) *the documents were fraudulently acquired, or falsified or tampered with;*

Amendment

(b) *in a way which is significant both in relation to the validity of the document and in relation to its relevance for the issuance of a Blue Card;*

Or. en

Amendment 571

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 20 – paragraph 4 – point b

Text proposed by the Commission

(b) the documents were fraudulently acquired, or falsified or tampered with;

Amendment

(b) the documents were fraudulently acquired, or falsified or tampered with, *with the knowledge of the owner;*

Or. en

Amendment 572
Miltiadis Kyrkos

Proposal for a directive
Article 20 – paragraph 4 – point γ a (new)

Text proposed by the Commission

Amendment

(ca) where the third-country national is considered to pose a threat to public policy, public security or public health, a threat which can be objectively established.

Or. el

Amendment 573
Barbara Spinelli

Proposal for a directive
Article 20 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Any decision to object to mobility, taken under this paragraph, shall take account of the specific circumstances of the case and shall be proportionate.

Or. en

Justification

As with decisions to reject, withdraw or not renew a Blue Card, any decision to object to mobility should take account of the specific circumstances of the case and the decision to object should be proportionate.

Amendment 574
Bodil Valero
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a directive
Article 20 – paragraph 5

Text proposed by the Commission

5. The second Member State shall reject an application for an EU Blue Card where the third-country national poses a threat to public *policy, public security or public health*.

Amendment

5. The second Member State shall reject an application for an EU Blue Card where the third-country national poses a threat to public security.

Or. en

Amendment 575
Barbara Spinelli

Proposal for a directive
Article 20 – paragraph 6

Text proposed by the Commission

6. *The* second Member State *may reject an application for an* EU Blue Card *on the basis of a check made in accordance with Article 6(2) after a justified notification as set out in that Article, and only* if the second Member State has *also introduced such checks for third-country nationals coming from third countries under this Directive*.

Amendment

6. *Where a* second Member State *objects to mobility, that objection shall not affect the renewal of the EU Blue or the re-entry of the* EU Blue Card holder and his or her family members *to the first Member State. Upon request of the second Member State, the first Member State shall allow such re-entry without formalities and without delay. This shall also apply if the EU Blue Card issued by the first Member State has expired or has been withdrawn during the notification period. The EU Blue Card holder or his or her employer in the second Member State may be held liable for the costs relating to the re-entry of the EU Blue Card holder and his or her family members*.

Or. en

Amendment 576
Bodil Valero
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a directive
Article 20 – paragraph 7

Text proposed by the Commission

Amendment

7. The second Member State may reject an application for an EU Blue Card where the third-country national repetitively makes use of the possibility to enter and work in second Member States pursuant to this Article in an abusive manner. The second Member State shall notify the first Member State of the rejection for the purpose of point (f) of Article 7(2).

deleted

Or. en

Amendment 577
Barbara Spinelli

Proposal for a directive
Article 20 – paragraph 7

Text proposed by the Commission

Amendment

7. The second Member State may reject an application for an EU Blue Card where the third-country national repetitively makes use of the possibility to enter and work in second Member States pursuant to this Article in an abusive manner. The second Member State shall notify the first Member State of the rejection for the purpose of point (f) of Article 7(2).

7. Where the EU Blue Card holder, has exercised mobility pursuant to this Article and wishes to renew the EU Blue Card and to continue working in the second Member State, the EU Blue Card holder or his or her employer shall apply for renewal in that second Member State.

Or. en

Justification

Paragraph amended to ensure that rules concerning conditions for long-term mobility still apply to EU Blue Card holders if they decide to return to the first Member State.

Amendment 578

Heinz K. Becker

**Proposal for a directive
Article 20 – paragraph 7**

Text proposed by the Commission

7. The second Member State may reject an application for an EU Blue Card where the third-country national repetitively makes use of the possibility to enter and work in second Member States pursuant to this Article in an abusive manner. The second Member State shall notify the first Member State of the rejection for the purpose of point (f) of Article 7(2).

Amendment

7. The second Member State may reject an application for an EU Blue Card where the third-country national repetitively makes use of the possibility to enter and work in second Member States pursuant to this Article in an abusive manner. The second Member State shall notify the ***employer and the*** first Member State of the rejection for the purpose of point (f) of Article 7(2).

Or. de

**Amendment 579
Barbara Spinelli**

**Proposal for a directive
Article 20 – paragraph 8 – introductory part**

Text proposed by the Commission

8. By way of derogation from Article 10(1), the second Member State shall adopt a decision on ***an application for an*** EU Blue Card ***and notify the applicant*** and the first Member State in writing at the latest within 30 days of the date of submission of the ***application*** of its decision to either:

Amendment

8. By way of derogation from Article 10(1), the second Member State shall adopt a decision on ***the notification and inform the*** EU Blue Card ***holder*** and the first Member State in writing at the latest within 30 days of the date of submission of the ***notification*** of its decision to either:

Or. en

Justification

The amendment is intended to ensure consistency with earlier amendments.

**Amendment 580
Barbara Spinelli**

Proposal for a directive
Article 20 – paragraph 8 – point a

Text proposed by the Commission

(a) where the conditions laid down in this Article are fulfilled, ***issue an EU Blue Card and allow the third-country national to reside on its territory for the purpose of highly skilled employment***; or

Amendment

(a) where the conditions laid down in this Article are fulfilled, ***not to object to mobility***; or

Or. en

Justification

Amendment proposed for consistency with earlier amendments.

