



2016/0176(COD)

3.3.2017

AMENDMENTS

129 - 338

Draft report

Claude Moraes

(PE595.499v04-00)

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

Proposal for a directive

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

Amendment 129
Marine Le Pen, Gilles Lebreton

Proposal for a directive

–

Proposal for rejection

The European Parliament rejects the Commission proposal.

Or. fr

Amendment 130
Nathalie Griesbeck

Proposal for a directive

Title 1

Text proposed by the Commission

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
highly skilled employment **highly** skilled
employment

Amendment

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
skilled employment

(This amendment applies throughout the text. Adopting it will necessitate corresponding changes throughout.)

Or. en

Justification

The Blue card directive should not be limited to strictly “highly skilled employment” but “skilled employment”, to respond to current and future labour market needs in Europe and in the Member States.

Amendment 131
Bodil Valero

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

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) The Commission's Communication of 3 March 2010 entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth'³⁰ sets the objective of the Union becoming an economy based on knowledge and innovation, reducing the administrative burden on companies and better matching labour supply with demand. Measures to facilitate the admission of third-country national highly skilled workers have to be seen in that broader context.

³⁰ COM(2010) 2020 final

Amendment

(1) The Commission's Communication of 3 March 2010 entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth'³⁰ sets the objective of the Union becoming an economy based on knowledge and innovation, reducing the administrative burden on companies and better matching labour supply with demand ***and identifies the need for a comprehensive labour migration policy, and for better integration of migrants.*** Measures to facilitate the admission of third-country national highly skilled workers have to be seen in that broader context.

³⁰ COM(2010) 2020 final

Or. en

Amendment 132
Lorenzo Fontana

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) The Commission's Communication of 3 March 2010 entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth'³⁰ ***sets the objective of the Union becoming*** an economy based on knowledge and innovation, reducing the administrative burden on companies and better matching labour supply with demand. Measures to ***facilitate*** the

PE599.783v01-00

Amendment

(1) The Commission's Communication of 3 March 2010 entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth'³⁰ ***should encourage the Member States to promote*** an economy based on knowledge and innovation, reducing the administrative burden on companies and better matching labour supply with demand. Measures to ***regulate***

admission of third-country national highly skilled workers have to be seen in that broader context.

³⁰ COM(2010) 2020 final

the admission of third-country national highly skilled workers have to be seen in that broader context.

³⁰ COM(2010) 2020 final

Or. it

Amendment 133
Marine Le Pen, Gilles Lebreton

Proposal for a directive
Recital 1

Text proposed by the Commission

(1) The Commission's Communication of 3 March 2010 entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth'³⁰ sets the objective of the Union becoming an economy based on knowledge and innovation, reducing the administrative burden on companies and better matching labour supply with demand. *Measures to facilitate the admission of third-country national highly skilled workers have to be seen in that broader context.*

³⁰ COM(2010) 2020 final

Amendment

(1) The Commission's Communication of 3 March 2010 entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth'³⁰ sets the objective of the Union becoming an economy based on knowledge and innovation, reducing the administrative burden on companies and better matching labour supply with demand. *Access to the labour market should therefore be facilitated and encouraged for the more than 20 million people who are unemployed in the European Union.*

³⁰ COM(2010)2020 final

Or. fr

Amendment 134
Bodil Valero
on behalf of the Verts/ALE Group
Judith Sargentini, Barbara Spinelli

Proposal for a directive
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) *The working-age population in the Union is projected to decline by 7.5 million by 2020^{1a} and projections on the development of labour market needs in the Union point to emerging and future shortages in specific fields.*

^{1a} *See: Joint EU-OECD Policy Brief “Matching Economic Migration with Labour Market Needs in Europe”, September 2014, p. 5.*

Or. en

Amendment 135

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Recital 1 b (new)

Text proposed by the Commission

Amendment

(1b) *The European Parliament, in its resolution of 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration, noted that the current fragmented Union legislative framework regulating the access of third-country nationals to employment in the Union, focusing on specific categories of workers rather than on regulating, generally, all migrant workers, can only contribute to meeting short-term, specific needs. In its resolution of 12 April 2016 the European Parliament called on the Union to establish, in the medium and long term, more general rules governing the entry and residence for third-country nationals seeking employment in the Union, including in low and medium-wage*

sectors.

