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Committee on Civil Liberties, Justice and Home Affairs

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AMENDMENTS

62 - 279

Draft report
Claude Moraes
(PE464.960v02-00)

on the proposal for a directive of the European Parliament and of the Council
on the conditions of entry and residence of third-country nationals for the
purposes of seasonal employment

Proposal for a directive
(COM(2010)0379 – C7-0180/2010 – 2010/0210(COD))

Rapporteur for the opinion (*): Sergio Gaetano Cofferati, Committee on
Employment and Social Affairs

(*): Associated committee – Rule 50 of the Rules of Procedure

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United in diversity

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Amendment 62
Cornelis de Jong, Cornelia Ernst

Proposal for a directive
Citation 1

Text proposed by the Commission

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79(2)(a) and (b) thereof,

Amendment

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79(2)(a) and (b) **and Article 153(1)(a) and (b)** thereof,

Or. en

Amendment 63
Juozas Imbrasas

Proposal for a directive
Recital 2

Text proposed by the Commission

(2) The Hague Programme, adopted by the European Council on 4 and 5 November 2004, recognised that legal migration will play an important role in advancing economic development, and asked the Commission to present a policy plan on legal migration, including admission procedures, capable of responding promptly to fluctuating demands for migrant labour in the labour market.

Amendment

(2) ***The Treaty provides that the Union is to develop a common immigration policy aimed at ensuring, at all stages, the efficient management of migration flows and fair treatment of third-country nationals residing legally in Member States.*** The Hague Programme, adopted by the European Council on 4 and 5 November 2004, recognised that legal migration will play an important role in advancing economic development, and asked the Commission to present a policy plan on legal migration, including admission procedures, capable of responding promptly to fluctuating demands for migrant labour in the labour market.

Or. It

Amendment 64
Marie-Christine Vergiat, Cornelia Ernst

Proposal for a directive
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) The Convention on the Protection of the Rights Of All Migrant Workers and Members of Their Families, of 18 December 1990, adopted by the General Assembly of the United Nations, is the most broadly based international legal framework for the protection of the rights of migrant workers and their families, and gives States guidance as to the approach to be adopted to ensure migrants' rights are respected when policies relating to the migration of labour are drawn up and implemented. The Member States and the European Union should ensure that the fundamental rights of migrant workers and their families are guaranteed, and should be urged to ratify this international convention.

Or. fr

Amendment 65
Marie-Christine Vergiat, Cornelia Ernst

Proposal for a directive
Recital 6

Text proposed by the Commission

Amendment

(6) This Directive should contribute to the effective management of migration flows for the specific category of seasonal temporary migration by setting out fair and transparent rules for admission and stay, while at the same time ***providing for incentives and safeguards to prevent temporary stay from becoming***

(6) This Directive should contribute to the effective management of migration flows for the specific category of seasonal temporary migration ***and to improving working conditions for seasonal workers*** by setting out fair and transparent rules for admission and stay ***and rules for decent working conditions***, while at the same time

permanent. In addition, the rules laid down in Directive 2009/52/EC of the European Parliament and of the European Council providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals **will contribute to avoiding such temporary stay turning into illegal stay**.

ensuring the best possible conditions for migrants during their stay and making it easier for the duration of their stay to be extended. In addition, the rules laid down in 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 **should help, among other things, to reduce the exploitation and wage discrimination which such workers often suffer**.

Or. fr

Amendment 66
Rolandas Paksas

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) This Directive should contribute to the effective management of migration flows for the specific category of seasonal temporary migration by setting out fair and transparent rules for admission and stay, while at the same time providing for incentives and safeguards to prevent temporary stay from becoming permanent. In addition, the rules laid down in Directive 2009/52/EC of the European Parliament and of the European Council providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals will contribute to avoiding such temporary stay turning into illegal stay.

Amendment

(6) This Directive should contribute to the effective management of migration flows for the specific category of seasonal temporary migration by setting out fair and transparent rules for admission and stay, while at the same time providing for incentives and safeguards to prevent temporary stay from becoming permanent; ***it should also help to combat all forms of illegal seasonal employment and to ensure that workers from third countries have decent working conditions***. In addition, the rules laid down in Directive 2009/52/EC of the European Parliament and of the Council providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals will contribute to avoiding such temporary stay turning into illegal stay.

Or. It

Amendment 67
Georgios Papanikolaou

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) This Directive should contribute to the effective management of migration flows for the specific category of seasonal temporary migration by setting out fair and transparent rules for admission and stay, while at the same time providing for incentives and safeguards to prevent temporary stay from becoming permanent. In addition, the rules laid down in Directive 2009/52/EC of the European Parliament and of the European Council providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals will contribute to avoiding such temporary stay turning into illegal stay.

Amendment

(6) This Directive should contribute to the effective management of migration flows for the specific category of seasonal temporary migration by setting out fair and transparent rules for admission and stay, while at the same time providing for incentives and safeguards to prevent ***overstaying and/or*** temporary stay from becoming permanent. In addition, the rules laid down in Directive 2009/52/EC of the European Parliament and of the European Council providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals will contribute to avoiding such temporary stay turning into illegal stay.

Or. en

Amendment 68
Marie-Christine Vergiat, Cornelia Ernst

Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Member States should implement the provisions of this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, physical characteristics, language, religious, philosophical or political beliefs, membership of a national minority, property, birth, disability, age or sexual orientation in accordance, in particular, with Council Directive 2000/43/EC of

29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin¹ and Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation²;

¹ *OJ L 180, 19.7.2000, p. 22.*

² *OJ L 303, 2.12.2000, p. 16.*

Or. fr

Amendment 69
Anna Záborská

Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) Appropriate measures should be taken by the Member States to ensure the protection of the unity of the family of the seasonal worker, in the light of the fact that the family is the natural and fundamental group unit of society.

Or. en

Amendment 70
Mariya Nedelcheva, Marian-Jean Marinescu, Monica Luisa Macovei

Proposal for a directive
Recital 7

Text proposed by the Commission

Amendment

(7) This Directive should be applied without prejudice to the principle of EU preference as regards access to Member States' labour market as expressed in the relevant provisions of Acts of Accession.

(7) This Directive should be applied without prejudice to the principle of EU preference as regards access to Member States' labour market as expressed in the relevant provisions of Acts of Accession.

In particular, the provisions of the Directive should not leave seasonal workers from the new Member States of the EU, for whom transitional arrangements on the labour market still apply, in a disadvantaged position compared to third-country nationals.

Or. en

Justification

For the citizens of the new Member States for whom transitional arrangement on the labour markets of other Member States still apply, the issuing of work permits for seasonal work often goes through lengthy procedures. This increases the risk of those EU citizens working illegally and makes them vulnerable to exploitation. Putting them at a disadvantaged position will further increase that risk.

Amendment 71
Judith Sargentini

Proposal for a directive
Recital 7

Text proposed by the Commission

(7) This Directive should be applied without prejudice to the principle of EU preference as regards access to Member States' labour market as expressed in the relevant provisions of Acts of Accession.

Amendment

(7) This Directive should be applied without prejudice to the principle of EU preference as regards access to Member States' labour market as expressed in the relevant provisions of Acts of Accession. ***This notwithstanding, that principle should not be used to deviate from the principle of equal pay for equal work, as regards both workers from Member States and third country nationals.***

Or. en

Amendment 72
Monika Hohlmeier, Manfred Weber

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) This Directive should be without prejudice to the right of the Member States to determine the volumes of admission of third-country nationals coming from third countries to their territory for the purposes of seasonal work as specified in Article 79(5) of the Treaty on the Functioning of the European Union.

Amendment

(8) This Directive should be without prejudice to the right of the Member States to determine the volumes of admission of third-country nationals coming from third countries to their territory for the purposes of seasonal work as specified in Article 79(5) of the Treaty on the Functioning of the European Union. ***Regarding volumes of admission, Member States retain the possibility not to grant residence permits for seasonal employment in general or for certain professions, economic sectors or regions.***

Or. en

Justification

The addition corresponds to the last sentence of Recital 8 of Council Directive 2009/50/EC on highly qualified employment and is intended to create legal certainty in respect to Member States' competences according to Article 79 paragraph 5 of the Treaty on the Functioning of the European Union.

Amendment 73
Rolandas Paksas

Proposal for a directive
Recital 9 a (new)

Text proposed by the Commission

Amendment

(9a) Given that seasonal work can contribute significantly to the recovery of certain sectors of the economy and production in Europe, uniform basic legal standards must be secured and care must be taken to combat abuses, illegal immigration and all forms of illegal employment and exploitation of third-country nationals in the European Union.

Or. It

Amendment 74
Mario Borghezio

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) *Activities dependent on the passing of the seasons are typically to be found in* sectors such as agriculture, during the planting or harvesting period, or tourism, during the holiday period.

Amendment

(10) *Seasonal work is typical of* sectors such as agriculture *and horticulture*, during the planting or harvesting period, or tourism, during the holiday period.

Or. it

Amendment 75
Kinga Gál

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) Activities dependent on the passing of the seasons are *typically* to be found in sectors such as agriculture, during the planting or harvesting period, or tourism, during the holiday period.

Amendment

(10) Activities dependent on the passing of the seasons are to be found in sectors *characterised by seasonality* such as, *for example*, agriculture, during the planting or harvesting period, or tourism, during the holiday period.

Or. hu

Amendment 76
Timothy Kirkhope

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) Activities dependent on the passing of the seasons are typically to be found in

Amendment

(10) Activities dependent on the passing of the seasons are typically to be found in

sectors such as agriculture, during the planting or harvesting period, or tourism, during the holiday period.

sectors such as agriculture, during the planting or harvesting period, or tourism, during the holiday period, **but not excluding other sectors where a seasonal need for workers may arise.**

Or. en

Amendment 77
Judith Sargentini

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) Activities dependent on the passing of the seasons are typically to be found in sectors such as agriculture, during the planting or harvesting period, or tourism, during the holiday **period**.

Amendment

(10) Activities dependent on the passing of the seasons are typically to be found in sectors such as agriculture, during the planting or harvesting period, or tourism, during the holiday **periods**.

Or. en

Amendment 78
Marie-Christine Vergiat

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) It should only be possible to apply for admission as a seasonal worker while the applicant is residing outside the territory of the Member States.

Amendment

deleted

Or. fr

Amendment 79
Judith Sargentini, H el ene Flautre

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) It should **only** be possible to apply for admission as a seasonal worker while the applicant is residing outside the territory of the Member States.

Amendment

(11) It should be possible to apply for admission as a seasonal worker while the applicant is residing **inside or** outside the territory of the Member States.

Or. en

Amendment 80
Anna Maria Corazza Bildt

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) It should **only** be possible to apply for admission as a seasonal worker while the applicant is residing outside the territory of the Member States.

Amendment

(11) It should be possible to apply for admission as a seasonal worker while the applicant is **either** residing outside **or legally residing inside** the territory of the Member States.

Or. en

Amendment 81
Cornelia Ernst, Thomas Händel

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) It should **only** be possible to apply for admission as a seasonal worker while the applicant is residing outside the territory of the Member States.

Amendment

(11) It should be possible to apply for admission as a seasonal worker while the applicant is residing **either in or** outside the territory of the Member States.

Or. en

Amendment 82
Kinga Gál

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) It should only be possible to apply for admission as a seasonal worker **while** the applicant is residing outside the territory of the Member States.

Amendment

(11) It should only be possible to apply for admission as a seasonal worker **provided that** the applicant is **a third-country national** residing outside the territory of the Member States.

Or. hu

Amendment 83
Marie-Christine Vergiat

Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

Amendment

(11a) This Directive should not ignore the large numbers of third-country nationals who are residing illegally in the EU and employed in particularly insecure conditions. These individuals should, therefore, have the possibility, during a transitional period following the transposition of this Directive, of applying for a seasonal worker permit.

Or. fr

Amendment 84
Georgios Papanikolaou

Proposal for a directive
Recital 11 a (new)

Text proposed by the Commission

Amendment

11a. Applications for admission as a seasonal worker may not be submitted by: (a) anyone having previously resided legally in a Member State and lost the right of legal residence on grounds relating to public order and safety. In particular, anyone who has been convicted of an offence and who as a penalty has been subject to administrative expulsion from a Member State may not submit an application for admission as a seasonal worker for a period of time after the Commission of the offence corresponding to the statutory limit period of limitation imposed under the provisions of the jurisdiction in which the offence was committed. (b) Anyone who has forfeited their legal residence in a Member State on grounds of public health must, in order to apply for admission, demonstrate that the reasons concerned no longer apply; and (c) third country nationals who have illegally entered the territory of a Member State. Applicants must demonstrate that they have not been prosecuted for criminal offences committed in their country of origin and that they have not been subject to custodial sentences. They must also show that they do not pose a threat to public health.

Or. el

Amendment 85
Mario Borghezio

Proposal for a directive
Recital 13

Text proposed by the Commission

Amendment

(13) The Directive ***should*** provide for a

(13) The Directive ***must*** provide for a

flexible entry system based on demand and objective criteria, such as a valid work contract or a binding job offer that specifies the level of remuneration applicable to seasonal workers in the sector concerned.

flexible entry system based on demand and objective criteria, such as a valid work contract or a binding job offer that specifies the level of remuneration applicable to seasonal workers in the sector concerned.

Or. it

Amendment 86
Timothy Kirkhope

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) The Directive should provide for a flexible entry system based on demand and objective criteria, such as a valid work contract or a binding job offer that specifies the level of remuneration applicable to seasonal workers in the sector concerned.

Amendment

(13) The Directive should provide for a flexible entry system based on demand and objective criteria ***as determined by individual Member States***, such as a valid work contract or a binding job offer that specifies the level of remuneration applicable to seasonal workers in the sector concerned.

Or. en

Amendment 87
Marie-Christine Vergiat

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) The Directive should provide for a flexible entry system based on demand and objective criteria, such as a valid work contract or a binding job offer that specifies the ***level of remuneration applicable to seasonal workers in the sector concerned***.