Amendment 581
Barbara Spinelli

Proposal for a directive
Article 20 – paragraph 8 – point b

Text proposed by the Commission

(b) where the conditions laid down in this Article are not fulfilled, ***refuse to issue an EU Blue Card*** and oblige the applicant and his family members, in accordance with the procedures provided for in national law, to leave its territory.

Amendment

(b) where the conditions laid down in this Article are not fulfilled, ***to object to the mobility*** and oblige the applicant and his family members, in accordance with the procedures provided for in national law, to leave its territory.

Or. en

Justification

Amendment proposed for consistency with earlier amendments.

Amendment 582
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Article 20 – paragraph 8 – point b a (new)

Text proposed by the Commission

Amendment

(ba) The objection to the mobility of an EU Blue Card applicant in the second Member State shall not have any consequences for the renewal of the EU Blue Card in the first Member State or the return of the Blue Card holder to the first Member State on the basis of a valid Blue Card issued by that Member State.

Or. en

Amendment 583

Cécile Kashetu Kyenge, Juan Fernando López Aguilar

Proposal for a directive

Article 20 – paragraph 8 – point b a (new)

Text proposed by the Commission

Amendment

(ba) The rejection of an EU Blue Card application in the second Member State shall not have any consequences for the renewal of the EU Blue Card in the first Member State or the return of the Blue Card holder to the first Member State on the basis of a valid Blue Card issued by that Member State.

Or. en

Amendment 584

Soraya Post

Proposal for a directive

Article 20 – paragraph 8 – subparagraph 1 (new)

Text proposed by the Commission

Amendment

(c) The rejection of an EU Blue Card application in the second Member State shall not have any consequences for the renewal of the EU Blue Card in the first

Member State or the return of the Blue Card holder to the first Member State on the basis of a valid Blue Card issued by that Member State.

Or. en

Amendment 585
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Article 20 – paragraph 8 a (new)

Text proposed by the Commission

Amendment

8a. Any decision to object to mobility of a Blue Card holder shall be given in writing and it shall be notified to the applicant without undue delay in a language he or she understands or is reasonably meant to understand.

Where a decision to object to mobility is taken, the reasons in fact and in law shall be stated in the decision. Applicants shall have access to effective judicial remedies and receive information on how to challenge the abovementioned decision shall be given in writing, unless otherwise already provided to the applicant.

Or. en

Justification

This amendment brings the legislation in line with Article 11 and 46 of the “Asylum Procedures Directive” (Directive 2013/32/EU)

Amendment 586
Barbara Spinelli

Proposal for a directive
Article 20 – paragraph 9

Text proposed by the Commission

9. Where the EU Blue Card issued by the first Member State expires during the procedure, the second Member State may issue, if so required by national law, national temporary residence permits, or equivalent authorisations, allowing the applicant to continue to stay legally on its territory until a decision on the **application** has been taken by the competent authorities.

Amendment

9. Where the EU Blue Card issued by the first Member State expires during the **notification** procedure, the second Member State may issue, if so required by national law, national temporary residence permits, or equivalent authorisations, allowing the applicant to continue to stay legally on its territory until a decision on the **renewal of the EU Blue Card** has been taken by the competent authorities.

Or. en

Justification

Amendment proposed for consistency with earlier amendments

Amendment 587
Barbara Spinelli

Proposal for a directive
Article 20 – paragraph 10

Text proposed by the Commission

10. From the second time that an EU Blue Card holder and, where applicable, his family members, make use of the possibility to move to another Member State pursuant to this Article, “first Member State” shall be understood as meaning the Member State from where the person concerned moves and “second Member State” as meaning the Member State to which he is applying to reside. **By way of derogation from Article 20(1), an EU Blue Card holder may move to another Member State a second time after six months of legal residence in the first Member State as an EU Blue Card holder.**

Amendment

10. From the second time that an EU Blue Card holder and, where applicable, his family members, make use of the possibility to move to another Member State pursuant to this Article, “first Member State” shall be understood as meaning the Member State from where the person concerned moves and “second Member State” as meaning the Member State to which he is applying to reside.

Or. en

Justification

This amendment brings the legislation in line with the ICT Directive (2014/66/EU)

Amendment 588

Barbara Spinelli

Proposal for a directive

Article 21 – paragraph 1

Text proposed by the Commission

1. *Where the EU Blue Card holder moves to a second Member State in accordance with Article 20 and where the family was already constituted in the first Member State, the members of his or her family shall be authorised to accompany him or her and to enter and stay in the second Member State based on the valid residence permits obtained as family members of an EU Blue Card holder in the first Member State.*

Amendment

1. *This Directive shall apply in the first Member State and in other Member States which allow the Blue Card Holder to stay and work on their territory in accordance with Article 20 of this Directive, subject to the derogations laid down in this Article.*

Or. en

Justification

This amendment is consistent with Article 19 of Directive 2014/66/EU (the “ICT Directive”) where there are no extra requirements for family members. There is no reason why the same mobility rights should differ from intra corporate transferees and other third country nationals.

Amendment 589

Barbara Spinelli

Proposal for a directive

Article 21 – paragraph 2

Text proposed by the Commission

2. *No later than one month after entering the territory of the second Member State, the family members concerned or the EU Blue Card holder, in*

Amendment

deleted

accordance with national law, shall submit an application for a residence permit as a family member to the competent authorities of that Member State.

Where the residence permit of the family member issued by the first Member State expires during the procedure or no longer entitles the holder to reside legally on the territory of the second Member State, the second Member State shall allow the family member to stay in their territory, if necessary by issuing national temporary residence permits or equivalent authorisations, until a decision on the application has been taken by the competent authorities of the second Member State.