Or. en

Amendment 136

Maria Grapini

Proposal for a directive

Recital 3

Text proposed by the Commission

(3) The European Agenda on Migration adopted on 13 May 2015 calls for an attractive EU-wide scheme for highly qualified third-country nationals, and specifies that a review of Council Directive 2009/50/EC³¹ is needed to make it more effective in attracting talents to the Union and thereby address both the demographic challenges faced by the Union and labour and skills shortages in key sectors of the Union economy.

³¹ Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (OJ L 155, 18.6.2009, p.17).

Amendment

(3) The European Agenda on Migration adopted on 13 May 2015 calls for an attractive EU-wide scheme for highly qualified third-country nationals, and specifies that a review of Council Directive 2009/50/EC³¹ is needed to make it more effective in attracting talents to the Union and thereby address both the demographic challenges faced by the Union and labour and skills shortages in key sectors of the Union economy, ***with a view to economic growth and a more competitive EU economy.***

³¹ Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (OJ L 155, 18.6.2009, p.17).

Or. ro

Amendment 137

Kristina Winberg

Proposal for a directive

Recital 4

Text proposed by the Commission

(4) ***It is necessary to respond to the***

Amendment

deleted

challenges identified in the implementation report on Directive 2009/50/EC. The Union should aim at establishing a more attractive and effective EU-wide scheme for highly skilled workers. The Union approach on attracting highly skilled workers should be further harmonised and the EU Blue Card should be made the primary tool in that regard with faster procedures, more flexible and inclusive admission criteria, and more extensive rights including more facilitated intra-EU mobility. As this would entail substantial changes to Directive 2009/50/EC, that Directive should therefore be repealed and replaced by a new Directive.

Or. en

Amendment 138
Miltiadis Kyrkos

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) It is necessary to respond to the challenges identified in the implementation report on Directive 2009/50/EC. The Union should aim at establishing a more attractive and effective EU-wide scheme for highly skilled workers. The Union approach on attracting highly skilled workers should be further harmonised and the EU Blue Card should be made the primary tool in that regard with faster procedures, more flexible and inclusive admission criteria, and more extensive rights including more facilitated intra-EU mobility. As this would entail substantial changes to Directive 2009/50/EC, that Directive should therefore be repealed and replaced by a new Directive.

Amendment

4. It is necessary to respond to the challenges identified in the implementation report on Directive 2009/50/EC. The Union should aim at establishing a more attractive and effective EU-wide scheme for highly skilled workers. ***The revision of the Blue Card Directive also provides an opportunity to make improvements regarding safe and legal channels into Europe.*** The Union approach on attracting highly skilled workers should be further harmonised and the EU Blue Card should be made the primary tool in that regard with faster procedures, more flexible and inclusive admission criteria, and more extensive rights including more facilitated intra-EU mobility. As this would entail substantial changes to Directive

2009/50/EC, that Directive should therefore be repealed and replaced by a new Directive.

Or. el

Amendment 139
Barbara Spinelli

Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) According to the Communication from the European Commission on the Implementation of Directive 2009/50 in 2014, only 2.1% of the number of beneficiaries of the Blue Card during the first phase of the implementation in 2012 came from Sub-Saharan Africa. This may indicate implicit racial bias applied preventing certain types of workers to access to some more favourable statuses (and therefore enjoying equal treatment with other workers or other family members).

The lack of diversity of the Blue Card holders may reflect national policies and practices which can perpetuate forms of direct, indirect or institutional discrimination towards new candidates.