Amendment

(13) The Directive should provide for a flexible entry system based on demand and objective criteria, such as a valid work contract or a binding job offer that specifies ***the essential aspects of the contract or employment relationship, i.e. the nature of the job, the length of the contract, the notice period for contract termination, the working hours and***

weekly work pattern, the level of remuneration, social protection arrangements, accommodation, the overtime quota, weekly rest time, compensation for dismissal and details of any collective agreement that may apply.

Or. fr

Amendment 88
Kinga Göncz

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) There is a high unemployment rate and a great number of long-term unemployed people living in the EU, for whom seasonal work is often an important tool for easing financial difficulties, therefore, Member States should give preference to their nationals and the nationals of other EU countries when considering issuing seasonal worker permits to third country nationals.

Or. en

Amendment 89
Marie-Christine Vergiat

Proposal for a directive
Recital 13 a (new)

Text proposed by the Commission

Amendment

(13a) If the level of remuneration cannot be determined, it should be presumed to be at least as high as the wage provided for by the applicable laws on minimum wages, by collective agreements or in accordance with established practice for

own nationals in the relevant sector.

Or. fr

Amendment 90
Georgios Papanikolaou

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) Member States should have the possibility to apply a test demonstrating that a post cannot be filled from within the domestic labour market.

Amendment

(14) Member States should have the possibility to apply a test demonstrating that a post cannot be filled from within the domestic labour market ***or from the workforce of another EU Member State or by a third country national resident in the country. This possibility is very important at a time when many Member States are facing serious unemployment problems.***

Or. el

Amendment 91
Renate Weber

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) Member States should ***have the possibility*** to apply a test demonstrating that a post cannot be filled from within the domestic labour market.

Amendment

(14) Member States should ***require employers of seasonal workers*** to apply, ***in a timely and transparent manner, a*** test demonstrating that a post cannot be filled from within the domestic ***or the Union's*** labour market.

Or. en

Justification

This Directive should be applied without prejudice to the principle of EU preference as regards access to Member States' labour market. Member States shall require employers to verify that the vacancy cannot be filled by own nationals or other EU citizens. This should be left to the employers since they are the ones who want to employ the seasonal workers.

Amendment 92

Kinga Göncz

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Member States should **have the possibility to** apply a test demonstrating that a post cannot be filled from within the domestic labour market.

Amendment

(14) Member States should apply a test demonstrating that a post cannot be filled from within the domestic labour market.

Or. en

Amendment 93

Ioan Enciu

Proposal for a directive

Recital 14

Text proposed by the Commission

(14) Member States should have the possibility to apply a test demonstrating that a post cannot be filled from within the **domestic** labour market.

Amendment

(14) Member States should have the possibility to apply a test demonstrating that a post cannot be filled from within the **national or EU** labour market.

Or. en

Amendment 94

Georgios Papanikolaou

Proposal for a directive

Recital 16

Text proposed by the Commission

(16) The duration of stay should be limited to a maximum period per *calendar* year which, together with the definition of seasonal work, should ensure that the work is of genuinely seasonal nature. Provision should be made that within that maximum duration of stay, an extension of the contract or change of employer is possible. This should serve to reduce risks of abuses that seasonal workers may face if tied to a single employer and at the same time provide for a flexible response to employers' actual workforce needs.

Amendment

(16) The duration of stay should be limited to a maximum period ***of six months*** per year which, together with the definition of seasonal work, should ensure that the work is of genuinely seasonal nature. Provision should be made that within that maximum duration of stay, an extension of the contract or change of employer is possible, ***provided that this change does not materially affect for the worse any of the objective criteria whose existence was considered after submission of the application in accordance with the provisions of the national legislative framework.*** This should serve to reduce risks of abuses that seasonal workers may face if tied to a single employer and at the same time provide for a flexible response to employers' actual workforce needs, ***while ensuring that the provisions and purposes of this directive are not evaded, especially cases where an employer submits a bogus firm offer of employment initially concealing the aim of securing the admission of a seasonal worker and then changing his or her working conditions through an extension or a change of employer, ensuring that the rights of seasonal workers are protected.***

Or. el

Amendment 95
Hubert Pirker

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) The duration of stay should be ***limited to a*** maximum period ***per calendar year which, together with the definition of***

Amendment

(16) The duration of stay should be ***fixed by the Member States at a*** maximum period ***within any 12 months, which, to***

seasonal work, should ensure that the work is of genuinely seasonal nature. Provision should be made that within *that* maximum duration of stay, an extension of the contract or change of employer is possible. This should serve to reduce risks of abuses that seasonal workers may face if tied to a single employer and at the same time provide for a flexible response to employers' actual workforce needs.

ensure that the employment in question is of a seasonal nature, should not exceed nine months. Provision should be made that within *the* maximum duration of stay *officially granted to the seasonal worker*, an extension of the contract or change of employer is possible. This should serve to reduce risks of abuses that seasonal workers may face if tied to a single employer and at the same time provide for a flexible response to employers' actual workforce needs.

Or. de

Amendment 96
Birgit Sippel

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) The duration of stay should be limited to a maximum period per calendar year which, together with the definition of seasonal work, should ensure that the work is of genuinely seasonal nature. Provision should be made that within that maximum duration of stay, an extension of the contract or change of employer is possible. This should serve to reduce risks of abuses that seasonal workers may face if tied to a single employer and at the same time provide for a flexible response to employers' actual workforce needs.

Amendment

(16) The duration of stay should be limited to a maximum period per calendar year which, together with the definition of seasonal work, should ensure that the work is of genuinely seasonal nature. Provision should be made that within that maximum duration of stay, an extension of the contract or change of employer is possible. This should serve to reduce risks of abuses that seasonal workers may face if tied to a single employer and at the same time provide for a flexible response to employers' actual workforce needs. ***Extension allows higher earnings and remittances sent by third-country seasonal workers which, in turn, can contribute to the development of their countries of origin.***

Or. en

Amendment 97
Timothy Kirkhope

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) The duration of stay should be limited to a maximum period per calendar year which, together with the definition of seasonal work, should ensure that the work is of genuinely seasonal nature. Provision should be made that within that maximum duration of stay, an extension of the contract or change of employer is possible. This should serve to reduce risks of abuses that seasonal workers may face if tied to a single employer and at the same time provide for a flexible response to employers' actual workforce needs.

Amendment

(16) The duration of stay should be limited to a maximum period per calendar year, **as prescribed by individual Member States** which, together with the definition of seasonal work, should ensure that the work is of genuinely seasonal nature. Provision should be made that within that maximum duration of stay, an extension of the contract or change of employer is possible. This should serve to reduce risks of abuses that seasonal workers may face if tied to a single employer and at the same time provide for a flexible response to employers' actual workforce needs.

Or. en

Amendment 98
Marie-Christine Vergiat

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) The duration of stay should be limited to a maximum period per calendar year which, together with the definition of seasonal work, should ensure that the work is of genuinely seasonal nature. Provision should be made that within that maximum duration of stay, an extension of the contract or change of employer is possible. This should serve to reduce risks of abuses that seasonal workers may face if tied to a single employer and at the same time provide for a flexible response to employers' actual workforce needs.

Amendment

(16) The duration of stay should be limited to a maximum period per calendar year which, together with the definition of seasonal work, should ensure that the work is of genuinely seasonal nature. Provision should be made that within that maximum duration of stay, an extension of the contract or change of employer is possible, **as is a contract extension in the event of an unforeseen increase in workload**. This should serve to reduce risks of abuses that seasonal workers may face if tied to a single employer and at the same time

provide for a flexible response to employers' actual workforce needs.

Or. fr

Amendment 99
Rolandas Paksas

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) The duration of stay should be limited to a maximum period per calendar year which, together with the definition of seasonal work, should ensure that the work is of genuinely seasonal nature. Provision should be made that within that maximum duration of stay, an extension of the contract or change of employer is possible. This should serve to reduce risks of abuses that seasonal workers may face if tied to a single employer and at the same time provide for a flexible response to employers' actual workforce needs.

Amendment

(16) The duration of stay should be limited to a maximum period per calendar year which, together with the definition of seasonal work, should ensure that the work is of genuinely seasonal nature ***and that work which has to be done all year round is not carried out by seasonal workers from third countries***. Provision should be made that within that maximum duration of stay, an extension of the contract or change of employer is possible. This should serve to reduce risks of abuses that seasonal workers may face if tied to a single employer and at the same time provide for a flexible response to employers' actual workforce needs.

Or. It

Amendment 100
Judith Sargentini

Proposal for a directive
Recital 16

Text proposed by the Commission

(16) The duration of stay should be limited to a maximum period per ***calendar*** year which, together with the definition of seasonal work, should ensure that the work is of genuinely seasonal nature. Provision

Amendment

(16) The duration of stay should be limited to a maximum period per year which, together with the definition of seasonal work, should ensure that the work is of genuinely seasonal nature. Provision

should be made that within that maximum duration of stay, an extension of the contract or change of employer is possible. This should serve to reduce risks of abuses that seasonal workers may face if tied to a single employer and at the same time provide for a flexible response to employers' actual workforce needs.

should be made that within that maximum duration of stay, an extension of the contract or change of employer is possible. This should serve to reduce risks of abuses that seasonal workers may face if tied to a single employer and at the same time provide for a flexible response to employers' actual workforce needs.

Or. en

Amendment 101
Georgios Papanikolaou

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) Circular migration of third-country national seasonal workers should be promoted. In order for seasonal workers to have employment prospects in the EU for periods beyond a single season and for EU employers to be able to rely on a more stable and already trained workforce, the possibility of access to seasonal employment for several consecutive years should be provided, either through a multi-seasonal worker permit or a facilitated procedure. This procedure should include preference over admissions of third-country nationals applying to be admitted as seasonal workers for the first time or reduced processing times, or less documentary evidence being required.

Amendment

(17) Circular migration of third-country national seasonal workers should be promoted. In order for seasonal workers to have employment prospects in the EU for periods beyond a single season and for EU employers to be able to rely on a more stable and already trained workforce, the possibility of access to seasonal employment for several consecutive years should be provided, either through a multi-seasonal worker permit or a facilitated procedure. This procedure should include preference over admissions of third-country nationals applying to be admitted as seasonal workers for the first time or reduced processing times, or less documentary evidence being required, ***without succumbing to or provoking unwarranted discrimination on the grounds of race, gender, religion, or the political and philosophical beliefs of those applying for an admission permit. In each case, however, it must be shown that the preconditions for issuing the initial licence were in place in the case of the seasonal worker concerned.***

Amendment 102
Rolandas Paksas

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) Circular migration of third-country national seasonal workers should be promoted. In order for seasonal workers to have employment prospects in the EU for periods beyond a single season and for EU employers to be able to rely on a more stable and already trained workforce, the possibility of access to seasonal employment for several consecutive years should be provided, either through a multi-seasonal worker permit or a facilitated procedure. This procedure should include preference over admissions of third-country nationals applying to be admitted as seasonal workers for the first time or reduced processing times, or less documentary evidence being required.

Amendment

(17) Circular migration of third-country national seasonal workers – ***which not only furthers social and economic development in the workers' countries of origin and the host countries but also contributes to preventing illegal migration*** – should be promoted. In order for seasonal workers to have employment prospects in the EU for periods beyond a single season and for EU employers to be able to rely on a more stable and already trained workforce, the possibility of access to seasonal employment for several consecutive years should be provided, either through a multi-seasonal worker permit or a facilitated procedure, ***thus reducing the likelihood people overstaying the duration of their permits***. This procedure should include preference over admissions of third-country nationals applying to be admitted as seasonal workers for the first time or reduced processing times, or less documentary evidence being required. ***It should be at the discretion of the Member States whether to issue multi-annual permits or to offer a facilitated procedure for third-country nationals applying for permits in consecutive years.***

Amendment 103
Hubert Pirker

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) ***Circular migration of third-country national seasonal workers should be promoted.*** In order for seasonal workers to have employment prospects in the EU for periods beyond a single season and for EU employers to be able to rely on a more stable and already trained workforce, the possibility of access to seasonal employment for several consecutive years should be provided, either through a multi-seasonal worker permit or a facilitated procedure. This procedure should include preference over admissions of third-country nationals applying to be admitted as seasonal workers for the first time or reduced processing times, or less documentary evidence being required.

Amendment

(17) In order for seasonal workers to have employment prospects in the EU for periods beyond a single season and for EU employers to be able to rely on a more stable and already trained workforce, the possibility of access to seasonal employment for several consecutive years should be provided, either through a multi-seasonal worker permit or a facilitated procedure. This procedure should include preference over admissions of third-country nationals applying to be admitted as seasonal workers for the first time or reduced processing times, or less documentary evidence being required. ***Such arrangements should not affect, or circumvent, the requirement that the employment be of a seasonal nature.***

Or. de

Amendment 104
Cornelis de Jong, Cornelia Ernst

Proposal for a directive
Recital 17

Text proposed by the Commission

(17) ***Circular migration of third-country national seasonal workers should be promoted.*** In order for seasonal workers to have employment prospects in the EU for periods beyond a single season and for EU employers to be able to rely on a more stable and already trained workforce, the possibility of access to seasonal employment for several consecutive years should be provided, ***either through a multi-seasonal worker permit or*** a facilitated procedure. This procedure should include

Amendment

(17) In order for seasonal workers to have employment prospects in the EU for periods beyond a single season and for EU employers to be able to rely on a more stable and already trained workforce, the possibility of access to seasonal employment for several consecutive years should be provided through a facilitated procedure. This procedure should include preference over admissions of third-country nationals applying to be admitted as seasonal workers for the first time or

preference over admissions of third-country nationals applying to be admitted as seasonal workers for the first time or reduced processing times, or less documentary evidence being required.

reduced processing times, or less documentary evidence being required.

Or. en

Amendment 105
Birgit Sippel

Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Member States should do their best to cooperate with third countries in seeking to ensure that information on conditions of entry and residence, including rights and procedural safeguards as laid down in this Directive and all documentary evidence needed for an application to reside and work in the territory of a Member State as a seasonal worker, is made available to prospective seasonal workers and employers.