Or. en

Justification

This deletion is consistent with Article 19 of Directive 2014/66/EU (the “ICT Directive”) where there are no extra requirements for family members. There is no reason why the same mobility rights should differ from intra corporate transferees and other third country nationals.

Amendment 590
Barbara Spinelli

Proposal for a directive
Article 21 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

No later than one month after entering the territory of the second Member State, the family members concerned or the EU Blue Card holder, in accordance with national law, shall submit an application for a residence permit as a family member to the competent authorities of that Member State.

deleted

Or. en

Justification

This deletion is consistent with Article 19 of Directive 2014/66/EU (the “ICT Directive”) where there are no extra requirements for family members. There is no reason why the same mobility rights should differ from intra corporate transferees and other third country nationals.

Amendment 591 **Barbara Spinelli**

Proposal for a directive **Article 21 – paragraph 2 – subparagraph 2**

Text proposed by the Commission

Amendment

Where the residence permit of the family member issued by the first Member State expires during the procedure or no longer entitles the holder to reside legally on the territory of the second Member State, the second Member State shall allow the family member to stay in their territory, if necessary by issuing national temporary residence permits or equivalent authorisations, until a decision on the application has been taken by the competent authorities of the second Member State.

deleted

Or. en

Justification

This deletion is consistent with Article 19 of Directive 2014/66/EU (the “ICT Directive”) where there are no extra requirements for family members. There is no reason why the same mobility rights should differ from intra corporate transferees and other third country nationals.

Amendment 592 **Barbara Spinelli**

Proposal for a directive **Article 21 – paragraph 3**

Barbara Spinelli

**Proposal for a directive
Article 21 – paragraph 3 – point b**

Text proposed by the Commission

Amendment

(b) *evidence that they have resided as members of the family of the EU Blue Card holder in the first Member State.* ***deleted***

Or. en

Justification

This deletion is consistent with Article 19 of Directive 2014/66/EU (the “ICT Directive”) where there are no extra requirements for family members. There is no reason why the same mobility rights should differ from intra corporate transferees and other third country nationals.

**Amendment 595
Barbara Spinelli**

**Proposal for a directive
Article 21 – paragraph 4**

Text proposed by the Commission

Amendment

4. *By way of derogation from Article 16(4), where the family members join the EU Blue Card holder after he or she has moved to the second Member State, residence permits shall be granted at the latest within 30 days from the date on which the application was submitted, where the conditions for family reunification are fulfilled.* ***deleted***

Or. en

Justification

This deletion is consistent with Article 19 of Directive 2014/66/EU (the “ICT Directive”) where there are no extra requirements for family members. There is no reason why the same mobility rights should differ from intra corporate transferees and other third country nationals.

Amendment 596
Barbara Spinelli

Proposal for a directive
Article 21 – paragraph 5

Text proposed by the Commission

Amendment

5. In addition to the derogations listed in Article 16, the second Member State shall not require the evidence referred to in points (a) and (b) of Article 7(1) of Directive 2003/86/EC. **deleted**

Or. en

Justification

This deletion is consistent with Article 19 of Directive 2014/66/EU (the “ICT Directive”) where there are no extra requirements for family members. There is no reason why the same mobility rights should differ from intra corporate transferees and other third country nationals.

Amendment 597
Barbara Spinelli

Proposal for a directive
Article 21 – paragraph 6

Text proposed by the Commission

Amendment

6. Where the family was not already constituted in the first Member State, Article 16 shall apply. **deleted**

Or. en

Justification

This deletion is consistent with Article 19 of Directive 2014/66/EU (the “ICT Directive”) where there are no extra requirements for family members. There is no reason why the same mobility rights should differ from intra corporate transferees and other third country nationals.

Amendment 598
Barbara Spinelli

Proposal for a directive
Article 21 – paragraph 7

Text proposed by the Commission

Amendment

7. *This Article shall apply to EU Blue Card holders who are beneficiaries of international protection only when they move to reside in a Member State other than the Member State which granted them international protection.* **deleted**

Or. en

Justification

This deletion is consistent with Article 19 of Directive 2014/66/EU (the “ICT Directive”) where there are no extra requirements for family members. There is no reason why the same mobility rights should differ from intra corporate transferees and other third country nationals.

Amendment 599
Anna Maria Corazza Bildt, Carlos Coelho

Proposal for a directive
Article 21 – paragraph 7

Text proposed by the Commission

Amendment

7. This Article shall apply to EU Blue Card holders who are beneficiaries of international protection **only** when they move to reside in a Member State other than the Member State which granted them international protection.

7. This Article shall apply to EU Blue Card holders who are beneficiaries of international protection **both** when they move to reside in a Member State other than the Member State which granted them **international protection or if they stay in that Member State which granted** international protection.

Or. en

Justification

This amendment is consistent with previous amendments. Beneficiaries of international protection who become EU Blue card holders should have the same rights of other EU blue

card holders independently from the Member State they leave. As we are in the progress of revising the asylum acquis, and in particular Directive 2011/96/EU there is a risk that provisions on equal treatment and family reunification provided by the EU Blue card Directive and the asylum acquis would be more or less advantageous depending in which Member State the third- country nationals leave.

Amendment 600
Barbara Spinelli

Proposal for a directive
Article 21 – paragraph 8

Text proposed by the Commission

8. This Article shall **not** apply to EU Blue Card holders who are beneficiaries of ***the right to free movement under Union law in the*** second Member State.