Or. en

Justification

The current Commission proposal is based on the results of the first Blue Card assessment which was launched via the Communication from the European Commission on the Implementation of Directive 2009/50 in 2014. This report allowed European Institutions to recognise the barriers and challenges faced by the applicants and the public authorities in the procedural phase. Considering that the Directive's transposal to national legislation was delayed, the results collected could only reflect the implementation of the first two years of this instrument. The Communication addressed the lack of attractiveness of the Blue Card compared to Member States' national schemes and highlighted the low level of coherence between Member States processes. The report also demonstrated figures on the number of

applications. However, no distinction was presented between applications coming from within the European Union (secondary movement) or from applicants' based in their host countries (where first request was not linked to previous EU resident permits). Blue card beneficiaries in the first phase of the legislation implementation were mainly workers from Asia (1 886), followed by Eastern Europe (463), Northern America (380), South America, (278), Southern Europe (227), Northern Africa (174) and Central America (118). Only 78 beneficiaries were from the rest of Africa.

Link to the report:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52014DC0287&from=EN>

Amendment 140
Monika Hohlmeier

Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) In order to reinforce and promote the EU Blue Card scheme and attract high skilled workers, the embassies and delegations of the EU and Member States in third countries should strengthen advertisement activities and information campaigns concerning the EU Blue Card. They should dispose of sufficient human and financial resources to provide information about the EU Blue Card to third country nationals on the ground.

Or. en

Amendment 141
Kristina Winberg

Proposal for a directive
Recital 5

Text proposed by the Commission

Amendment

(5) An EU-wide admission system to attract and retain highly skilled workers into the Union should be created. Member

(5) Member States should issue national permit instead of an EU Blue

States should issue *an EU Blue Card instead of a national permit to all applicants falling within the scope of this Directive. Member States should retain the right to issue permits other than EU Blue Card for any purpose of employment to third-country nationals who fall outside of the scope of this Directive, subject to the limitations following from other directives in the area of labour migration.*

Card.

Or. en

Amendment 142
Monika Hohlmeier

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) An EU-wide admission system to attract and retain highly skilled workers into the Union should be created. Member States should issue an EU Blue Card *instead of* a national permit to all applicants falling within the scope of this Directive. Member States should retain the right to issue permits other than EU Blue Card for any purpose of employment to third-country nationals who fall outside of the scope of this Directive, subject to the limitations following from other directives in the area of labour migration.

Amendment

(5) An EU-wide admission system to attract and retain highly skilled workers into the Union should be created *in the long run*. Member States should *choose to* issue an EU Blue Card *over* a national permit to all applicants falling within the scope of this Directive. *However, as significant differences remain between the Member States in the minimum salary levels, social standards and in terms of which kind of highly skilled workers are needed, national schemes remain necessary to overcome those differences at the moment*. Member States should retain the right to issue permits other than EU Blue Card for any purpose of employment to third-country nationals who fall outside of the scope of this Directive, subject to the limitations following from other directives in the area of labour migration.

Or. en

Amendment 143

Barbara Spinelli, Patrick Le Hyaric, Paloma López Bermejo

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) An EU-wide admission system to attract and retain highly skilled workers into the Union should be created. Member States should ***issue an EU Blue Card instead of a national permit to all applicants falling within the scope of this Directive. Member States should*** retain the right to issue permits other than EU Blue Card for any purpose of employment to third-country nationals who fall outside of the scope of this Directive, ***subject to the limitations following from other directives in the area of labour migration.***

Amendment

(5) An EU-wide admission system to attract and retain highly skilled workers into the Union should be created. Member States should retain the right to issue permits other than EU Blue Card for any purpose of employment to third-country nationals who fall outside of the scope of this Directive.

Or. en

Justification

The amendment is intended to ensure consistency with later amendments.

Amendment 144

Maria Grapini

Proposal for a directive

Recital 5

Text proposed by the Commission

(5) ***An*** EU-wide admission system to attract and retain highly skilled workers into the Union should be created. Member States should issue an EU Blue Card instead of a national permit to all applicants falling within the scope of this Directive. Member States should retain the right to issue permits other than EU Blue Card for any purpose of employment to third-country nationals who fall outside of the scope of this Directive, subject to the

Amendment

(5) ***A clear and transparent*** EU-wide admission system to attract and retain highly skilled workers into the Union should be created, ***without leading to an imbalance in the EU labour market.*** Member States should issue an EU Blue Card instead of a national permit to all applicants falling within the scope of this Directive. Member States should retain the right to issue permits other than EU Blue Card for any purpose of employment to

limitations following from other directives in the area of labour migration.

third-country nationals who fall outside of the scope of this Directive, subject to the limitations following from other directives in the area of labour migration.