Or. en

Amendment 106
Cornelis de Jong, Cornelia Ernst, Marie-Christine Vergiat

Proposal for a directive
Recital 17 a (new)

Text proposed by the Commission

Amendment

(17a) Subject also to 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, Member States should

provide for effective, proportionate and dissuasive sanctions against employers in the event of breaches of their obligations under this Directive.

Or. en

Amendment 107
Rolandas Paksas

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) A set of rules governing the procedure for examining applications for admission as a seasonal worker should be laid down. Those procedures should be effective and manageable, taking account of the normal workload of Member States' administrations, as well as transparent and fair, in order to offer appropriate legal certainty to those concerned.

Amendment

(18) A set of rules governing the procedure for examining applications for admission as a seasonal worker should be laid down. Those procedures should be effective and manageable, taking account of the normal workload of Member States' administrations, as well as transparent and fair, in order to offer appropriate legal certainty to those concerned. ***A Member State should be able to reject an application if the would-be employer has been sanctioned under national law for undeclared or illegal employment, although due regard should be had in all cases to the gravity and nature of the offence committed.***

Or. It

Amendment 108
Birgit Sippel

Proposal for a directive
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) In order to reduce the risk of abuses, Member States should introduce a licensing system for recruitment agencies

mandated to place third-country nationals as seasonal workers. The costs for placing services may be proportionate and borne by the employers. Member States should call on employers to recruit seasonal workers exclusively through individual applications or licensed agencies.

Or. en

Amendment 109
Hubert Pirker

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) In order to ensure that seasonal workers have adequate accommodation during their stay, *including at a reasonable cost*, provision should be made to require employers to provide the evidence of the accommodation they or *third-parties* provide.

Amendment

(19) In order to ensure that seasonal workers have adequate accommodation during their stay, *at a price that is reasonable and reflects the market rate in the area in question*, provision should be made to require employers to provide the evidence of the accommodation they or *third parties can* provide.

Or. de

Amendment 110
Georgios Papanikolaou

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) In order to ensure that seasonal workers have adequate accommodation during their stay, including at a reasonable cost, provision should be made to require employers to provide the evidence of the accommodation they or third-parties provide.

Amendment

(19) In order to ensure that seasonal workers have adequate accommodation during their stay, including at a reasonable cost, provision should be made to require employers to provide the evidence of the accommodation they or third-parties provide. *In cases where seasonal workers change their accommodation, they must*

declare this change to the competent authorities and demonstrate adequately the suitability of their new accommodation.

Or. el

Amendment 111
Rolandas Paksas

Proposal for a directive
Recital 19

Text proposed by the Commission

(19) In order to ensure that seasonal workers have adequate accommodation during their stay, including at a reasonable cost, provision should be made to require employers to provide the evidence of the accommodation they or third-parties provide.

Amendment

(19) In order to ensure that seasonal workers have adequate accommodation during their stay, including at a reasonable cost, provision should be made to require employers to provide the evidence of the accommodation they or third-parties provide. ***Employers should also be required to ensure that seasonal workers have enough income to live on and sufficient resources to return to their country of origin.***

Or. It

Amendment 112
Marie-Christine Vergiat

Proposal for a directive
Recital 19 a (new)

Text proposed by the Commission

Amendment

(19a) Third-country nationals who are in possession of a valid travel document and a seasonal worker permit issued by a Member State in accordance with this Directive should be allowed to enter, and to move freely within, the territory of the Schengen Area Member States during

their stay.

Or. fr

Amendment 113

Ioan Enciu

Proposal for a directive

Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) To ensure the proper enforcement of this Directive, and in particular the provisions regarding rights, working conditions and accommodation, Member States should ensure that appropriate monitoring mechanisms of employers, recruitment agencies or other intermediaries are put in place and that effective and adequate inspections are carried out on their territory. With a view to increasing the effectiveness of those inspections, Member States should ensure that national legislation gives adequate powers and resources to competent authorities to carry out inspections; that the results of previous inspections are collected and processed for the effective implementation of this Directive; and that sufficient staff are available with the skills and qualifications needed to carry out inspections effectively.

Or. en

Justification

An effective monitoring system of employers, recruitment agencies or other intermediaries is needed in order to ensure that the rights of the seasonal workers and the provisions of this Directive will be fully respected throughout the entire duration of their stay.

Amendment 114

Sari Essayah

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**Proposal for a directive
Recital 22 a (new)**

Text proposed by the Commission

Amendment

(22a) To ensure the proper enforcement of this Directive, and in particular the provisions regarding rights and working conditions, Member States should ensure that appropriate monitoring mechanisms are put in place and that effective and adequate inspections are carried out on their territory.

Or. en

**Amendment 115
Marie-Christine Vergiat**

**Proposal for a directive
Recital 22 a (new)**

Text proposed by the Commission

Amendment

(22a) To ensure the proper enforcement of this Directive, and in particular the provisions regarding rights, working conditions and accommodation, Member States should see that appropriate monitoring mechanisms are put in place to enable effective and adequate regular inspections to be carried out on their territory. With a view to increasing the effectiveness of such inspections, Member States should take care that their national legislation gives adequate powers and resources to competent authorities to carry out inspections, and to ensure that the results of previous inspections can be collected and processed for the effective implementation of this Directive and that sufficient staff are available with the skills and qualifications needed to carry out inspections effectively.

Or. fr

Amendment 116
Marie-Christine Vergiat

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) To facilitate enforcement, relevant designated third parties such as trade **unions** or other associations **should be able to lodge complaints in order to ensure effective application of the Directive**. This is considered necessary to address situations where seasonal workers are unaware of the existence of enforcement mechanisms or hesitant to use these in their own name, out of fear of possible consequences.

Amendment

(23) To facilitate enforcement **of the Directive, effective mechanisms should be established for the lodging of complaints directly or via** designated third parties, such as trade **union organisations** or other associations. This is considered necessary to address situations where seasonal workers are unaware of the existence of enforcement mechanisms or hesitant to use these in their own name, out of fear of possible consequences. **There should also be adequate judicial protection for seasonal workers following the lodging of a complaint.**

Or. fr

Amendment 117
Judith Sargentini, H  l  ne Flautre

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) To facilitate enforcement, relevant designated third parties such as trade unions or other associations should be able to lodge complaints in order to ensure effective application of the Directive. This is considered necessary to address situations where seasonal workers are unaware of the existence of enforcement mechanisms or hesitant to use these in their own name, out of fear of possible consequences.

Amendment

(23) To facilitate enforcement, relevant designated third parties such as trade unions or other associations should be able to lodge complaints in order to ensure effective application of the Directive. This is considered necessary to address situations where seasonal workers **or employers** are unaware of the existence of enforcement mechanisms or hesitant to use these in their own name, out of fear of possible consequences.

Amendment 118
Cornelia Ernst, Thomas Händel

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) To facilitate enforcement, relevant designated third parties such as trade unions or other associations should be able to lodge complaints in order to ensure effective application of the Directive. This is considered necessary to address situations where seasonal workers are unaware of the existence of enforcement mechanisms or hesitant to use these in their own name, out of fear of possible consequences.

Amendment

(23) To facilitate enforcement, relevant designated third parties such as trade unions or other associations should be able to lodge complaints **and file lawsuits** in order to ensure effective application of the Directive. This is considered necessary to address situations where seasonal workers are unaware of the existence of enforcement mechanisms or hesitant to use these in their own name, out of fear of possible consequences.

Or. en

Amendment 119
Georgios Papanikolaou

Proposal for a directive
Recital 24

Text proposed by the Commission

(24) Since the objectives, namely the introduction of a special admission procedure and the adoption of conditions on entry and residence for the purpose of seasonal employment by third-country nationals, cannot be sufficiently achieved by Member States and can therefore be better achieved at Union level, the Union may adopt measures in accordance with the subsidiarity principle as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article,

Amendment

(24) Since the objectives, namely the introduction of a special admission procedure and the adoption of conditions on entry and residence for the purpose of seasonal employment by third-country nationals, cannot be sufficiently achieved by Member States and can therefore be better achieved at Union level, the Union may adopt measures in accordance with the subsidiarity principle as set out in Article 5 of the Treaty on European Union, **taking account of immigration and employment policies at European and national level.** In

this Directive does not go beyond what is necessary in order to achieve those objectives.

accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

Or. el

Amendment 120

Cornelia Ernst, Marie-Christine Vergiat, Thomas Händel

Proposal for a directive

Recital 25

Text proposed by the Commission

(25) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union.

Amendment

(25) This Directive respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union ***as well as the principles laid down in conventions of the International Labour Organisation, in particular Convention 118 of 28 June 1962 on Equality of Treatment, Convention 97 of 1 July 1949 on Migration for Employment and Convention 143 of 24 June 1975 on Migrant Workers.***

Or. en

Amendment 121

Georgios Papanikolaou

Proposal for a directive

Article 1 – paragraph 1

Text proposed by the Commission

This Directive determines the conditions of entry and residence of third-country nationals for the purposes of employment as seasonal workers and defines the rights

Amendment

This Directive determines the conditions of entry and residence of third-country nationals for the purposes of employment as seasonal workers, ***the type of work they may undertake in this capacity and the***

of seasonal workers.

time they may remain in the Member State concerned for this purpose, and defines the rights of seasonal workers.

Or. el

Amendment 122
Judith Sargentini, H  l  ne Flautre

Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission

1. This Directive shall apply to third-country nationals who *reside outside the territory of the Member States and* apply to be admitted to the territory of a Member State for the purpose of employment as seasonal workers.

Amendment

1. This Directive shall apply to:

a) third-country nationals who apply to be admitted to the territory of a Member State for the purpose of employment as seasonal workers;

(b) third-country nationals who are legally staying in the territory of a Member State and who apply for a seasonal worker permit in that Member State;

(c) third-country nationals who have applied for international protection in a Member State under Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted¹ and whose application has not yet been the subject of a final decision.

¹ OJ L 304, 30.9.2004, p. 12.

Or. en

Amendment 123
Anna Maria Corazza Bildt

Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission

1. This Directive shall apply to third-country nationals who reside outside the territory of the Member States and apply to be admitted to the territory of a Member State for the purpose of employment as seasonal workers.

Amendment

1. This Directive shall apply to:

a) third-country nationals who reside outside the territory of the Member States and apply to be admitted to the territory of a Member State for the purpose of employment as seasonal workers;

b) third country nationals who are legally residing in the territory of a Member State and who apply for a seasonal worker permit in a Member State;

Or. en

Amendment 124
Georgios Papanikolaou

Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission

1. This Directive shall apply to third-country nationals who reside outside the territory of the Member States and apply to be admitted to the territory of a Member State for the purpose of employment as seasonal workers.

Amendment

1. This Directive shall apply to third-country nationals who reside outside the territory of the Member States and apply to be admitted to the territory of a Member State for the purpose of employment as seasonal workers. ***Third country nationals who have entered EU territory illegally or who have entered legally under a procedure other than that described in this directive or who entered legally but at***

the time of the adoption of this directive are residing illegally within the territory of a Member State shall not be entitled to apply for acceptance as a seasonal worker.

Or. el

Amendment 125
Jan Mulder

Proposal for a directive
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This directive shall apply to the agriculture, horticulture and tourism sectors. Member States may decide to extend its application to additional activities that are dependent on the passing of the seasons. This additional activity has to be approved by the Commission.

Or. en

Amendment 126
Georgios Papanikolaou

Proposal for a directive
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This Directive shall apply to the agriculture, horticulture and tourism sectors. Member States may decide to extend its application to additional activities that are dependent on the passing of the season after consultation with the social partners.

Or. en

Amendment 127
Judith Sargentini, H el ene Flautre

Proposal for a directive
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This Directive shall apply to the agriculture, horticulture and tourism sectors. Member States may decide to extend its application to additional activities that are dependent on the passing of the seasons.

Or. en

Amendment 128
Cornelis de Jong, Marie-Christine Vergiat

Proposal for a directive
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Each Member State, in agreement with the sectoral social partners concerned, shall determine which specific sectors of the economy meet the criteria for seasonal activity according to the definition of Article 3 (c).

Or. en

Amendment 129
Nadja Hirsch

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

Text proposed by the Commission

Amendment

This Directive shall apply to the

agriculture, horticulture and tourism sectors, including the restaurant and hotel trades.

Or. de

Amendment 130
Judith Sargentini, H el ene Flautre

Proposal for a directive
Article 3 – point b

Text proposed by the Commission

(b) ‘seasonal worker’ means a third-country national who ***retains a legal domicile in a third country but*** resides temporarily for the purposes of employment in the territory of a Member State in a sector of activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between the third-country national and the employer established in a Member State;

Amendment

(b) ‘seasonal worker’ means a third-country national who resides temporarily for the purposes of employment in the territory of a Member State in a sector of activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between the third-country national and the employer established in a Member State;

Or. en

Amendment 131
Cornelis de Jong

Proposal for a directive
Article 3 – point b

Text proposed by the Commission

(b) ‘seasonal worker’ means a third-country national who retains a legal domicile in a third country but resides temporarily for the purposes of employment in the territory of a Member State in a sector of activity dependent on the passing of the seasons, under ***one or more fixed-term work contracts*** concluded directly between the third-country national

Amendment

(b) ‘seasonal worker’ means a third-country national who retains a legal domicile in a third country but resides temporarily for the purposes of employment in the territory of a Member State in a sector of activity dependent on the passing of the seasons, ***within the scope of Article 2(3), under an employment contract*** concluded directly

and the employer established in a Member State;

between the third-country national and the employer established in a Member State;

Or. en

Amendment 132
Marie-Christine Vergiat

Proposal for a directive
Article 3 – point b

Text proposed by the Commission

b) ‘seasonal worker’ means a third-country national who retains a legal domicile in a third country but resides temporarily for the purposes of employment in the territory of a Member State in a sector of activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between the third-country national and the employer established in a Member State;

Amendment

b) ‘seasonal worker’ means a third-country national who retains a legal domicile in a third country but resides temporarily for the purposes of employment in the territory of a Member State in a sector of activity dependent on the passing of the seasons **or on collective living arrangements**, under one or more fixed-term work contracts concluded directly between the third-country national and the employer established in a Member State.