Amendment

8. This Article shall apply to EU Blue Card holders who are beneficiaries of ***international protection when they reside in the Member State which granted them international protection as well as when they reside in a*** second Member State.

Or. en

Justification

The rights enshrined in the Geneva Convention, in the Qualifications Directive and the Family Reunification Directive should be the minimum denominator of rights enjoyed by Blue Card holders which are also applicants/beneficiaries of international protection whether they are working in the state processing/granting them protection or to a second State.

When they become EU Blue card holders, they should then be able to enjoy also the additional rights and exemptions provided for them in Article 16 of the Blue Card and should benefit from both sets of rights in any country they decide to reside in.

Amendment 601
Barbara Spinelli

Proposal for a directive
Article 22 – paragraph 1

Text proposed by the Commission

1. ***Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full and the EU Blue***

Amendment

deleted

Card holder crosses an external border for the purpose of mobility as referred to in Articles 19 and 20, the second Member State shall be entitled to require as evidence of the mobility of the EU Blue Card holder:

(a) the valid EU Blue Card issued by the first Member State;

(b) for the purpose of Article 19, evidence of the business purpose of the stay;

(c) for the purpose of Article 20, a work contract or a binding job offer for highly skilled employment of at least six months in the second Member State.

Or. en

Amendment 602
Barbara Spinelli

Proposal for a directive
Article 22 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full and the family members of an EU Blue Card holder join him or her when crossing an external border for the purpose of moving to a second Member State as referred to in Article 21(1), the second Member State shall be entitled, in addition to the evidence referred to in paragraph 1 of this Article, to require that family members present their residence permits in the first Member State as family members of the EU Blue Card holder.

deleted

Or. en

Amendment 603

Barbara Spinelli

**Proposal for a directive
Article 22 – paragraph 3**

Text proposed by the Commission

Amendment

3. Where the second Member State rejects the application for an EU Blue Card in accordance with point (b) of Article 20(8), the first Member State shall, upon the request of the second Member State, allow re-entry of the EU Blue Card holder and, where applicable, his family members, without formalities and without delay. This shall also apply if the EU Blue Card issued by the first Member State has expired or has been withdrawn during the examination of the application. Article 14 shall apply after re-entry into the first Member State. *deleted*

Or. en

Justification

The provisions of this paragraph have been incorporated into Article 20(6).

Amendment 604

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

**Proposal for a directive
Article 22 – paragraph 4**

Text proposed by the Commission

Amendment

4. The EU Blue Card holder or his employer in the second Member State may be held responsible for the costs related to the re-entry of the EU Blue Card holder and his family members referred to in paragraph 4. *deleted*

Or. en

Amendment 605
Barbara Spinelli

Proposal for a directive
Article 22 – paragraph 4

Text proposed by the Commission

Amendment

4. The EU Blue Card holder or his employer in the second Member State may be held responsible for the costs related to the re-entry of the EU Blue Card holder and his family members referred to in paragraph 4. *deleted*

Or. en

Justification

The provisions of this paragraph have been incorporated into Article 20(6).

Amendment 606
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Article 22 – paragraph 6 – subparagraph 1

Text proposed by the Commission

Amendment

Where a Member State withdraws or does not renew an EU Blue Card which contains the remark referred to in Article 8(4) and decides to expel the third-country national, it shall request the Member State mentioned in that remark to confirm whether the person concerned is still a beneficiary of international protection in that Member State. The Member State mentioned in the remark shall reply within one month after receiving the request for information. *deleted*

Or. en

Justification

The decision on whether or not a beneficiary of international protection, who was also a Blue Card holder, should be expelled from the Union should remain with the Member State which granted international protection. That Member States should respect the principle of non-refoulement and the guarantees provided for in later amendments

Amendment 607

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Article 22 – paragraph 6 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

Where a Member State withdraws or does not renew an EU Blue Card which contains the remark referred to in Article 8(4a) new it shall request the Member State mentioned in that remark to confirm whether the person concerned has withdrawn his or her application for international protection. The Member State mentioned in that remark shall reply within one month after receiving the request for information.

Where the third-country national has not withdrawn his or her application for international protection in the Member State mentioned in that remark, that person shall be expelled to that Member State, which treated in accordance with Article 9 – paragraph 2 a (new) [The Member State responsible for the application for international protection shall, without prejudice to the applicable Union or national law and to the principle of family unity, immediately allow re-entry, without formalities, of that applicant for international protection.

Or. en

Justification

The decision on whether or not a beneficiary of international protection, who was also a Blue Card holder, should be expelled from the Union should remain with the Member State which granted international protection. That Member States should respect the principle of non-refoulement and the guarantees provided for in later amendments

Amendment 608

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Article 22 – paragraph 6 – subparagraph 1 b (new)

Text proposed by the Commission

Amendment

Where a Member State withdraws or does not renew an EU Blue Card, the Member State shall ensure due process and effective remedy before issuing an expulsion decision, in accordance with human rights and refugee law, including but not limited to, the principle of non-refoulement, right to private and family life and the best interests of the child.

Or. en

Amendment 609

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Article 22 – paragraph 6 – subparagraph 2

Text proposed by the Commission

Amendment

Where the third-country national is still a beneficiary of international protection in the Member State mentioned in the remark, that person shall be expelled to that Member State, which shall, without prejudice to the applicable Union or national law and to the principle of family unity, immediately allow the re-entry,

deleted

without formalities, of that beneficiary and his or her family members.