Or. ro

Amendment 145
Nathalie Griesbeck

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) An EU-wide admission system to attract and retain **highly** skilled workers into the Union should be created. Member States should **issue an EU Blue Card instead of a national permit to all applicants falling within the scope of this Directive. Member States should retain the right to issue permits other than EU Blue Card for any purpose of employment to third-country nationals who fall outside of the scope of this Directive, subject to the limitations following from other directives in the area of labour migration.**

Amendment

(5) An EU-wide admission system to attract and retain skilled workers into the Union should be created. Member States should **progressively abolish within 5 years after the entry into force of this directive the existing national schemes for skilled workers. During the 5 years of transition or until the abolition of those national schemes, Member States should give preference to the EU Blue Card to applicants falling within the scope of this Directive and, when not possible, automatically deliver an EU blue card to all candidates who qualify for the national scheme.**

Or. en

Justification

One of the main reasons for the failure of the 2005 Blue Card directive is the coexistence of national schemes for highly qualified workers, that compete with the EU Blue Card. Therefore, we must, step by step, go towards a unique European Blue Card scheme.

Amendment 146
Bodil Valero
on behalf of the Verts/ALE Group
Judith Sargentini, Anna Hedh, Malin Björk

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) An EU-wide admission system to attract and retain highly skilled workers into the Union should be created. Member States should issue *an* EU Blue Card *instead of a national permit to all applicants falling within* the scope of this Directive. *Member States should retain the right to issue permits other than EU Blue Card for any purpose of employment to third-country nationals who fall outside of the scope of* this Directive, subject to the limitations following from other directives in the area of labour migration.

Amendment

(5) An EU-wide admission system to attract and retain highly skilled workers into the Union should be created. Member States should *retain the right to issue permits other than* EU Blue Card *for any purpose of employment to third-country nationals who fall outside* the scope of this Directive *or for national schemes which include more favourable provisions for the employment of highly-skilled* third-country nationals *covered by* this Directive, subject to the limitations following from other directives in the area of labour migration.

Or. en

Amendment 147
Nadine Morano

Proposal for a directive
Recital 5

Text proposed by the Commission

(5) An EU-wide admission system to attract *and retain* highly skilled workers into the Union should be created. Member States should issue an EU Blue Card instead of a national permit to all applicants falling within the scope of this Directive. Member States should retain the right to issue permits other than EU Blue Card for any purpose of employment to third-country nationals who fall outside of the scope of this Directive, subject to the limitations following from other directives in the area of labour migration.

Amendment

(5) An EU-wide admission system to attract highly skilled workers into the Union *and promote mobility* should be created. Member States should issue an EU Blue Card instead of a national permit to all applicants falling within the scope of this Directive. Member States should retain the right to issue permits other than EU Blue Card for any purpose of employment to third-country nationals who fall outside of the scope of this Directive, subject to the limitations following from other directives in the area of labour migration.

Or. fr

Amendment 148

Christine Revault D'Allonnes Bonnefoy, Claude Moraes, Sylvie Guillaume

Proposal for a directive

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) In that context, consideration should be given to expanding access to the European network of employment services (EURES) so that all the job opportunities in the Member States are also accessible by third countries nationals, since in order to get the “EU Blue Card” permit, those third-country nationals must first have a job offer. Expanding access to EURES would allow third-country nationals to avail themselves of the necessary assistance and support when using the platform.