Or. fr

Amendment 133
Nadja Hirsch

Proposal for a directive
Article 3 – point b

Text proposed by the Commission

(b) ‘seasonal worker’ means a third-country national who retains a legal domicile in a third country but resides temporarily for the purposes of employment in the territory of **a Member State** in a sector of activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between the third-country national and the employer established in a Member

Amendment

(b) ‘seasonal worker’ means a third-country national who retains a legal domicile in a third country but resides temporarily for the purposes of employment in the territory of **the European Union** in a sector of activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between the third-country national and the employer

State;

established in a Member State;

Or. de

Amendment 134
Georgios Papanikolaou

Proposal for a directive
Article 3 – point b

Text proposed by the Commission

(b) ‘seasonal worker’ means a third-country national who retains a legal domicile in a third country but resides temporarily for the purposes of employment in the territory of a Member State in a sector of activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between the third-country national and the employer established in a Member State;

Amendment

(b) ‘seasonal worker’ means a third-country national who retains a legal domicile in a third country but resides temporarily, **for more than six months of a 12-month period**, for the purposes of employment in the territory of a Member State in a sector of activity dependent on the passing of the seasons, **according to Article 2(2)**, under one or more fixed-term work contracts concluded directly between the third-country national and the employer established in a Member State;

Or. el

Amendment 135
Mario Borghezio

Proposal for a directive
Article 3 – point c

Text proposed by the Commission

c) ‘**activity dependent on the passing of the seasons**’ means an activity that is tied to a certain time of the year by an event or pattern during which labour levels are required that are far above those necessary for usually ongoing operations;

Amendment

c) ‘**seasonal work**’ means an activity that is tied to a certain time of the year by an event or pattern during which labour levels are required that are far above those necessary for usually ongoing operations;

Or. it

Amendment 136
Sari Essayah

Proposal for a directive
Article 3 – point c

Text proposed by the Commission

(c) ‘activity dependent on the passing of the seasons’ means an activity that is tied to a certain time of the year by an event or pattern during which labour levels are required that are far above those necessary for usually ongoing operations;

Amendment

(c) ‘activity dependent on the passing of the seasons’ means an activity that is tied to a certain time of the year by an event or pattern during which labour levels are required that are far above those necessary for usually ongoing operations; ***the Member States should be given a possibility to define the sectors to which the Directive is applied.***

Or. en

Amendment 137
Hubert Pirker

Proposal for a directive
Article 3 – point c

Text proposed by the Commission

(c) ‘activity dependent on the passing of the seasons’ means an activity that is tied to a certain time of the year by an event or ***pattern*** during which labour levels are required that are ***far*** above those necessary for usually ongoing operations;

Amendment

(c) ‘activity dependent on the passing of the seasons’ means an activity that is tied to a certain time of the year by an event or ***recurring series of events*** during which labour levels are required that are above those necessary for usually ongoing operations;

Or. de

Amendment 138
Claude Moraes, Sergio Gaetano Cofferati

Proposal for a directive
Article 3 – point c

Text proposed by the Commission

(c) ‘activity dependent on the passing of the seasons’ means an activity that is tied to a certain time of the year by an event or pattern during which labour levels **are required that** are far above those necessary for usually ongoing operations;

Amendment

(c) ‘activity dependent on the passing of the seasons’ means an activity that is tied to a certain time of the year by an event or pattern **of events linked to seasonal conditions** during which **the required** labour levels are **regularly and predictably** far above those necessary for usually ongoing operations;

Or. en

Amendment 139
Daniël van der Stoep

Proposal for a directive
Article 3 – point d

Text proposed by the Commission

(d) ‘seasonal worker permit’ means the authorisation bearing the words ‘seasonal worker’ entitling its holder to reside and work in the territory of a Member State **under the terms of this Directive;**

Amendment

(d) ‘seasonal worker permit’ means the authorisation bearing the words ‘seasonal worker’ entitling its holder to reside and work in the territory of a Member State **on the basis of one or more fixed-term employment contracts;**

Or. nl

Amendment 140
Nadja Hirsch

Proposal for a directive
Article 3 – point d

Text proposed by the Commission

(d) ‘seasonal worker permit’ means the authorisation bearing the words ‘seasonal worker’ entitling its holder to reside and work in the territory of **a Member State** under the terms of this Directive;

Amendment

(d) ‘seasonal worker permit’ means the authorisation bearing the words ‘seasonal worker’ entitling its holder to reside and work in the territory of **the European Union** under the terms of this Directive;

Amendment 141
Georgios Papanikolaou

Proposal for a directive
Article 3 – point d

Text proposed by the Commission

(d) ‘seasonal worker permit’ means the authorisation bearing the words ‘seasonal worker’ entitling its holder to reside and work in the territory of a Member State under the terms of this Directive;

Amendment

(d) ‘seasonal worker permit’ means the authorisation bearing the words ‘seasonal worker’ entitling its holder to reside and work in the territory of a Member State under the terms of this Directive *for a period of up to six months in any 12-month period*;

Or. el

Amendment 142
Daniël van der Stoep

Proposal for a directive
Article 3 – point e

Text proposed by the Commission

(e) ‘single application procedure’ means a procedure leading, on the basis of one application for the authorisation of a third-country national’s residence and work in the territory of a Member State, to a decision on the application;

Amendment

(e) *Does not affect the English version.*

Or. nl

Justification

For the sake of completeness, a comma is inserted in the Dutch version so that the subordinate clause is separated by commas at both ends.

Amendment 143
Renate Weber, Jan Mulder

Proposal for a directive
Article 3 – point e

Text proposed by the Commission

(e) ‘single application procedure’ means a procedure leading, on the basis of one application for the authorisation of **a third-country national's** residence and work in the territory of a Member State, to a decision on **the** application;

Amendment

(e) ‘single application procedure’ means a procedure leading, on the basis of one application **made by a third-country national, or by his or her employer,** for the authorisation of residence and **seasonal** work in the territory of a Member State, to a decision **ruling on that** application **for a seasonal worker permit,**

Or. en

Justification

From a consistency point of view, it is to be preferred to use comparable language as used in Directive 2011/.../EC on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State

Amendment 144
Nadja Hirsch

Proposal for a directive
Article 3 – point e

Text proposed by the Commission

(e) ‘single application procedure’ means a procedure leading, on the basis of one application for the authorisation of a third-country national’s residence and work in the territory of **a Member State,** to a decision on the application;

Amendment

(e) ‘single application procedure’ means a procedure leading, on the basis of one application for the authorisation of a third-country national’s residence and work in the territory of **the European Union,** to a decision on the application;

Or. de

Amendment 145
Nadja Hirsch

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

2. This Directive shall not affect the right of Member States to adopt or retain more favourable provisions for persons to whom it applies in respect of *Articles 13 to 17* of this Directive.

Amendment

2. This Directive shall not affect the right of Member States to adopt or retain more favourable provisions for persons to whom it applies in respect of *Articles 11 to 17* of this Directive.

Or. de

Amendment 146
Monika Hohlmeier, Manfred Weber

Proposal for a directive
Article 5 – paragraph 1 – introductory part

Text proposed by the Commission

1. *Applications* for admission to a Member State under the terms of this Directive **shall be accompanied by the following documents:**

Amendment

1. ***The Member States shall ensure that at least the following criteria*** for admission to a Member State under the terms of this Directive ***are fulfilled:***

Or. en

Justification

The introduction is not consistent with the heading of Article 5. It specifies requirements for the accompanying documents instead of admission criteria. However, admission criteria should be covered in the form of minimum requirements. If they are enumerated conclusively, this could result in a right to admission. Yet, in its Explanatory Memorandum, the Commission emphasizes that the directive does not create a right to admission. This should be made explicit in the wording of the directive.

Amendment 147
Daniël van der Stoep

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

Text proposed by the Commission

(a) a valid work contract or, as provided for in national law, a binding **job offer** to work **as a seasonal worker** in the Member State concerned with an employer established in the Member State that specifies the rate of pay and the working hours per week or month and, when applicable, other relevant working conditions;

Amendment

(a) a valid **fixed-term** work contract or, as provided for in national law, a binding **offer to the seasonal worker of a job in order** to work **in that capacity** in the Member State concerned with an employer established in the Member State that specifies the rate of pay and the working hours per week or month and, when applicable, other relevant working conditions;

Or. nl

Amendment 148
Hélène Flautre, Judith Sargentini

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

Text proposed by the Commission

(a) a valid work contract or, as provided for in national law, a binding job offer to work as a seasonal worker in the Member State concerned with an employer established in the Member State that specifies the rate of pay and the working hours per week or month and, when applicable, other relevant working conditions;

Amendment

(a) a valid work contract or, as provided for in national law, a binding job offer to work as a seasonal worker in the Member State concerned with an employer established in the Member State that specifies, **in the language(s) of the applicant and the employer, the** rate of pay and the working hours per week or month and, when applicable, other relevant working conditions;

Or. en

Amendment 149
Georgios Papanikolaou

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

Text proposed by the Commission

(a) a valid work contract or, as provided for in national law, a binding job offer to work as a seasonal worker in the Member State concerned with an employer established in the Member State that specifies the rate of pay and the working hours per week or month and, when applicable, other relevant working conditions;

Amendment

(a) a valid work contract or, as provided for in national law, a binding job offer to work as a seasonal worker in the Member State concerned with an employer established in the Member State that specifies ***clearly the nature of the work***, the rate of pay and the working hours per week or month and, when applicable, other relevant working conditions;

Or. el

Amendment 150
Marie-Christine Vergiat

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

Text proposed by the Commission

b) a valid travel document, as determined by national law. Member States may require the period of the validity of the travel document to cover at least the duration of the residence permit;

Amendment

deleted

Or. fr

Amendment 151
Daniël van der Stoep

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

Text proposed by the Commission

(b) a valid travel document, as determined by national law. Member States may require the period of the validity of the travel document to cover at least the duration of the residence permit;

Amendment

(b) a valid travel document ***held by the seasonal worker***, as determined by national law. Member States may require the period of the validity of the travel document to cover at least the duration of

the residence permit;

Or. nl

Amendment 152
Mario Borghezio

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

Text proposed by the Commission

b) a valid travel document, as determined by national law. Member States *may* require the period of the validity of the travel document to cover *at least* the duration of the residence permit;

Amendment

b) a valid travel document, as determined by national law. Member States *must* require the period of the validity of the travel document to cover the duration of the residence permit;

Or. it

Amendment 153
Daniël van der Stoep

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

Text proposed by the Commission

(c) evidence *of having* or, if provided for by national law, *having* applied for 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 as a result of, the work contract;

Amendment

(c) evidence *that the seasonal worker has* or, if provided for by national law, *has* applied for 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 as a result of, the work contract;

Or. nl

Amendment 154
Sari Essayah

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

Text proposed by the Commission

(c) evidence of having or, if provided for by national law, having applied for 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 as a result of, the work contract;

Amendment

(c) ***notwithstanding Article 16(2)(b)***, evidence of having or, if provided for by national law, having applied for 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 as a result of, the work contract;

Or. en

Amendment 155
Riikka Manner

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

Text proposed by the Commission

(c) evidence of having or, if provided for by national law, having applied for 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 as a result of, the work contract;

Amendment

(c) ***notwithstanding Article 16(2)(b)***, evidence of having or, if provided for by national law, having applied for 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 as a result of, the work contract;

Or. en

Amendment 156
Daniël van der Stoep

Proposal for a directive
Article 5 – paragraph 1 – point c a (new)

Text proposed by the Commission

Amendment

(ca) evidence, for example in the form of a certificate or diploma, that the seasonal worker, if national legislation so requires, possesses sufficient knowledge of the language(s) of the Member State concerned to be able to perform the seasonal work concerned and meet social needs;

Or. nl

Amendment 157

Daniël van der Stoep

Proposal for a directive

Article 5 – paragraph 1 – point d

Text proposed by the Commission

Amendment

(d) evidence ***of having*** accommodation ***as set out in Article 14.***

(d) evidence ***that*** accommodation ***is being provided for the seasonal worker.***

Or. nl

Amendment 158

Marie-Christine Vergiat

Proposal for a directive

Article 5 – paragraph 1 – point d

Text proposed by the Commission

Amendment

d) evidence of having accommodation as set out in Article 14.

d) evidence of having accommodation ***or that accommodation will be provided,*** as set out in Article 14.

Or. fr

Amendment 159

Georgios Papanikolaou

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

Text proposed by the Commission

δ) evidence of having accommodation as set out in Article 14.

Amendment

(d) evidence of having *suitable* accommodation as set out in Article 14.

Or. el

Amendment 160
Georgios Papanikolaou

Proposal for a directive
Article 5 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

(da) a signed commitment by the seasonal worker that he/she will return to his/her country of origin after the end of the work contract and undertake the obligation to present himself/herself at the national Consular office of the Member State in his/her country of origin within one month of his/her return. In case that a Member State does not have such an office in the third country then the seasonal worker must present himself/herself in the Consular office of another Member State or in the delegation of the EU.

Or. en

Amendment 161
Georgios Papanikolaou

Proposal for a directive
Article 5 – paragraph 1 – point d a (new)

Text proposed by the Commission

Amendment

da. evidence showing that the applicant has not been convicted of a custodial

sentence in his or her country of origin;

Or. el

Amendment 162
Georgios Papanikolaou

Proposal for a directive
Article 5 – paragraph 1 – point d b (new)

Text proposed by the Commission

Amendment

db. Evidence that the applicant does not pose a threat to public health in the Member State in which the application is lodged;

Or. el

Amendment 163
Georgios Papanikolaou

Proposal for a directive
Article 5 – paragraph 1 – point d c (new)

Text proposed by the Commission

Amendment

dc. Member States shall be entitled to request that the application be accompanied by other evidence and documents as they see fit with a view to achieving the objectives of this directive and of their national laws;

Or. el

Amendment 164
Monika Hohlmeier, Manfred Weber

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

Text proposed by the Commission

Amendment

1a. Third-country nationals shall be in possession of a valid travel document, as determined by national law.