Or. en

Justification

The decision on whether or not a beneficiary of international protection, who was also a Blue Card holder, should be expelled from the Union should remain with the Member State which granted international protection. That Member States should respect the principle of non-refoulement and the guarantees provided for in later amendments

Amendment 610
Barbara Spinelli

Proposal for a directive
Article 22 – paragraph 6 – subparagraph 3

Text proposed by the Commission

Amendment

By way of derogation from the second subparagraph, the Member State which adopted the expulsion decision shall retain the right to remove, in accordance with its international obligations, the third-country national to a country other than the Member State which granted international protection, where that person fulfils the conditions specified in Article 21(2) of Directive 2011/95/EU. **deleted**

Or. en

Amendment 611
Bodil Valero
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a directive
Article 22 – paragraph 6 – subparagraph 3

Text proposed by the Commission

Amendment

By way of derogation from the second subparagraph, the Member State which **deleted**

adopted the expulsion decision shall retain the right to remove, in accordance with its international obligations, the third-country national to a country other than the Member State which granted international protection, where that person fulfils the conditions specified in Article 21(2) of Directive 2011/95/EU.

Or. en

Amendment 612
Carlos Coelho, Mariya Gabriel

Proposal for a directive
Article 22 – paragraph 7

Text proposed by the Commission

7. Where the EU Blue Card holder or his or her family members cross the external border of a Member State applying the Schengen acquis in full, that Member State shall consult the Schengen information system. That Member State shall refuse entry for persons for whom an alert for the purposes of refusing entry and stay has been issued in the Schengen information system.

Amendment

7. Where the EU Blue Card holder or his or her family members cross the external border of a Member State applying the Schengen acquis in full, that Member State shall consult the *relevant databases, in particular the* Schengen information system, *in accordance with the Schengen Borders Code*. That Member State shall refuse entry for persons for whom an alert for the purposes of refusing entry and stay has been issued in the Schengen information system.

Or. en

Amendment 613
Barbara Spinelli, Cornelia Ernst, Paloma López Bermejo

Proposal for a directive
Article 22 a (new)

Text proposed by the Commission

Amendment

Article 22a

Facilitation of complaints

To facilitate enforcement of this Directive and the sanctioning of employers that fail to meet their obligations:

1. Member States shall ensure that there are effective mechanisms through which third-country nationals may lodge complaints against their employers, directly or through third parties designated by Member States such as trade unions or other associations or a competent authority of the Member State when provided for by national legislation.

2. Member States shall ensure that third parties which have, in accordance with the criteria laid down in their national law, a legitimate interest in ensuring compliance with this Directive, may engage either on behalf of or in support of a third-country national, with his or her approval, in any administrative, civil or criminal proceedings provided for with the objective of implementing this Directive.

3. Member States shall ensure that all third country nationals:

(a) may introduce a claim, subject to a limited period defined in national law, against their employer and eventually enforce a judgment against the employer for any outstanding remuneration and appropriate compensation, including in cases in which they have, or have been, returned; or

(b) when provided for by national legislation, may call on the competent authority of the Member State to start procedures to recover outstanding remuneration without the need for them to introduce a claim in that case.

(c) may participate in the proceedings.

(d) may access protection against further victimisation or other negative

repercussions as a result of a complaint being made.

4. Blue Card holders will be provided with a period of six consecutive months to find alternative employment under the conditions set out in Article 13.

Member States shall define in national law the conditions under which they may grant, on a case-by-case basis to the third-country nationals which were subjected to exploitative working conditions, under arrangements comparable to those applicable to third-country nationals who fall within the scope of Directive 2004/81/EC.

Or. en

Justification

This amendment brings the legislation in line with Directive 2014/36/EU and Directive 2009/52/EC, and would be consistent with Directive 2012/29/EU and Directive 2011/36/EU and Directive 2009/52/EC. For coherence and equal treatment, the same safeguards should be in place for all third country national workers, including Blue Card holders. It will also serve the enforcement of the Directive; in order to prevent abuse, enable third country nationals to report exploitative employers and pursue sanctions, it is necessary for complaints and redress mechanisms to be accessible and effective for all third country national workers. This includes protection from further victimisation or other negative repercussions as a result of filing a complaint,

Amendment 614 **Nathalie Griesbeck**

Proposal for a directive **Article 23 – paragraph 1 – subparagraph 1**

Text proposed by the Commission

Member States shall make easily accessible to applicants the information on all the documentary evidence needed for an application and information on entry and residence conditions, including the rights, obligations and procedural safeguards, of the third-country nationals falling under the

Amendment

Member States shall make easily accessible to applicants the information on all the documentary evidence needed for an application and information on entry and residence conditions, including the rights, obligations and procedural safeguards, of the third-country nationals falling under the

scope of this Directive and of their family members. This information shall include information on the *salary thresholds set in the Member State concerned in accordance with Article 5(2), (4) and (5), and on the* applicable fees.

scope of this Directive and of their family members. This information shall include information on the applicable fees.

Or. en

Justification

The current salary threshold in the Blue Card Directive is one of the main reasons for the current lack of attractiveness of the Blue Card. The public consultation, carried out by the European Commission indicated that the failure to fulfil the salary threshold was one of the reasons why skilled workers were issued a national permit instead of a blue card. Moreover, young graduates often do not qualify for Blue Cards because of the high salary threshold and it is also more difficult for SMEs (that often have lower average salaries) to use the Blue Card. So, to have a more flexible system, we should remove the salary threshold.