Or. en

Amendment 149

Barbara Spinelli

Proposal for a directive

Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) Governments and employers should promote early access to labour markets because doing so improves refugees’ long-run employment and economic prospects. At the same time these actors should seek to ensure that such access does not lead to downward social mobility, poor skills match, and low wages (compared with the locals)

Or. en

Justification

Source: Refugees' Right to Work and Access to Labor Markets – An Assessment. Roger Zetter and Héloïse Ruaudel, September 2016, Global Knowledge Partnership on Migration and Development (KNOMAD)

Amendment 150

Barbara Spinelli, Patrick Le Hyaric

Proposal for a directive

Recital 5 b (new)

Text proposed by the Commission

Amendment

(5b) National, regional and local authorities are encouraged to propose guidance for reasonable accommodation and to tackle exclusion of specific vulnerable groups. Calls for dialogue with social partners, including trade unions and employers, who should also aim at defining guidance for reasonable accommodation practices to be put in place for Blue Card holders.

Or. en

Justification

Equality and diversity continues to be one of the key challenges facing labour markets within the EU Member States. The integration of migrants from ethnic and religious minorities is determined to a large extent by their opportunities to actively participate in gainful employment. As highlighted by ENAR's report "Reasonable accommodation of Cultural diversity in the workplace", reasonable accommodation enables members of minority groups to preserve their identities without being marginalised or losing their own.

Link to the report:

http://cms.horus.be/files/99935/MediaArchive/publications/3rd%20Adhoc_report_FINAL.pdf

Amendment 151

Christine Revault D'Allonnes Bonnefoy, Claude Moraes, Sylvie Guillaume

Proposal for a directive

Recital 5 b (new)

(5b) The Union should consider further EU-wide admission systems to attract and retain workers – who are not categorized as highly skilled – where they would fill in identified labour market needs in the Members States

Or. en

Amendment 152
Kristina Winberg

Proposal for a directive
Recital 6

Text proposed by the Commission

Amendment

(6) The concept of highly skilled worker should replace the concept of highly qualified worker ***in order to emphasise that both formal educational qualifications and equivalent professional experience should be taken equally into account as criteria for admission.***

According to a Council Recommendation of 20 December 2012³², the validation of learning outcomes, namely competences (knowledge, skills and attitudes)³³ acquired through non-formal and informal learning can play an important role in enhancing employability and mobility. It recommends Member States to have in place, no later than 2018, arrangements for the validation of non-formal and informal learning. As mechanisms and arrangements for the evaluation and validation of professional experience are not readily available in all Member States, an additional transposition period of two years after the entry into force of this Directive should be provided for the provisions related to recognising professional experience in order to enable Member States, where

(6) The concept of highly skilled worker should ***not*** replace the concept of highly qualified worker.

necessary, to develop such mechanisms and arrangements. Member States' National Contact Points on the EU Blue Card should be involved in effective cooperation with stakeholders and networks in the education, training, employment and youth sectors, as well as other relevant policy areas, for the purpose of recognising professional experience under this Directive.

³² *Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning (2012/C 398/01) (OJ C 398, 22.12.2012, p. 1).*

³³ *Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning (OJ L 394, 30.12.2006, p. 10).*

Or. en

Amendment 153
Monika Hohlmeier

Proposal for a directive
Recital 6

Text proposed by the Commission

(6) The concept of highly skilled worker should replace the concept of highly qualified worker in order to emphasise that both formal educational qualifications and equivalent professional experience should be taken equally into account as criteria for admission. According to a Council Recommendation of 20 December 2012³², the validation of learning outcomes, namely competences (knowledge, skills and attitudes)³³ acquired through non-formal and informal learning can play an important role in enhancing employability and mobility. It recommends

Amendment

(6) The concept of highly skilled worker should replace the concept of highly qualified worker in order to emphasise that both formal educational qualifications and equivalent professional experience should be taken equally into account as criteria for admission. According to a Council Recommendation of 20 December 2012³², the validation of learning outcomes, namely competences (knowledge, skills and attitudes)³³ acquired through non-formal and informal learning can play an important role in enhancing employability and mobility. It recommends

Member States to have in place, no later than 2018, arrangements for the validation of non-formal and informal learning. As mechanisms and arrangements for the evaluation and validation of professional experience are not readily available in all Member States, an additional transposition period of two years after the entry into force of this Directive should be provided for the provisions related to recognising professional experience in order to enable Member States, where necessary, to develop such mechanisms and arrangements. Member States' National Contact Points on the EU Blue Card should be involved in effective cooperation with stakeholders and networks in the education, training, employment and youth sectors, as well as other relevant policy areas, for the purpose of recognising professional experience under this Directive.