Or. en

Justification

Third-country nationals should not be required to send their travel document to the Member State for the duration of the procedures, it is sufficient that they are in possession of such a document.

Amendment 165
Judith Sargentini

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall require that the seasonal worker will have sufficient resources during his/her stay to maintain him/her without having recourse to the social assistance system of the Member State concerned.

2. Member States shall require that ***employers ensure decent pay so that*** the seasonal worker will have sufficient resources during his/her stay to maintain him/her without having recourse to the social assistance system of the Member State concerned.

Or. en

Amendment 166
Hubert Pirker

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall require that the seasonal worker will have sufficient resources ***during*** his/her stay to maintain

2. Member States shall require that the seasonal worker will have sufficient resources ***for the duration of*** his/her stay

him/herself without having recourse to the social assistance system of *the Member State concerned*.

to maintain him/herself *in the Member State concerned* without having recourse to the social assistance system of *that Member State*.

Or. de

Amendment 167

Renate Weber

Proposal for a directive

Article 5 – paragraph 2

Text proposed by the Commission

2. Member States shall require that the seasonal worker will have sufficient resources during his/her stay to maintain him/her without having recourse to the social assistance system of the Member State concerned.

Amendment

2. Member States shall require that the seasonal worker will have sufficient resources during his/her stay to maintain him/herself without having recourse to the social assistance system of the Member State concerned, *based on the documentation provided as set out in paragraph 1 (a)-(d)*.

Or. en

Justification

It should be clear on what basis a seasonal worker is to be considered to have sufficient resources during his/her stay to maintain him/her without recourse to the social assistance system.

Amendment 168

Monika Hohlmeier, Manfred Weber

Proposal for a directive

Article 5 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States may require that all conditions according to applicable laws, regulations, administrative provisions, collective agreements or practices

applicable to comparable seasonal workers in the relevant occupational branches are met with regard to pay, insurance cover and other terms of employment.

Or. en

Justification

In order to ensure reasonable working conditions and to prevent standards of pay from being circumvented, Member States must be able to refuse admission in cases in which working conditions are inadequate and less favourable than with comparable domestic seasonal workers - in other words when the working conditions do not reflect local collective agreements, working conditions or practices.

Amendment 169
Marie-Christine Vergiat

Proposal for a directive
Article 5 – paragraph 3

Text proposed by the Commission

Amendment

3. Third-country nationals who are considered to pose a threat to public policy, public security or public health shall not be admitted for the purposes of this Directive.

deleted

Or. fr

Amendment 170
Monika Hohlmeier, Manfred Weber

Proposal for a directive
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall reject an application for admission to a Member State for the purposes of this Directive in the cases set out in paragraph 1 and may

reject an application particularly in the cases set out in paragraphs 2 to 4.

Or. en

Justification

It is necessary to ensure that no right to admission for purposes of seasonal employment arises out of the interplay between admission criteria and grounds for refusal. The optional grounds for refusal should therefore be formulated as an open-ended list.

Amendment 171
Marie-Christine Vergiat

Proposal for a directive
Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States may verify whether the vacancy concerned could not be filled by national or EU, or by third-country nationals lawfully residing in the Member State and already forming part of its labour market by virtue of EU or national law and reject the application.

deleted

Or. fr

Amendment 172
Marian-Jean Marinescu

Proposal for a directive
Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States *may* verify whether the vacancy concerned could not be filled by national or EU, or by third-country nationals lawfully residing in the Member State and already forming part of its labour market by virtue of EU or national law and reject the application.

2. Before taking the decision on an application for seasonal employment, Member States shall examine the situation of their labour market and shall verify whether the vacancy concerned could not be filled by national or EU, or by third-country nationals lawfully residing in the

Member State and already forming part of its labour market by virtue of EU or national law and reject the application.
Member States shall reject an application for seasonal employment in labour market sectors to which access to workers from other Member States is restricted on the basis of the transitional arrangements set out in the Acts of Accession of 16 April 2003 and 25 April 2005.

Or. en

Amendment 173
Renate Weber

Proposal for a directive
Article 6 – paragraph 2

Text proposed by the Commission

2. Member States **may** verify whether the vacancy concerned could not be filled by national or EU, or by third-country nationals lawfully residing in the Member State and already forming part of its labour market by virtue of EU or national law and reject the application.

Amendment

2. Member States **shall require employers of seasonal workers to verify in a timely and transparent manner** whether the vacancy concerned could not be filled by national or EU, or by third-country nationals lawfully residing in the Member State and already forming part of its labour market by virtue of EU or national law and **to provide evidence on the outcome of this verification. In case the verification proves that the vacancy could be filled by either of the three categories, Member States shall** reject the application.

Or. en

Justification

This Directive should be applied without prejudice to the principle of EU preference as regards access to Member States' labour market. Member States shall require employers to verify that the vacancy cannot be filled by own nationals or other EU citizens. This should be left to the employers, since they are the ones who want to employ the seasonal workers.

Amendment 174
Mario Borghezio

Proposal for a directive
Article 6 – paragraph 2

Text proposed by the Commission

2. Member States **may** verify whether the vacancy concerned could not be filled by national or EU, or by third-country nationals lawfully residing in the Member State and already forming part of its labour market by virtue of EU or national law and reject the application.

Amendment

2. Member States **shall** verify whether the vacancy concerned could not be filled by national or EU, or by third-country nationals lawfully residing in the Member State and already forming part of its labour market by virtue of EU or national law and reject the application.

Or. it

Amendment 175
Kinga Göncz

Proposal for a directive
Article 6 – paragraph 2

Text proposed by the Commission

2. Member States **may** verify whether the vacancy concerned could not be filled by **national or** EU, or by third-country nationals lawfully residing in the Member State and already forming part of its labour market by virtue of EU or national law and reject the application.

Amendment

2. Member States **shall** verify whether the vacancy concerned could not be filled by EU **nationals** or by third-country nationals lawfully residing in the Member State and already forming part of its labour market by virtue of EU or national law and reject the application.

Or. en

Amendment 176
Sari Essayah

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

Text proposed by the Commission

Amendment

2a. Member States shall provide that private employment agencies or migration agencies shall not charge job-seekers or workers any fees in exchange for organising seasonal work or migration for seasonal work.

Or. en

Justification

Seasonal workers belong to a vulnerable group and are often exploited. In order to prevent human trafficking Article 7 of the ILO convention No 181, should be taken into account as well as Article 6 of the Temporary Agency Work Directive.

Amendment 177

Claude Moraes

Proposal for a directive

Article 6 – paragraph 3

Text proposed by the Commission

Amendment

3. Member States **may** reject an application if the employer has been sanctioned in conformity with national law for undeclared work and/or illegal employment.

3. Member States **shall** reject an application if the employer has, ***within one or more years prior to the application being made:***

(a) been sanctioned in conformity with national law for undeclared work and/or illegal employment,

***(b) been sanctioned under Article 12(a),
or***

(c) failed to meet its legal obligations regarding working conditions, labour rights or social rights as provided for in national law.

Or. en

Amendment 178
Mario Borghezio

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

3. Member States **may** reject an application if the employer has been sanctioned in conformity with national law for undeclared work and/or illegal employment.

Amendment

3. Member States **shall** reject an application if the employer has been sanctioned in conformity with national law for undeclared work and/or illegal employment.

Or. it

Amendment 179
Hubert Pirker

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

3. Member States may reject an application if the employer has been sanctioned in conformity with national law for undeclared work and/or illegal employment.

Amendment

3. Member States may reject an application if the employer has been sanctioned **repeatedly** in conformity with national law for undeclared work and/or illegal employment.

Or. de

Justification

A company that has been sanctioned just once should not suffer the potentially severe consequence of having no further access to seasonal workers. In the case of a company that has been repeatedly sanctioned, however, that consequence seems justified.

Amendment 180
Georgios Papanikolaou

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

3. Member States *may* reject an application *if the employer has been sanctioned in conformity with national law for undeclared work and/or illegal employment.*

Amendment

3. Member States *shall* reject an application *in the following cases:*

Or. en

Amendment 181
Cornelia Ernst, Thomas Händel

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

3. Member States may reject an application if the employer has *been sanctioned in conformity with national law for undeclared work and/or illegal employment.*

Amendment

3. Member States may reject an application if the employer has:

Or. en

Amendment 182
Marie-Christine Vergiat

Proposal for a directive
Article 6 – paragraph 3

Text proposed by the Commission

3. *Member States may reject an application if* the employer has been sanctioned in conformity with national law for undeclared work and/or illegal employment.

Amendment

3. *In the event that* the employer has been sanctioned in conformity with national law for undeclared work and/or illegal employment *or for failure to meet legal obligations regarding working conditions or labour rights as provided for in national law or this Directive, the relevant Member State, before deciding to reject an application, shall give the applicant a*

deadline to find a new seasonal job.

Or. fr

Amendment 183

Kinga Göncz

Proposal for a directive

Article 6 – paragraph 3

Text proposed by the Commission

3. Member States *may* reject an application if the employer has been sanctioned in conformity with national law for undeclared work *and/or* illegal employment.

Amendment

3. Member States *shall* reject an application if the employer has been sanctioned in conformity with national law for undeclared work, illegal employment *and/or other unlawful activities.*

Or. en

Amendment 184

Georgios Papanikolaou

Proposal for a directive

Article 6 – paragraph 3 – point a (new)

Text proposed by the Commission

Amendment

(a) if the employer has been sanctioned in conformity with national law for undeclared work and/or illegal employment, and/or for failing to meet its legal obligations regarding working conditions or rights as enshrined in Article 16;

Or. en

Amendment 185

Cornelia Ernst, Thomas Händel

Proposal for a directive

Article 6 – paragraph 3 – point a (new)

Text proposed by the Commission

Amendment

(a) been sanctioned in conformity with national law for undeclared work and/or illegal employment,

Or. en

Amendment 186
Georgios Papanikolaou

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

Text proposed by the Commission

Amendment

(b) if the employer has failed to pay his tax or social security contributions, or

Or. en

Amendment 187
Cornelia Ernst, Marie-Christine Vergiat, Thomas Händel

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

Text proposed by the Commission

Amendment

(b) failed to meet the working conditions and remunerations as laid down in applicable collective agreements,

Or. en

Amendment 188
Georgios Papanikolaou

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

Text proposed by the Commission

Amendment

(c) has been sanctioned under Article 12(2);

Or. en

Amendment 189
Cornelia Ernst, Thomas Händel

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

Text proposed by the Commission

Amendment

(c) used third-country national seasonal workers to break a strike,

Or. en

Amendment 190
Cornelia Ernst, Marie-Christine Vergiat, Thomas Händel

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

Text proposed by the Commission

Amendment

(d) the employer has failed to meet his obligations concerning taxation and social security,

Or. en

Amendment 191
Georgios Papanikolaou

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

Text proposed by the Commission

Amendment

(d) if the terms of the work contract have been violated.

Or. en

Amendment 192
Marie-Christine Vergiat

Proposal for a directive
Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States may reject an application on the grounds of volumes of admission of third-country nationals.

deleted

Or. fr

Amendment 193
Mario Borghezio

Proposal for a directive
Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States ***may*** reject an application on the grounds of volumes of admission of third-country nationals.

4. Member States ***shall*** reject an application on the grounds of volumes of admission of third-country nationals.

Or. it

Amendment 194
Jan Mulder, Wim van de Camp

Proposal for a directive
Article 6 – paragraph 4

Text proposed by the Commission

4. Member States may reject an application on the grounds of volumes of admission of third-country nationals.

Amendment

4. Member States may reject an application on the grounds of volumes of admission of third-country nationals. ***It should be avoided that the number of third country nationals who applies for seasonal work, should be greater than that of the nationals of the Member State who are looking to find a job as a seasonal worker.***

Or. en

Amendment 195

Monika Hohlmeier, Manfred Weber

Proposal for a directive

Article 6 – paragraph 4

Text proposed by the Commission

4. Member States may reject an application on the grounds of volumes of admission of third-country nationals.

Amendment

4. Member States may reject an application on the grounds of volumes of admission of third-country nationals ***in general or from certain third countries determined by themselves.***

Or. en

Justification

Paragraph 4 reflects the content of Article 79 paragraph 5 of the TFEU which explicitly stipulates the right of Member States to determine volumes of admission of third-country nationals coming to their territory in order to seek work. It is thus of a purely declaratory nature. In the interest of creating legal certainty, two clarifying provisions should be added.

Amendment 196

Monika Hohlmeier, Manfred Weber

Proposal for a directive

Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Regarding volumes of admission, Member States may set quotas for certain professions, economic sectors of seasonal work or regions.

Or. en

Justification

Paragraph 4 reflects the content of Article 79 paragraph 5 of the TFEU which explicitly stipulates the right of Member States to determine volumes of admission of third-country nationals coming to their territory in order to seek work. It is thus of a purely declaratory nature. In the interest of creating legal certainty, two clarifying provisions should be added.

Amendment 197
Georgios Papanikolaou

Proposal for a directive
Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Member States may reject an application for admission from anyone who has previously forfeited the right to legal residence on grounds of public order and safety, and in particular anyone who has been convicted in the territory of a Member State of committing an offence and been subject to the penalty of administrative expulsion. In the case of a criminal conviction, the applicant may not apply for admission for a period of time equal to the statutory limit laid down for that criminal offence under the law of the jurisdiction in which it was committed.

Or. el

Amendment 198
Monika Hohlmeier, Manfred Weber

Proposal for a directive
Article 6 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. Member States may reject an application on the grounds of the economic sectors determined by Member States in which the criteria laid down in Article 3(c) are fulfilled or on the grounds of certain temporal limits they have set for the enterprises in these economic sectors.

Or. en

Justification

In order to create legal certainty, the explanatory statement by the Commission on Article 3 with regard to Member States' right to determine the economic sector for seasonal work should be included in the actual text of the directive Further, Member States should be able to determine sectors and maximum length of employment per enterprise to maintain their competences to manage labour markets and to prevent permanent workers from being replaced by the long-term use of seasonal workers.