Amendment 615

Bodil Valero

on behalf of the Verts/ALE Group

Jean Lambert, Judith Sargentini

Proposal for a directive

Article 23 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall make easily accessible to applicants the information on all the documentary evidence needed for an application and information on entry and residence conditions, including the rights, obligations and procedural safeguards, of the third-country nationals falling under the scope of this Directive and of their family members. This information shall include information on the salary *thresholds* set in the Member State concerned in accordance with Article 5(2), (4) and (5), and on the applicable fees.

Amendment

Member States shall make easily accessible to applicants the information on all the documentary evidence needed for an application and information on entry and residence conditions, including the rights, obligations and procedural safeguards, of the third-country nationals falling under the scope of this Directive and of their family members. This information shall include information on the salary *criteria* set in the Member State concerned in accordance with Article 5(2), (4) and (5), and on the applicable fees.

Or. en

Amendment 616
Barbara Spinelli

Proposal for a directive
Article 23 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Member States shall make easily accessible to applicants the information on all the documentary evidence needed for an application and information on entry and residence conditions, including the rights, obligations and procedural safeguards, of the third-country nationals falling under the scope of this Directive and of their family members. This information shall include information on *the salary thresholds set in the Member State concerned in accordance with Article 5(2), (4) and (5), and on the applicable fees.*

Amendment

Member States shall make easily accessible to applicants the information on all the documentary evidence needed for an application and information on entry and residence conditions, including the rights, obligations and procedural safeguards, of the third-country nationals falling under the scope of this Directive and of their family members. This information shall include information on *any occupations or sectors of employment suffering acute levels of unemployment for the purposes of Article 6(3a).*

Or. en

Justification

The amendment is intended to ensure consistency with earlier amendments on the elimination of a salary threshold

Amendment 617
Bodil Valero
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a directive
Article 23 – paragraph 1 – subparagraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) on the applicable appeal procedures and on the competent authorities with which a judicial redress may be submitted as well as the time limits for submitting the appeal.

Or. en

Amendment 618
Nathalie Griesbeck

Proposal for a directive
Article 23 – paragraph 1 – subparagraph 3 a (new)

Text proposed by the Commission

Amendment

When transposing this Directive, Member States shall gather data and communicate publicly, in consultation with the social partners, about the labour market needs and shall list the sectors of employment or geographical areas where there are employment shortages. The Member States shall regularly update that list.

Or. en

Justification

To better respond to current and future labour market needs in Europe and in the Member States, Member States should communicate about these labour needs and indicate in which sectors of employment and in which geographical area there are shortages.

Amendment 619
Barbara Spinelli

Proposal for a directive
Article 23 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall communicate to the Commission each year and upon each modification, the factor they have decided to set for determining the annual salary thresholds, and the resulting nominal amounts, in accordance with Article 5(2), (4) and (5).

deleted

Or. en

Justification

Deleted for consistency reasons with the abolition of salary thresholds

Amendment 620
Nathalie Griesbeck

Proposal for a directive
Article 23 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall communicate to the Commission each year and upon each modification, the factor they have decided to set for determining the annual salary thresholds, and the resulting nominal amounts, in accordance with Article 5(2), (4) and (5). **deleted**

Or. en

Justification

The current salary threshold in the Blue Card Directive is one of the main reasons for the current lack of attractiveness of the Blue Card. The public consultation, carried out by the European Commission indicated that the failure to fulfil the salary threshold was one of the reasons why skilled workers where issued a national permit instead of a blue card. Moreover, young graduates often do not qualify for Blue Cards because of the high salary threshold and it is also more difficult for SMEs (that often have lower average salaries) to use the Blue Card. So, to have a more flexible system, we should remove the salary threshold.

Amendment 621
Bodil Valero
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini, Malin Björk

Proposal for a directive
Article 23 – paragraph 2 – subparagraph 1

Text proposed by the Commission

Amendment

Member States shall communicate to the Commission each year and upon each modification, the factor they have decided **deleted**

Amendment 624
Nathalie Griesbeck

Proposal for a directive
Article 23 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall provide for measures to prevent possible abuses and to sanction infringements of this Directive. Measures shall include monitoring, assessment and, where appropriate, inspection in accordance with national law or administrative practice.

Or. en

Amendment 625
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Article 23 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. The Commission shall submit the information it receives pursuant to paragraphs 2 and 3 to the European Parliament on an annual basis.

Or. en

Amendment 626
Heinz K. Becker

Proposal for a directive
Article 24 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Annually, and for the first time by ...⁵² at the latest, Member States shall, in accordance with Regulation (EC) No

Annually, and for the first time by ...⁵² at the latest, Member States shall, in accordance with Regulation (EC) No

862/2007⁵³, communicate to the Commission statistics on the numbers of third-country nationals who have been granted an EU Blue Card and on those whose application have been rejected, specifying those rejected in application of Article 6(2), as well as on the numbers of third-country nationals whose EU Blue Card has been renewed or withdrawn, during the previous calendar year. Those statistics shall be disaggregated by the citizenship, occupation, length of validity of the permits, sex and age of the applicants, and the economic sector. Those statistics for third-country nationals who have been granted an EU Blue Card shall be further disaggregated into beneficiaries of international protection, beneficiaries of the right to free movement and those who have acquired EU long-term resident status in accordance with Article 17.

⁵² Four years after the date of entry into force of this Directive.

⁵³ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199, 31.7.2007, p. 23).