Member States to have in place, no later than 2018, arrangements for the validation of non-formal and informal learning. As mechanisms and arrangements for the evaluation and validation of professional experience are not readily available in all Member States, an additional transposition period of two years after the entry into force of this Directive should be provided for the provisions related to recognising professional experience in order to enable Member States, where necessary, to develop such mechanisms and arrangements. Member States' National Contact Points on the EU Blue Card should be involved in effective cooperation with stakeholders and networks in the education, training, employment and youth sectors, as well as other relevant policy areas, for the purpose of recognising professional experience under this Directive. ***At least until the establishment of an arrangement for the validation of non-formal and informal learning, every Member State should be obliged to verify whether the required professional experience of at least 3 years actually exists, by requesting justifying documents such as recommendations of former employees, former working contracts, job references or certificates of employment before issuing a Blue Card. The Commission should propose guidelines for the required justification documents in order to avoid different interpretations in the Member States and a misuse of the Blue Card system. There is a particular need for minimum verification standards the Member States have to apply before issuing Blue Cards upon professional experience with regards to Article 19 I of this proposal (Business activity in another Member State and limited right of scrutiny regarding the conditions for a Blue Card by the Second Member State).***

³² Council Recommendation of 20

³² Council Recommendation of 20

December 2012 on the validation of non-formal and informal learning (2012/C 398/01) (OJ C 398, 22.12.2012, p. 1).

³³ Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning (OJ L 394, 30.12.2006, p. 10).

December 2012 on the validation of non-formal and informal learning (2012/C 398/01) (OJ C 398, 22.12.2012, p. 1).

³³ Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning (OJ L 394, 30.12.2006, p. 10).

Or. en

Amendment 154 **Barbara Spinelli**

Proposal for a directive **Recital 6**

Text proposed by the Commission

(6) The concept of highly skilled worker should replace the concept of highly qualified worker in order to emphasise that both formal educational qualifications and equivalent professional experience should be taken equally into account as criteria for admission. According to a Council Recommendation of 20 December 2012³², the validation of learning outcomes, namely competences (knowledge, skills and attitudes)³³ acquired through non-formal and informal learning can play an important role in enhancing employability and mobility. It recommends Member States to have in place, no later than 2018, arrangements for the validation of non-formal and informal learning. As mechanisms and arrangements for the evaluation and validation of professional experience are not readily available in all Member States, ***an additional*** transposition period ***of two years after the entry into force of this Directive should be provided for the provisions related to recognising professional experience in order to enable*** Member States, ***where necessary, to develop*** such mechanisms and

Amendment

(6) The concept of highly skilled worker should replace the concept of highly qualified worker in order to emphasise that both formal educational qualifications and equivalent professional experience should be taken equally into account as criteria for admission. ***In addition, it should be taken into account that highly talented people with specific skills, who are recognised as highly skilled in their respective sector on the basis of testimonies of their teachers, trainers, portfolio or reputation or who have acquired professional recognition, should also be included in the concept of highly skilled worker.*** According to a Council Recommendation of 20 December 2012³², the validation of learning outcomes, namely competences (knowledge, skills and attitudes)³³ acquired through non-formal and informal learning can play an important role in enhancing employability and mobility. It recommends Member States to have in place, no later than 2018, arrangements for the validation of non-formal and informal learning. As mechanisms and arrangements for the

arrangements. Member States' National Contact Points on the EU Blue Card should be involved in effective cooperation with stakeholders and networks in the education, training, employment and youth sectors, as well as other relevant policy areas, for the purpose of recognising professional experience under this Directive.

evaluation and validation of professional experience are not readily available in all Member States, *the* transposition period *for this Directive should take account of that factor to enable Member States, where necessary, to develop such mechanisms and arrangements.* Member States *should consult the social partners when developing* such mechanisms and arrangements. Member States' National Contact Points on the EU Blue Card should be involved in effective cooperation with stakeholders, *trade unions, NGOs* and networks in the education, training, employment and youth sectors, as well as other relevant policy areas, for the purpose of recognising professional experience under this Directive.

³² Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning (2012/C 398/01) (OJ C 398, 22.12.2012, p. 1).

³³ Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning (OJ L 394, 30.12.2006, p. 10).

³² Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning (2012/C 398/01) (OJ C 398, 22.12.2012, p. 1).

³³ Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning (OJ L 394, 30.12.2006, p. 10).

Or. en

Justification

The period for transposing the revised Directive should be the same for all elements of the Directive to avoid confusion and delay. In addition, giving social partners a role in determining what constitutes “high professional skills” can facilitate a more accurate & efficient recognition process for qualifications and skills in Member States, while helping reassure those worried about national labour markets being undercut. The amendment also widens the scope of those who can qualify as “highly skilled”, in line with further amendments in the “definitions” chapter (Article 2)

Amendment 155

Bodil Valero

on behalf of the Verts/ALE Group

Jean Lambert, Judith Sargentini

Proposal for a directive

Recital 6

Text proposed by the Commission

(6) The concept of highly skilled worker should replace the concept of highly qualified worker in order to emphasise that both formal educational qualifications and equivalent professional experience should be taken equally into account as criteria for admission. According to a Council Recommendation of 20 December 2012³², the validation of learning outcomes, namely competences (knowledge, skills and attitudes)³³ acquired through non-formal and informal learning can play an important role in enhancing employability and mobility. It recommends Member States to have in place, no later than 2018, arrangements for the validation of non-formal and informal learning. As mechanisms and arrangements for the evaluation and validation of professional experience are not readily available in all Member States, an additional transposition period of two years after the entry into force of this Directive should be provided for the provisions related to recognising professional experience in order to enable Member States, where necessary, to develop such mechanisms and arrangements. Member States' National Contact Points on the EU Blue Card should be involved in effective cooperation with stakeholders and networks in the education, training, employment and youth sectors, as well as other relevant policy areas, for the purpose of recognising professional experience under this Directive.

Amendment

(6) The concept of highly skilled worker should replace the concept of highly qualified worker in order to emphasise that both formal educational qualifications and equivalent professional experience should be taken equally into account as criteria for admission. ***In addition, it should be taken into account that highly talented people with specific skills, who are recognised as highly skilled in their respective sector on the basis of testimonies of their teachers, trainers, portfolio or reputation or who have acquired professional recognition, should also be included in the concept of highly skilled worker.*** According to a Council Recommendation of 20 December 2012³², the validation of learning outcomes, namely competences (knowledge, skills and attitudes)³³ acquired through non-formal and informal learning can play an important role in enhancing employability and mobility. It recommends Member States to have in place, no later than 2018, arrangements for the validation of non-formal and informal learning. As mechanisms and arrangements for the evaluation and validation of professional experience are not readily available in all Member States, an additional transposition period of two years after the entry into force of this Directive should be provided for the provisions related to recognising professional experience in order to enable Member States, where necessary, to develop such mechanisms and arrangements. Member States' National Contact Points on the EU Blue Card should be involved in effective cooperation with stakeholders and networks in the education, training, employment and youth sectors, as well as other relevant policy

areas, for the purpose of recognising professional experience under this Directive.

³² Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning (2012/C 398/01) (OJ C 398, 22.12.2012, p. 1).

³³ Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning (OJ L 394, 30.12.2006, p. 10).

³² Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning (2012/C 398/01) (OJ C 398, 22.12.2012, p. 1).

³³ Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning (OJ L 394, 30.12.2006, p. 10).