Amendment 199
Cornelis de Jong, Cornelia Ernst

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

Text proposed by the Commission

Amendment

2. Member States may withdraw or refuse to renew the permit issued on the basis of this Directive in the following cases:

2. Member States may withdraw or refuse to renew the permit issued on the basis of this Directive in ***any of*** the following cases:

Or. en

Amendment 200
Monika Hohlmeier, Manfred Weber

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

Text proposed by the Commission

2. Member States may withdraw or refuse to renew the permit issued on the basis of this Directive in the following cases:

Amendment

2. Member States may withdraw or refuse to renew the permit issued on the basis of this Directive **particularly** in the following cases:

Or. en

Justification

As in the case of the admission criteria and grounds for refusal, no exhaustive list should be drawn up as regards the reasons for withdrawal and refusal to renew. This flexibility is necessary as currently unforeseen situations may arise and require adequate responses. Further, there are cases in which it would otherwise be impossible to withdraw the permit (if a third-country national fraudulently enters with a permit for seasonal employment in order to apply for asylum, for example).

Amendment 201
Georgios Papanikolaou

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

Text proposed by the Commission

2. Member States may withdraw or refuse to renew the permit issued on the basis of this Directive in the following cases:

Amendment

2. Member States may withdraw or refuse to renew the permit issued on the basis of this Directive in **any of** the following cases:

Or. el

Amendment 202
Cornelia Ernst, Thomas Händel

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

Text proposed by the Commission

(a) wherever the conditions laid down in Article 5 were not met or are no longer

Amendment

(a) wherever the conditions laid down in Article 5 were not met or are no longer

met; *or*

met;

Or. en

Amendment 203
Marie-Christine Vergiat

Proposal for a directive
Article 7 – paragraph 2 – point b

Text proposed by the Commission

Amendment

b) for reasons of public policy, public security or public health.

deleted

Or. fr

Amendment 204
Georgios Papanikolaou

Proposal for a directive
Article 7 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) for reasons of public policy, public security or public health.

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

or

Or. en

Amendment 205
Cornelia Ernst, Cornelis de Jong, Thomas Händel

Proposal for a directive
Article 7 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) for reasons of public policy, public security or public health.

(b) for reasons of public policy, public security or public health, *in particular if:*

Amendment 206

Cornelia Ernst, Cornelis de Jong, Thomas Händel

Proposal for a directive

Article 7 – paragraph 2 – point b – point i (new)

Text proposed by the Commission

Amendment

i) the employer has been sanctioned in conformity with national law for undeclared work and/or illegal employment,

Amendment 207

Cornelia Ernst, Cornelis de Jong, Thomas Händel

Proposal for a directive

Article 7 – paragraph 2 – point b – point ii (new)

Text proposed by the Commission

Amendment

ii) the employer has been sanctioned under Article 12(2),

Amendment 208

Cornelia Ernst, Cornelis de Jong, Thomas Händel

Proposal for a directive

Article 7 – paragraph 2 – point b – point iii (new)

Text proposed by the Commission

Amendment

iii) the employer has failed to meet the working conditions and remunerations as laid down in applicable collective agreements and national law,

Amendment 209
Cornelia Ernst, Cornelis de Jong, Thomas Händel

Proposal for a directive
Article 7 – paragraph 2 – point b – point iv (new)

Text proposed by the Commission

Amendment

iv) the employer has used third-country national seasonal workers to break a strike.

Or. en

Amendment 210
Claude Moraes

Proposal for a directive
Article 7 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the employer has failed to meet its legal obligations regarding working conditions, labour rights or social rights as provided for in national law.

Or. en

Amendment 211
Georgios Papanikolaou

Proposal for a directive
Article 7 – paragraph 2 – point b a (new)

Text proposed by the Commission

Amendment

(ba) wherever one of the violations mentioned in Article 6(3) has been committed.

Amendment 212
Marie-Christine Vergiat

Proposal for a directive
Article 8

Text proposed by the Commission

Member States shall take the necessary measures to make available information on conditions of entry and residence, including rights and all documentary evidence needed for an application to reside and work in the territory of a Member State as a seasonal worker.

Amendment

Member States shall take the necessary measures to make available ***to prospective seasonal workers and employers*** information on conditions of entry and residence, including rights ***and procedural safeguards as provided for in this Directive*** and all documentary evidence needed for an application to reside and work in the territory of a Member State as a seasonal worker. ***This information shall be available to the public and shall be provided in a straightforward and comprehensible manner, in a language that the third-country nationals can speak and understand.***

Amendment 213
Mariya Nedelcheva, Marian-Jean Marinescu, Monica Luisa Macovei

Proposal for a directive
Article 8

Text proposed by the Commission

Member States shall take the necessary measures to make available information on conditions of entry and residence, including rights and all documentary evidence needed for an application to reside and work in the territory of a Member State as a seasonal worker.

Amendment

Member States shall take the necessary measures to make available ***to prospective seasonal workers and employers*** information on conditions of entry and residence, including rights and ***procedural safeguards as laid down in this Directive*** and all documentary evidence needed for an application to reside and work in the territory of a Member State as a seasonal

worker. *That information shall be set out in a straightforward and comprehensible manner in a language known by the applicant.*

Or. en

Amendment 214

Ioan Enciu

Proposal for a directive

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that the recruitment agencies or other intermediaries provide proper information regarding the rights and obligations of seasonal workers who are using their services.

Or. en

Justification

Providing information and advice to seasonal workers is an important tool in helping to reduce their vulnerability to exploitation. Member States should therefore take the necessary practical measures to make this a reality, including by ensuring that the recruitment agencies or other intermediaries are providing proper information to their clients.

Amendment 215

Georgios Papanikolaou

Proposal for a directive

Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The Commission shall publish in its EU immigration Portal information on the conditions under which an eligible person can work as a seasonal worker in one of the Member States. Therefore, the

Member States shall be encouraged to send to the Commission all the relevant information.

Or. en

Amendment 216
Marie-Christine Vergiat

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

Text proposed by the Commission

Amendment

1a) When third-country nationals are granted a seasonal worker permit they shall be provided with information in writing about their rights under this Directive, including complaints procedures. This information shall be provided in a straightforward and comprehensible manner, in a language that the third-country nationals can speak and understand.

Or. fr

Amendment 217
Marie-Christine Vergiat

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

Text proposed by the Commission

Amendment

1b) Member States shall designate national and/or local contact points responsible for updating information and making it available to prospective seasonal workers, and providing seasonal workers with advice, where requested, prior to or during their period of stay in that Member State.

Amendment 218
Renate Weber, Jan Mulder

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall determine whether an application is to be made by the third-country national or by the employer.

Amendment

1. Member States shall determine whether an application is to be made by the third-country national or by the employer. ***If the application is to be submitted by the third-country national, Member States shall allow the application to be introduced from a third country or, if provided for by national law, on the territory of the Member State in which he or she is already legally present.***

Or. en

Justification

Stating the obvious, but it needs to be ensured that in case a Member State decides that an application is to be made by the third-country national, it allows for it to be introduced from a third-country (in analogy to Directive 2011/.../EC on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State).

Amendment 219
Georgios Papanikolaou

Proposal for a directive
Article 9 – paragraph 2

Text proposed by the Commission

2. Member States shall designate the authority competent to receive the application and to issue the seasonal worker permit.

Amendment

2. Member States shall designate the authority competent to receive the application and to issue the seasonal worker permit, ***as well as the appropriate authority or authorities to which third***

country nationals should declare any changes of residence.

Or. el

Amendment 220
Monika Hohlmeier, Manfred Weber

Proposal for a directive
Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States may determine that the placement of seasonal workers from third countries must be carried out by a government agency.

Or. en

Justification

Member States should have the possibility of creating a job placement monopoly for seasonal workers from third countries, in particular from employment administrations. It has the potential to lead to structured management of sensitive employment situations and sensitive third countries and to leverage certain influence on recruitment and job placement processes in the country of origin. Therefore an optional provision should be added to Article 9.

Amendment 221
Judith Sargentini

Proposal for a directive
Article 9 – paragraph 4

Text proposed by the Commission

Amendment

4. The Member State concerned shall grant the third-country national whose application for admission has been accepted every facility to obtain the requisite visa.

4. The Member State concerned ***and/or relevant authorities*** shall grant the third-country national whose application for admission has been accepted every facility to obtain the requisite visa.

Or. en

Amendment 222

Monika Hohlmeier, Manfred Weber

Proposal for a directive

Article 10 – paragraph 1

Text proposed by the Commission

1. For stays exceeding three months, seasonal workers who fulfil the admission criteria as set out in Article 5 and for whom the competent authorities have taken a positive decision **shall be issued with** a seasonal worker permit.

Amendment

1. For stays exceeding three months, **Member States may grant** seasonal workers who fulfil the admission criteria as set out in Article 5 and for whom the competent authorities have taken a positive decision a seasonal worker permit **or a long stay visa**.

Or. en

Justification

Member States should retain the possibility to grant seasonal workers a long stay visa for stays of more than 3 months. A long stay visa offers the same rights to travel as a residence permit while a residence permit involves additional costs and time for issuance. Also, visa allow for more flexibility in order to respond to the needs of the seasonal labour market (especially admission at short notice depending on weather conditions).

Amendment 223

Marie-Christine Vergiat

Proposal for a directive

Article 10 – paragraph 1

Text proposed by the Commission

1. **For stays exceeding three months, seasonal** workers who fulfil the admission criteria as set out in Article 5 **and for whom the competent authorities have taken a positive decision** shall be issued with a seasonal worker permit.

Amendment

1. **Seasonal** workers who fulfil the admission criteria as set out in Article 5 shall be issued with a seasonal worker permit.

Or. fr

Amendment 224
Monika Hohlmeier, Manfred Weber

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. The seasonal worker permit shall be issued by the competent authorities of the Member States using the format as laid down in Council Regulation (EC) No 1030/2002. ***In accordance with point (a) 6.4 of the Annex to that Regulation, Member States shall enter ‘seasonal worker’ under the heading ‘type of permit’.***

Amendment

2. The seasonal worker permit shall be issued by the competent authorities of the Member States using the format as laid down in Council Regulation (EC) No 1030/2002. ***The permit must clearly indicate that it is for the purpose of seasonal employment.***

Or. en

Justification

It is sufficient for the permit to indicate that the third-country national is authorized to pursue seasonal employment. By specifying the exact wording, it would not be possible to refer to the legal basis or to use abbreviations. Further, Regulation 1030/2002 provides for Member States to enter information on the purpose of residence and permission to work under the heading ‘Remarks’. ‘Type of permit’ (6.4) is reserved for information about the type of permit (e.g. temporary/permanent).

Amendment 225
Salvatore Iacolino, Roberta Angelilli, Clemente Mastella, Alfredo Pallone

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. The seasonal worker permit shall be issued by the competent authorities of the Member States using the format as laid down in Council Regulation (EC) No 1030/2002. In accordance with point (a) 6.4 of the Annex to that Regulation, Member States shall enter ‘seasonal worker’ under the heading ‘type of permit’.

Amendment

2. The seasonal worker permit shall be ***a single document*** issued by the competent authorities of the Member States using the format as laid down in Council Regulation (EC) No 1030/2002. In accordance with point (a) 6.4 of the Annex to that Regulation, Member States shall enter ‘seasonal worker’ under the heading ‘type

of permit'.

Or. it

Justification

The aim is to emphasise the importance of rapid and streamlined procedures.

Amendment 226

Renate Weber, Jan Mulder

Proposal for a directive

Article 10 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The seasonal worker permit shall be a single document. Member States may indicate additional information related to the employment relationship of the third-country national in paper format, or store such data in electronic format as referred to in Article 4 of Regulation (EC) 1030/2002 and point 16 of its Annex I as amended by Regulation (EC) 380/2008.

Or. en

Justification

In line with language used in Directive 2011/.../EC on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State

Amendment 227

Hubert Pirker

Proposal for a directive

Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. Seasonal workers shall be allowed to

1. Seasonal workers shall be allowed to

reside for a maximum of *six months in any calendar year, after which* they shall return to a third country.

reside for a maximum of *nine months in any 12-month period, the Member States having discretion to fix a maximum duration of stay within that limit according to the needs of their respective national labour markets. On expiry of the maximum duration of stay in the country in question,* they shall return to a third country.

Or. de

Justification

The model chosen should be flexible and take account of the needs of the national or regional labour markets and the sectors in question.

Amendment 228
Marie-Christine Vergiat

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Seasonal workers shall be allowed to reside for *a maximum of six months in any calendar year, after which they shall return to a third country.*

Amendment

1. Seasonal workers shall be allowed to reside for *nine months. They may then be permitted to remain on the territory of the Member State concerned while looking for a position with a different employer.*

Or. fr

Amendment 229
Daniël van der Stoep

Proposal for a directive
Article 11 – paragraph 1

Text proposed by the Commission

1. Seasonal workers shall be allowed to reside for a maximum of six months in any calendar year, after which they shall return

Amendment

1. Seasonal workers shall be allowed to reside for a maximum of six months in any calendar year, after which they shall

to a third country.

proceed or return to a third country.

Or. nl

Justification

For the sake of completeness, an indication that seasonal workers may either return to their own third country or go to another such country.

Amendment 230

Jan Mulder

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

Text proposed by the Commission

1. Seasonal workers shall be allowed to reside for a maximum of six months in any *calendar year*, after which they shall return to a third country.

Amendment

1. Seasonal workers shall be allowed to reside for a maximum of six months in any *period of 12 months*, after which they shall return to a third country.

Or. en

Amendment 231

Georgios Papanikolaou

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

Text proposed by the Commission

1. Seasonal workers shall be allowed to reside for a maximum of six months in any *calendar year*, after which they shall return to a third country.

Amendment

1. Seasonal workers shall be allowed to reside for a maximum of six months in any *12-month period*, after which they shall return to a third country.

Or. el

Amendment 232

Hubert Pirker

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

2. Within the *period referred to under paragraph 1*, and provided that the criteria of Article 5 are met, seasonal workers shall be allowed to extend their contract or to be employed as seasonal worker with a different employer.