862/2007⁵³, communicate to the Commission statistics on the numbers of third-country nationals who have been granted an EU Blue Card and on those whose application have been rejected, specifying those rejected in application of Article 6(2), as well as on the numbers of third-country nationals whose EU Blue Card has been renewed or withdrawn, during the previous calendar year. Those statistics shall be disaggregated by the citizenship, occupation, length of validity of the permits, sex and age of the applicants, *size of the undertaking*, and the economic sector. Those statistics for third-country nationals who have been granted an EU Blue Card shall be further disaggregated into beneficiaries of international protection, beneficiaries of the right to free movement and those who have acquired EU long-term resident status in accordance with Article 17.

⁵² Four years after the date of entry into force of this Directive.

⁵³ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199, 31.7.2007, p. 23).

Or. de

Amendment 627
Mariya Gabriel, Carlos Coelho, Jeroen Lenaers

Proposal for a directive
Article 24 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Amendment

Annually, and for the first time by ...⁵² at the latest, Member States shall, in accordance with Regulation (EC) No 862/2007⁵³, communicate to the Commission statistics on the numbers of third-country nationals who have been granted an EU Blue Card and on those whose application have been rejected, specifying those rejected in application of Article 6(2), as well as on the numbers of third-country nationals whose EU Blue Card has been renewed or withdrawn, during the previous calendar year. Those statistics shall be disaggregated by the citizenship, occupation, length of validity of the permits, sex and age of the applicants, and the economic sector. Those statistics for third-country nationals who have been granted an EU Blue Card shall be further disaggregated into beneficiaries of international protection, beneficiaries of the right to free movement and those who have acquired EU long-term resident status in accordance with Article 17.

⁵² Four years after the date of entry into force of this Directive.

⁵³ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199, 31.7.2007, p. 23).

Annually, and for the first time by ...⁵² at the latest, Member States shall, in accordance with Regulation (EC) No 862/2007⁵³, communicate to the Commission statistics on the numbers of third-country nationals who have been granted an EU Blue Card and on those whose application have been rejected, specifying those rejected in application of Article 6(2), as well as on the numbers of third-country nationals whose EU Blue Card has been renewed or withdrawn, during the previous calendar year. Those statistics shall be disaggregated by the citizenship, occupation, length of validity of the permits, sex and age of the applicants, *area of activity* and the economic sector. Those statistics for third-country nationals who have been granted an EU Blue Card shall be further disaggregated into beneficiaries of international protection, beneficiaries of the right to free movement and those who have acquired EU long-term resident status in accordance with Article 17.

⁵² Four years after the date of entry into force of this Directive.

⁵³ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199, 31.7.2007, p. 23).

Or. en

Justification

It is important for monitoring the implementation and developing the scheme to include statistics on the size of enterprises.

Amendment 628

Proposal for a directive

Article 24 – paragraph 1 – subparagraph 1

Text proposed by the Commission

Annually, and for the first time by ...⁵² at the latest, Member States shall, in accordance with Regulation (EC) No 862/2007⁵³, communicate to the Commission statistics on the numbers of third-country nationals who have been granted an EU Blue Card and on those whose application have been rejected, specifying those rejected in application of Article 6(2), as well as on the numbers of third-country nationals whose EU Blue Card has been renewed or withdrawn, during the previous calendar year. Those statistics *shall be disaggregated by the citizenship, occupation, length of validity of the permits, sex and age of the applicants, and the economic sector.* Those statistics for third-country nationals who have been granted an EU Blue Card shall be further disaggregated into beneficiaries of international protection, beneficiaries of the right to free movement and those who have acquired EU long-term resident status in accordance with Article 17.

⁵² Four years after the date of entry into force of this Directive.

⁵³ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199, 31.7.2007, p. 23).

Amendment

Annually, and for the first time by ...⁵² at the latest, Member States shall, in accordance with Regulation (EC) No 862/2007⁵³, communicate to the Commission statistics on the numbers of third-country nationals who have been granted an EU Blue Card and on those whose application have been rejected, specifying those rejected in application of Article 6(2), as well as on the numbers of third-country nationals whose EU Blue Card has been renewed or withdrawn, during the previous calendar year. Those statistics for third-country nationals who have been granted an EU Blue Card shall be further disaggregated into *applicants and* beneficiaries of international protection *whether according to EU law or national law*, beneficiaries of the right to free movement, *former students and researchers, former seasonal workers* and those who have acquired EU long-term resident status in accordance with Article 17.

⁵² Four years after the date of entry into force of this Directive.

⁵³ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199, 31.7.2007, p. 23).

Or. en

Amendment 629

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Article 24 – paragraph 2

Text proposed by the Commission

2. For the purpose of the implementation of *paragraphs* Article 5(2), (4) and (5), reference shall be made to data sent to Eurostat in accordance with Regulation (EU) No 549/2013⁵⁴.

⁵⁴ Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union (OJ L 174, 26.6.2013, p. 1).

Amendment

2. For the purpose of the implementation of Article 5, reference shall be made to data sent to Eurostat in accordance with Regulation (EU) No 549/2013⁵⁴.

⁵⁴ Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union (OJ L 174, 26.6.2013, p. 1).

Or. en

Amendment 630

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Article 24 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall communicate to the Commission statistics as well as the implementation of Articles 14, 15 and 16 of this Directive and, where applicable, on Article 4 on the possibility to apply more favourable provisions.

Or. en

Amendment 631

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini, Barbara Spinelli

**Proposal for a directive
Article 25 – paragraph 1**

Text proposed by the Commission

Every three years, and for the first time by [five years after the date of entry into force of this Directive], the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States, in particular the assessment of the impact of Articles 5, 12, 19 and 20, and the impact of this Directive on the national labour market situations. The Commission shall propose any amendments that are necessary.

Amendment

Every three years, and for the first time by [five years after the date of entry into force of this Directive], the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States, in particular the assessment of the impact of Articles 5, 12, 19 and 20, and the impact of this Directive on the national labour market situations. The Commission shall propose any amendments that are necessary. ***As part of its assessment the Commission shall evaluate the applicability of similar schemes for labour migration to other employment sectors, in particular low and medium-wage sectors, and, where appropriate, may propose a comprehensive framework for labour migration applicable to all sectors, including for low and medium-skilled workers.***

Or. en

**Amendment 632
Barbara Spinelli, Paloma López Bermejo**

**Proposal for a directive
Article 25 – paragraph 1**

Text proposed by the Commission

Every three years, and for the first time by [five years after the date of entry into force of this Directive], the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States, in particular the assessment of the impact of Articles 5, 12,

Amendment

Every three years, and for the first time by [five years after the date of entry into force of this Directive], the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States, in particular the assessment of the impact of Articles 3, 5, 6,

19 and 20, and the impact of this Directive on the national labour market situations. The Commission shall propose any amendments that are necessary.

7, 10, 12, 13, 14,15, 16 19 and 20, and the impact of this Directive on the national labour market situations. The Commission shall propose any amendments that are necessary.

Or. en

Amendment 633
Nathalie Griesbeck

Proposal for a directive
Article 25 – paragraph 2

Text proposed by the Commission

Amendment

The Commission shall notably assess the relevance of the salary threshold set out in Article 5 and of the derogations provided for in that Article, taking into account, among others, the diversity of the economical, sectorial and geographical situations and the labour market impact within the Member States.

deleted

Or. en

Justification

The current salary threshold in the Blue Card Directive is one of the main reasons for the current lack of attractiveness of the Blue Card. The public consultation, carried out by the European Commission indicated that the failure to fulfil the salary threshold was one of the reasons why skilled workers where issued a national permit instead of a blue card. Moreover, young graduates often do not qualify for Blue Cards because of the high salary threshold and it is also more difficult for SMEs (that often have lower average salaries) to use the Blue Card. So, to have a more flexible system, we should remove the salary threshold.

Amendment 634
Barbara Spinelli

Proposal for a directive
Article 25 – paragraph 2

Text proposed by the Commission

Amendment

The Commission shall notably assess *the relevance of* the salary *threshold* set out in *Article 5 and of the derogations provided for in that Article, taking into account, among others, the diversity of the economical, sectorial and geographical situations and the labour market impact within the Member States.*

The Commission shall notably assess *how* the salary *criteria as* set out in article 5 *have been met.*

Or. en

Justification

Changed for consistency with previous amendments on salary threshold

Amendment 635

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Article 26 a (new)

Text proposed by the Commission

Amendment

Article 26a

Amendment to Directive (EU) 2016/801

In Article 2 of Directive (EU) 2016/801 of the European Parliament and of the Council^{1a}, point (g) is replaced by the following:

“(g) who apply to reside in a Member State for the purpose of highly skilled employment within the meaning of Directive (EU) 2017/...*.

1a Directive (EU) 2016/801 of the European Parliament and of the Council (OJ L 132, 21.5.2016, p. 21).

**** OJ reference of COD 2016/176.***

Or. en

(Amendment to clarify that when a third-country national is admitted as a Blue Card holder, he/she apply is entitled to apply to become a researcher under the Students and Researchers Directive (2016/801/EU), just like students and researchers legally staying under Directive 2016/801/EU may apply for a Blue Card.)

Amendment 636
Cecilia Wikström, Nathalie Griesbeck

Proposal for a directive
Article 26 a (new)

Text proposed by the Commission

Amendment

Article 26a

**Amendment to Directive (EU) 2016/801 of
the European Parliament and of the
Council**

**In Article 2 of Directive (EU) 2016/801,
point (g) is replaced by the following:**

**“(g) who apply to reside in a Member
State for the purpose of highly skilled
employment within the meaning of
Directive (EU) xxxx/xxx [Blue Card
Directive]”.**

Or. en

Justification

Article 2(2)(g) of the Students and Researchers Directive provides that the Directive does not apply to third-country nationals “who are admitted as highly qualified workers in accordance with Council Directive 2009/50/EC”. During the negotiations, it was understood as meaning that it wouldn’t be possible to apply for both a Blue Card and a student or researcher authorisation at the same time. It has since been realised it could be interpreted as meaning that, for the whole time the third-country national is admitted as a Blue Card holder, he/she cannot apply to become a researcher/student and would therefore need either to have another type of authorisation first and then apply for a Blue Card, or leave the territory to apply. This was not the intention during the negotiations of the SRD. Therefore, because it is linked to the Blue Card Directive, the Students and Researchers Directive should be amended through the Blue Card Directive (the legal basis being the same).

Amendment 637
Barbara Spinelli

Proposal for a directive
Article 28 – paragraph 3

Text proposed by the Commission

Amendment

3. By way of derogation from paragraph 1, Member States shall bring into force the laws, regulations and administrative provision necessary to comply with points (g) and (i) of Article 2 with regard to recognising higher professional skills as higher professional qualifications by [2 years after the general transposition deadline]. *deleted*

Or. en

Justification

The period for transposing the revised Directive should be the same for all elements of the Directive to avoid confusion and delay. It makes no sense to have certain provisions of the Directive applicable at national level two years after others. It is much more preferable to have an agreed timeframe for the transposition of the Directive as a whole.