Amendment

2. Within the *maximum period of stay granted in the individual case*, and provided that the criteria of Article 5 are met, seasonal workers shall be allowed to extend their contract or to be employed as seasonal worker with a different employer *if the first employer has infringed workers' rights*.

Or. de

Amendment 233
Marie-Christine Vergiat

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

2. *Within the period referred to under paragraph 1, and provided* that the criteria of Article 5 are met, seasonal workers shall be allowed to extend their contract or to be employed as seasonal worker with a different employer.

Amendment

2. *Provided* that the criteria of Article 5 are met, seasonal workers shall be allowed to extend their contract or to be employed as seasonal worker with a different employer. *They may be permitted to remain on the territory of the Member State concerned while looking for a position with a different employer.*

Or. fr

Amendment 234
Cornelis de Jong

Proposal for a directive
Article 11 – paragraph 2

Text proposed by the Commission

2. Within the period referred to under paragraph 1, and provided that the criteria

Amendment

2. Within the *six-month* period referred to under paragraph 1, and provided that the

of Article 5 are met, seasonal workers shall be allowed to extend their contract or to be employed as seasonal worker with a different employer.

criteria of Article 5 are met, seasonal workers shall be allowed to extend their contract or to be employed as seasonal worker with a different employer.

Or. en

Amendment 235
Daniël van der Stoep

Proposal for a directive
Article 12 – title

Text proposed by the Commission

Amendment

Facilitation of re-entry

Refusal to grant authorisation

Or. nl

Amendment 236
Daniël van der Stoep

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall either:

deleted

(a) upon application, issue up to three seasonal worker permits covering up to three subsequent seasons within one administrative act ('multi-seasonal worker permit'),

or

(b) provide a facilitated procedure for third-country nationals who were admitted to that Member State as seasonal workers and who apply to be admitted as such in a subsequent year.

Or. nl

Amendment 237
Cornelis de Jong, Cornelia Ernst

Proposal for a directive
Article 12 – paragraph 1 – introductory part

Text proposed by the Commission

Amendment

1. Member States shall ***either***:

1. Member States shall ***provide a facilitated procedure for third-country nationals who were admitted to that Member State as seasonal workers and who apply to be admitted as such in a subsequent year.***

Or. en

Amendment 238
Cornelia Ernst, Thomas Händel

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

Text proposed by the Commission

Amendment

(a) upon application, issue up to three seasonal worker permits covering up to three subsequent seasons within one administrative act ('multi-seasonal worker permit'),
or

deleted

Or. en

Amendment 239
Kinga Göncz

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

Text proposed by the Commission

Amendment

(a) upon application, issue ***up to three seasonal*** worker permits covering up to

(a) upon application, issue worker permits covering up to three subsequent seasons

three subsequent seasons within one administrative act ('multi-seasonal worker permit'),

within one administrative act ('multi-seasonal worker permit'),

Or. en

Amendment 240

Salvatore Iacolino, Roberta Angelilli, Clemente Mastella, Alfredo Pallone

Proposal for a directive

Article 12 – paragraph 1 – point a

Text proposed by the Commission

a) upon application, issue up to three seasonal worker permits covering up to three subsequent seasons within one administrative act ('multi-seasonal worker permit'),

Amendment

a) upon application, issue up to three seasonal worker permits covering up to three subsequent seasons within one administrative act ('multi-seasonal worker permit'); ***where the application is lodged by a seasonal worker, the employer shall inform the competent authorities that he or she wishes to employ the worker concerned under a multi-seasonal employment contract;***

Or. it

Justification

The possibility of issuing a multi-seasonal worker permit should be accompanied by a firm requirement for the employer to employ the worker for several seasons.

Amendment 241

Georgios Papanikolaou

Proposal for a directive

Article 12 – paragraph 1 – point b

Text proposed by the Commission

(b) provide a facilitated procedure for third-country nationals who were admitted to that Member State as seasonal workers and who apply to be admitted as such in a

Amendment

(b) provide a facilitated procedure for third-country nationals who were admitted to that Member State as seasonal workers and who apply to be admitted as such in a

subsequent year.

subsequent year *provided that they can adequately demonstrate that the conditions laid down in Article 5(1) continue to apply to them.*

Or. el

Amendment 242
Daniël van der Stoep

Proposal for a directive
Article 12 – paragraph 2 – introductory part

Text proposed by the Commission

Amendment

2. Member States *shall provide that*:

2. Member States *may*:

Or. nl

Amendment 243
Marie-Christine Vergiat

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

Text proposed by the Commission

Amendment

a) a third-country national who has not complied with the obligations arising from the admission decision during a previous stay as a seasonal worker, and in particular with the obligation to return to a third country on the expiry of the permit, shall be excluded from admission as seasonal worker for one or more subsequent years;

deleted

Or. fr

Amendment 244
Daniël van der Stoep

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

Text proposed by the Commission

(a) a third-country national ***who has not complied with the obligations arising from the admission decision during a previous stay as a seasonal worker, and in particular with the obligation to return to a third country on the expiry of the permit, shall be excluded from admission as seasonal worker for one or more subsequent years;***

Amendment

(a) ***deny*** a third-country national admission as ***a*** seasonal worker ***for so long as the Member State concerned chooses and for no matter what reason;***

Or. nl

Amendment 245
Judith Sargentini

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

Text proposed by the Commission

(a) a third-country national who has not complied with the obligations arising from the admission decision during a previous stay as a seasonal worker, and in particular with the obligation to return to a third country on the expiry of the permit, shall be excluded from admission as seasonal worker for one ***or more*** subsequent ***years;***

Amendment

(a) a third-country national who has not complied with the obligations arising from the admission decision during a previous stay as a seasonal worker, and in particular with the obligation to return to a third country on the expiry of the permit, shall be excluded from admission as seasonal worker for one subsequent ***year;***

Or. en

Amendment 246
Hubert Pirker

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

Text proposed by the Commission

(a) a third-country national who has not

Amendment

(a) a third-country national who has not

complied with the obligations arising from the admission decision during a previous stay as a seasonal worker, and in particular with the obligation to return to a third country on the expiry of **the permit**, shall be excluded from admission as seasonal worker for one or more subsequent years;

complied with the obligations arising from the admission decision during a previous stay as a seasonal worker, and in particular with the obligation to return to a third country on the expiry of **the seasonal worker permit**, shall be excluded from admission as seasonal worker for one or more subsequent years; **the duration of the exclusion shall be determined under national law.**

Or. de

Amendment 247
Monika Hohlmeier, Manfred Weber

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

Text proposed by the Commission

(a) a third-country national who has not complied with the obligations arising from the admission decision during a previous stay as a seasonal worker, and in particular with the obligation to return to a third country on the expiry of the permit, **shall** be excluded from admission as seasonal worker for one or more subsequent years;

Amendment

(a) **Member States shall provide that** a third-country national who has not complied with the obligations arising from the admission decision during a previous stay as a seasonal worker, and in particular with the obligation to return to a third country on the expiry of the **seasonal worker permit**, **may** be excluded from admission as **a** seasonal worker for one or more subsequent years. **Any exclusion shall be proportionate to the circumstances of the case.**

Or. en

Justification

An exclusion of seasonal workers should not be disproportionate. Therefore, the particular circumstances should be taken into account and Member States should have the necessary discretion to also decide in favour of the third-country national, should this prove proportionate.

Amendment 248
Cornelia Ernst, Thomas Händel

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

Text proposed by the Commission

(a) a third-country national who has **not complied** with the obligations arising from the admission decision during a previous stay as a seasonal worker, **and in particular with the obligation to return to a third country on the expiry of the permit**, shall be excluded from admission as seasonal worker for one or more subsequent years;

Amendment

(a) a third-country national who has, **in a severe manner, failed to comply** with the obligations arising from the admission decision during a previous stay as a seasonal worker, shall be excluded from admission as seasonal worker for one or more subsequent years;

Or. en

Amendment 249
Georgios Papanikolaou

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

Text proposed by the Commission

(a) a third-country national who has not complied with the obligations arising from the admission decision during a previous stay as a seasonal worker, and in particular with the obligation to return to a third country on the expiry of the permit, shall be excluded from admission as seasonal worker for one or more subsequent years;

Amendment

(a) a third-country national who has not complied with the obligations arising from the admission decision during a previous stay as a seasonal worker, and in particular with the obligation to return to a third country on the expiry of the permit, **or who has committed infringements and offences under the law of the Member State**, shall be excluded from admission as seasonal worker for one or more subsequent years;

Or. el

Amendment 250
Daniël van der Stoep

Proposal for a directive
Article 12 – paragraph 2 – point b

Text proposed by the Commission

(b) an employer *who has not fulfilled the obligations arising out of the work contract shall be subject to effective, proportionate and dissuasive sanctions. Such employers shall be excluded from applications for seasonal workers for one or more subsequent years.*

Amendment

(b) **prohibit** an employer **from applying** for seasonal workers **for so long as the Member State concerned chooses and for no matter what reason.**

Or. nl

Amendment 251
Sari Essayah

Proposal for a directive
Article 12 – paragraph 2 – point b

Text proposed by the Commission

(b) an employer who has not fulfilled the obligations *arising out of the work contract* shall be subject to effective, proportionate and dissuasive sanctions. Such employers shall be excluded from applications for seasonal workers for one or more subsequent years.

Amendment

(b) an employer who has not fulfilled the obligations **based on national labour law** shall be subject to effective, proportionate and dissuasive sanctions. Such employers shall be excluded from applications for seasonal workers for one or more subsequent years. **However, any exclusion shall be proportionate to the circumstances of the case.**

Or. en

Amendment 252
Salvatore Iacolino, Roberta Angelilli, Clemente Mastella, Alfredo Pallone

Proposal for a directive
Article 12 a (new)

Text proposed by the Commission

Amendment

Article 12a

Penalties for employers

Without prejudice to 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 nationals¹, the Member States shall draw up monitoring, assessment and inspection systems to combat and penalise any abuses, with particular reference to situations where workers are exploited by organised crime.

¹ OJ L 168, 30.6.2009, p. 24.

Or. it

Amendment 253

Mariya Nedelcheva, Marian-Jean Marinescu, Monica Luisa Macovei

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

Text proposed by the Commission

1. The competent authorities of the Member State shall adopt a decision on the application and notify the applicant in writing, in accordance with the notification procedures laid down in the national law of the Member State, within 30 days of the complete application being lodged.

Amendment

1. The competent authorities of the Member State shall adopt a decision on the application and notify the applicant in writing, in accordance with the notification procedures laid down in the national law of the Member State, within 30 days of the complete application being lodged. ***The procedural safeguard should not put seasonal workers from the new Member States of the EU, for whom transitional arrangements on the labour market still exist and entail lengthy application procedure, in a disadvantaged position.***

Or. en

Justification

A procedural safeguard which puts seasonal workers from the new Member States, for whom transitional arrangement still apply, at a disadvantaged position, will make employers more prone to hire third country nationals rather than EU citizens from those countries.

Amendment 254

Birgit Sippel

Proposal for a directive

Article 13 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

National law of the relevant Member State shall determine any consequence of a decision not having been taken by the end of the period provided for in the first subparagraph.

Or. en

Amendment 255

Judith Sargentini

Proposal for a directive

Article 13 – paragraph 2

Text proposed by the Commission

Amendment

2. Where the information supplied in support of the application is inadequate, the competent authorities shall notify the applicant within ***a reasonable period*** of the additional information that is required and set a reasonable deadline for providing it.

2. Where the information supplied in support of the application is inadequate, the competent authorities shall notify the applicant within ***10 working days*** of the additional information that is required and set a reasonable deadline for providing it.

Or. en

Amendment 256

Monika Hohlmeier, Manfred Weber

Proposal for a directive
Article 13 – paragraph 3

Text proposed by the Commission

3. Any decision rejecting an application, or **any** decision not to renew or to withdraw the permit, shall be notified in writing to the **applicant** and shall be open to **a** legal challenge in the Member State concerned in accordance with national law. The notification shall specify the reasons for the decision, the possible redress procedures available and the time limit for taking action.

Amendment

3. Any decision rejecting an application or **a** decision not to renew or to withdraw the permit, shall be notified in writing to the **third-country national concerned** and, **where relevant, to his employer in accordance with the notification procedures under the relevant national law and** shall be open to legal challenge in the Member State concerned, in accordance with national law. The notification shall specify the reasons for the decision, the possible redress procedures available and the time limit for taking action.

Or. en

Justification

For reasons of consistency and legal certainty, the same wording as in the Council Directive 2008/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (EU Blue Card Directive) should be chosen.

Amendment 257
Claude Moraes, Sergio Gaetano Cofferati

Proposal for a directive
Article 14

Text proposed by the Commission

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from accommodation that ensures **an adequate** standard of living. **If seasonal workers are required to pay rent for such accommodation, its cost shall not be excessive in relation to their remuneration.**

Amendment

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from **adequate** accommodation, **pursuant to national legislation and practice**, that ensures **a decent** standard of living.

Amendment 258
Marie-Christine Vergiat

Proposal for a directive
Article 14

Text proposed by the Commission

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from accommodation *that ensures an adequate standard of living. If seasonal workers are required to pay rent for such accommodation, its cost shall not be excessive in relation to their remuneration.*

Amendment

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from *adequate* accommodation, *in accordance with international standards defined in the International Covenant on Economic, Social and Cultural Rights, adopted by the United Nations General Assembly on 16 December 1966 and specified by the UN Committee on Economic, Social and Cultural Rights in its general comment No 4 concerning Article 11(1) of the Covenant. As a minimum, therefore, such accommodation shall be habitable in that it provides the inhabitants with adequate space and protection from cold, damp, heat, rain, wind and other threats to health, structural hazards, and disease vectors. It shall be safe and well maintained, and shall provide the facilities essential for health, security, comfort and nutrition, such as safe drinking water, cooking facilities, energy for cooking, heating and lighting, sanitation and washing facilities, as well as means of food storage and a refuse-disposal system. The accommodation shall allow access to basic services.*

Amendment 259
Monika Hohlmeier, Manfred Weber

Proposal for a directive
Article 14

Text proposed by the Commission

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from accommodation that ensures ***an adequate*** standard of living. If seasonal workers are required to pay rent for such accommodation, its cost shall not be excessive in relation to their remuneration.

Amendment

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from ***adequate*** accommodation that ensures ***a decent*** standard of living. ***As a minimum, such accommodation shall be conducive to health and safety. The accommodation shall allow access to basic services.*** If seasonal workers are required to pay rent for such accommodation, its cost shall not be excessive in relation to their remuneration.

Or. en

Justification

The accommodation shall be adequate and humane and hence offer protection of threats to health and safety.

Amendment 260
Jan Mulder, Wim van de Camp

Proposal for a directive
Article 14

Text proposed by the Commission

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from accommodation that ensures an adequate standard of living. If seasonal workers are required to pay rent for such accommodation, its cost shall not be excessive in relation to their remuneration.

Amendment

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from accommodation that ensures an adequate standard of living ***according to the minimum standards of national law.*** If seasonal workers are required to pay rent for such accommodation, its cost shall not be excessive in relation to their remuneration.

Or. en

Amendment 261

Renate Weber

Proposal for a directive

Article 14

Text proposed by the Commission

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from accommodation that ensures ***an adequate*** standard of living. If seasonal workers are required to pay rent for such accommodation, its cost shall not be excessive in relation to their remuneration.

Amendment

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from accommodation that ensures ***a*** standard of living ***equivalent to the standard of living for nationals who work on a seasonal basis and/or other Union seasonal workers***. If seasonal workers are required to pay rent for such accommodation, its cost shall not be excessive in relation to their remuneration.

Or. en

Justification

It should be clarified that the adequate standard of living should be equal to (not better than) the standard of living of the Member States' own citizens and other Union citizens, who work on a seasonal basis.

Amendment 262

Salvatore Iacolino, Roberta Angelilli, Clemente Mastella, Alfredo Pallone

Proposal for a directive

Article 14

Text proposed by the Commission

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from accommodation that ensures an adequate standard of living. If seasonal workers are required to pay rent for such accommodation, its cost shall not be excessive in relation to their remuneration.

Amendment

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from accommodation that ensures an adequate standard of living, ***under decent health and hygiene conditions certified by the competent authorities***. If seasonal workers are required to pay rent for such

accommodation, its cost shall not be excessive in relation to their remuneration ***and in any case should enable the workers to live freely and with dignity.***

Or. it

Amendment 263
Georgios Papanikolaou

Proposal for a directive
Article 14

Text proposed by the Commission

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from accommodation that ensures an adequate standard of living. If seasonal workers are required to pay rent for such accommodation, its cost shall not be excessive in relation to their remuneration.

Amendment

Member States shall require employers of seasonal workers to provide evidence that the seasonal worker will benefit from accommodation that ensures an adequate standard of living ***throughout the duration of the employment contract.*** If seasonal workers are required to pay rent for such accommodation, its cost shall not be excessive in relation to their remuneration.

Or. el

Amendment 264
Judith Sargentini, Hélène Flautre

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

Text proposed by the Commission

Amendment

1a. The seasonal worker shall have the possibility to accept or refuse the accommodation provided by the employer.

Or. en

Amendment 265
Claude Moraes, Sergio Gaetano Cofferati

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

Text proposed by the Commission

Amendment

1a. As a minimum, such accommodation shall provide the inhabitants with adequate space, shall protect them from the elements and other threats to health, shall be safe and well maintained, and shall provide the facilities essential for health, security, comfort and nutrition, such as safe drinking water, systems for cooking, heating and lighting, sanitation and washing facilities, means of food storage and refuse disposal. The location of the accommodation and the surrounding transport infrastructure shall allow access to basic services, including basic health and social services.

Or. en

Amendment 266
Georgios Papanikolaou

Proposal for a directive
Article 14 a (new)

Text proposed by the Commission

Amendment

Article 14 a

Obligations of the employers

Member States shall require employers of seasonal workers to pay for:

(a) the cost of travel from the seasonal workers' place of origin to the place of work in the Member State concerned and the return journey in accordance with safety standards;

(b) the visa fee and, if applicable, any service fees related to the visa;

(c) the cost of health insurance referred to in point (c) of Article 5;

(d) a deposit for each worker admitted, which is refundable only if the worker returns, this will be confirmed by the national Consular office in the country of origin for the third country national. In case that a Member State does not have such an office in the third country then the seasonal worker must present himself/herself in the Consular office of another Member State or in the delegation of the EU.

Or. en

Amendment 267
Georgios Papanikolaou

Proposal for a directive
Article 14 b (new)

Text proposed by the Commission

Amendment

‘Article 14b

Requirement to report change of accommodation

In the event of a change in the seasonal worker’s accommodation, either the worker or employer shall be required within a reasonable time period to report the change to the authority designated as responsible by each Member State. Failure to comply with this requirement may be grounds for exclusion from admission to the Member State in future pursuant to Article 12(2)(a).

Or. el

Amendment 268
Monika Hohlmeier, Manfred Weber

Proposal for a directive
Article 15 – introductory part

Text proposed by the Commission

During the period of validity of a seasonal worker permit, the holder shall enjoy at least the following rights:

Amendment

During the period of validity of a seasonal worker permit, the holder shall enjoy at least the following rights, ***without prejudice to the Schengen Borders Code and the Schengen Implementing Convention***:

Or. en

Justification

For legal certainty, it is necessary to clarify that seasonal workers when making use of their right of free movement are subject to the Schengen Borders Code and the Schengen Implementation Convention at all times.

Amendment 269

Cornelia Ernst, Thomas Händel

Proposal for a directive

Article 15 – point a

Text proposed by the Commission

(a) the right to enter and stay in the ***territory*** of the Member State ***issuing*** the ***permit***;

Amendment

(a) the right to enter and stay in the ***territories*** of the Member State ***of the European Union***;

Or. en

Amendment 270

Marie-Christine Vergiat

Proposal for a directive

Article 15 – point b a (new)

Text proposed by the Commission

Amendment

ba) free access to the territory of the Schengen Area Member States during the stay;

Amendment 271

Ioan Enciu

Proposal for a directive

Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16 a

Monitoring and inspections

Member States shall ensure that appropriate monitoring mechanisms of employers, recruitment agencies or other intermediaries are put in place and that adequate inspections are carried out on their territory to ensure that the provisions laid down in this Directive, in particular regarding rights, working conditions and accommodation, are fully respected throughout the duration of the seasonal workers' stay in the Member State concerned.

Or. en

Justification

An effective monitoring system regarding employers, the recruitment agencies or other intermediaries is needed in order to ensure that the rights of the seasonal workers and the provisions of this Directive will be fully respected.

Amendment 272

Judith Sargentini, H el ene Flautre

Proposal for a directive

Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16 a

Monitoring and inspections

1. Member States shall ensure that appropriate monitoring mechanisms are put in place, that adequate and regular inspections are carried out on their territory by the relevant national authorities and that organisations representing workers' interest have access to the workplace and the accommodation if provided by the employer, to ensure that the provisions laid down in this Directive, in particular regarding rights, working conditions and accommodation, are fully respected throughout the duration of the seasonal workers' stay in the Member State concerned.

2. Member States shall ensure that at least 30% of companies offering seasonal employment established on their territory per year are subject to inspections.

3. The selection of companies to be inspected shall be based on a risk assessment to be drawn up by the competent authorities in the Member States taking into account factors such as the sector in which a company operates and any past record of infringement.

Or. en

Amendment 273
Marie-Christine Vergiat

Proposal for a directive
Article 16 a (new)

Text proposed by the Commission

Amendment

Article 16a

Family members

1. Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification¹ shall apply, subject to the derogations provided for in paragraphs 2 to 5.

2. By way of derogation from Articles 3(1) and 8 of Directive 2003/86/EC, family reunification in the first Member State shall not be made subject to the requirement that the holder of the seasonal worker permit issued on the basis of this Directive must have reasonable prospects of obtaining the right of permanent residence and have a minimum period of residence.

3. By way of derogation from the third subparagraph of Article 4(1) and from Article 7(2) of Directive 2003/86/EC, the integration criteria and measures referred to therein may be applied by the first Member State only after the persons concerned have been granted family reunification.

4. By way of derogation from the first subparagraph of Article 5(4) of Directive 2003/86/EC, residence permits for family members shall be granted by the first Member State, if the conditions for family reunification are fulfilled, at the latest within two months from the date on which the application was lodged.

5. By way of derogation from Article 13(2) and (3) of Directive 2003/86/EC, the duration of validity of the residence permits of family members in the first Member State shall be the same as that of the seasonal worker permit, insofar as the period of validity of their travel documents allows.

¹ OJ L 251, 3.10.2003, p. 12.

Or. fr

Amendment 274
Marie-Christine Vergiat

Proposal for a directive
Article 17

Text proposed by the Commission

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

Amendment

Member States shall ensure that ***there are effective mechanisms through which seasonal workers may lodge complaints against their employers, directly or through*** third parties which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring compliance with this Directive, ***or through a competent authority of the Member State if there is appropriate provision under national legislation. Before a complaint is lodged, Member States shall ensure that third parties which have a legitimate interest in ensuring compliance with this Directive*** may engage, either on behalf of or in support of a seasonal worker, ***in any form of mediation between the employer and the seasonal worker and*** any administrative or civil proceedings provided for with the objective of implementing this Directive.

Or. fr

Amendment 275
Georgios Papanikolaou

Proposal for a directive
Article 17

Text proposed by the Commission

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

Amendment

Member States shall ensure that third parties which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring compliance with this Directive, may engage either on behalf of or in support of a seasonal worker, with his/her approval ***and after providing clear and comprehensible information,*** in any administrative or civil proceedings provided for with the objective

of implementing this Directive.

Or. el

Amendment 276

Ioan Enciu

Proposal for a directive

Article 17 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Member States shall ensure that there are effective mechanisms through which seasonal workers may lodge complaints against their employers, recruitment agencies or other intermediaries directly or through third parties which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring compliance with this Directive, or a competent authority of the Member State when provided for by national legislation.

Or. en

Justification

Given the vulnerability of seasonal workers to exploitation it is essential that there are effective mechanisms in place for seasonal workers to complain themselves, or via third parties against their employers, the recruitment agencies or other intermediaries.

Amendment 277

Monika Hohlmeier, Manfred Weber

Proposal for a directive

Article 18 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall communicate to the Commission statistics on the number of residence permits and visas issued ***for the***

1. Member States shall communicate to the Commission statistics on the number of residence permits and visas issued,

first time or renewed and, as far as possible, on the number of residence permits and visas withdrawn for the purpose of seasonal employment to persons who are third-country nationals, disaggregated by citizenship, age and sex, length of validity of the permit and economic sector.

disaggregated by citizenship *and* age.

Or. en

Justification

Whilst the collection of statistical data is necessary and helpful, the proposed disaggregation would present a disproportionate administrative burden to the Member States' authorities. Furthermore, these data are not necessary for achieving the purpose of this directive.

Amendment 278
Daniël van der Stoep

Proposal for a directive
Article 18 – paragraph 1

Text proposed by the Commission

1. Member States **shall** communicate to the Commission statistics on the number of residence permits and visas issued for the first time or renewed and, as far as possible, on the number of residence permits and visas withdrawn for the purpose of seasonal employment to persons who are third-country nationals, disaggregated by citizenship, age and sex, length of validity of the permit and economic sector.

Amendment

1. Member States **may** communicate to the Commission statistics on the number of residence permits and visas issued for the first time or renewed and, as far as possible, on the number of residence permits and visas withdrawn for the purpose of seasonal employment to persons who are third-country nationals, disaggregated by citizenship, age and sex, length of validity of the permit and economic sector.

Or. nl

Amendment 279
Daniël van der Stoep

Proposal for a directive
Article 18 – paragraph 3

Text proposed by the Commission

Amendment

3. The statistics referred to in paragraph 1 shall relate to reference periods of one calendar year and shall be communicated to the Commission within six months of the end of the reference year. The first reference year shall be [the year following the point of time referred to in Article 20(1)].

deleted

Or. nl

Amendment 280

Jan Mulder

Proposal for a directive

Article 19

Text proposed by the Commission

Amendment

Every **three** years, and for the first time no later than [**three** years after the date of transposition of this Directive], the Commission shall submit a report to the European Parliament and to the Council on the application of this Directive in the Member States and shall propose any amendments necessary.

Every **two** years, and for the first time no later than [**two** years after the date of transposition of this Directive], the Commission shall submit a report to the European Parliament and to the Council on the application of this Directive in the Member States and shall propose any amendments necessary.

Or. en

Amendment 281

Judith Sargentini

Proposal for a directive

Article 19

Text proposed by the Commission

Amendment

Every three years, and for the first time no later than [**three** years after the date of transposition of this Directive], the Commission shall submit a report to the

Every three years, and for the first time no later than [**two** years after the date of transposition of this Directive], the Commission shall submit a report to the

European Parliament and to the Council on the application of this Directive in the Member States and shall propose any amendments necessary.

European Parliament and to the Council on the application of this Directive in the Member States and shall propose any amendments necessary.

Or. en

Amendment 282
Georgios Papanikolaou

Proposal for a directive
Article 19 a (new)

Text proposed by the Commission

Amendment

‘Article 19a

Notification of a Member State’s requirements for seasonal workers

In order to ensure that the principle of giving preference to EU citizens with regard to access to the Member States’ labour markets is effectively applied, the Member States shall periodically announce the results of research and studies concerning their requirements for seasonal workers and the existence of specific posts for seasonal workers within their territory using the means of communication available to European organisations for this purpose (European organisations’ websites, television networks, etc.). Employers shall be encouraged as far as possible to contribute to the publication of announcements providing such information. Member States shall strive to assist employers in this matter by providing them with all the necessary means.

Or. el

Amendment 283
Daniël van der Stoep

Proposal for a directive
Article 20

Text proposed by the Commission

Amendment

Transposition

deleted

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by (24 months from the date of publication in the Official Journal of the European Union) at the latest. They shall forthwith communicate to the Commission the text of those provisions and a correlation table between those provisions and this Directive. When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Or. nl