Or. en

Amendment 156 Kinga Gál

Proposal for a directive Recital 6

Text proposed by the Commission

(6) The concept of highly skilled worker should **replace the concept of highly qualified worker** in order to **emphasise that both** formal educational qualifications **and** equivalent professional experience **should** be taken **equally** into account **as criteria for admission**. According to a Council Recommendation of 20 December 2012³², the validation of learning outcomes, namely competences (knowledge, skills and attitudes)³³ acquired through non-formal and informal learning can play an important role in enhancing employability and mobility. It recommends Member States to have in place, no later than 2018, arrangements for the validation of non-formal and informal learning. As mechanisms and arrangements for the evaluation and validation of professional experience are not readily available in all Member States, an additional transposition

Amendment

(6) The concept of highly skilled worker should **be introduced** in order to **stress that alongside** formal educational qualifications, **when provided for under national law**, equivalent professional experience **may** be taken into account. According to a Council Recommendation of 20 December 2012³², the validation of learning outcomes, namely competences (knowledge, skills and attitudes)³³ acquired through non-formal and informal learning can play an important role in enhancing employability and mobility. It recommends Member States to have in place, no later than 2018, arrangements for the validation of non-formal and informal learning. As mechanisms and arrangements for the evaluation and validation of professional experience are not readily available in all Member States, an additional transposition period of two years after the entry into

period of two years after the entry into force of this Directive should be provided for the provisions related to recognising professional experience in order to enable Member States, where *necessary*, to develop such mechanisms and arrangements. Member States' National Contact Points on the EU Blue Card should be involved in effective cooperation with stakeholders and networks in the education, training, employment and youth sectors, as well as other relevant policy areas, for the purpose of recognising professional experience *under this Directive*.

³² Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning (2012/C 398/01) (OJ C 398, 22.12.2012, p. 1).

³³ Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning (OJ L 394, 30.12.2006, p. 10).

force of this Directive should be provided for the provisions related to recognising professional experience in order to enable Member States, where *it is the case*, to develop such mechanisms and arrangements. Member States' National Contact Points on the EU Blue Card should be involved in effective cooperation with stakeholders and networks in the education, training, employment and youth sectors, as well as other relevant policy areas, for the purpose of recognising professional experience.

³² Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning (2012/C 398/01) (OJ C 398, 22.12.2012, p. 1).

³³ Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning (OJ L 394, 30.12.2006, p. 10).

Or. en

Amendment 157 **Nathalie Griesbeck**

Proposal for a directive **Recital 6**

Text proposed by the Commission

(6) The concept of *highly* skilled worker should replace the concept of highly qualified worker in order to emphasise that both formal educational qualifications and equivalent professional experience should be taken equally into account as criteria for admission. According to a Council Recommendation of 20 December 2012³², the validation of

Amendment

(6) The concept of skilled worker should replace the concept of highly qualified worker in order to emphasise that both formal educational qualifications and equivalent professional experience should be taken equally into account as criteria for admission. According to a Council Recommendation of 20 December 2012³², the validation of learning outcomes,

learning outcomes, namely competences (knowledge, skills and attitudes)³³ acquired through non-formal and informal learning can play an important role in enhancing employability and mobility. It recommends Member States to have in place, no later than 2018, arrangements for the validation of non-formal and informal learning. As mechanisms and arrangements for the evaluation and validation of professional experience are not readily available in all Member States, an additional transposition period of two years after the entry into force of this Directive should be provided for the provisions related to recognising professional experience in order to enable Member States, where necessary, to develop such mechanisms and arrangements. Member States' National Contact Points on the EU Blue Card should be involved in effective cooperation with stakeholders and networks in the education, training, employment and youth sectors, as well as other relevant policy areas, for the purpose of recognising professional experience under this Directive.

³² Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning (2012/C 398/01) (OJ C 398, 22.12.2012, p. 1).

³³ Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning (OJ L 394, 30.12.2006, p. 10).

namely competences (knowledge, skills and attitudes)³³ acquired through non-formal and informal learning can play an important role in enhancing employability and mobility. It recommends Member States to have in place, no later than 2018, arrangements for the validation of non-formal and informal learning. As mechanisms and arrangements for the evaluation and validation of professional experience are not readily available in all Member States, an additional transposition period of two years after the entry into force of this Directive should be provided for the provisions related to recognising professional experience in order to enable Member States, where necessary, to develop such mechanisms and arrangements. Member States' National Contact Points on the EU Blue Card should be involved in effective cooperation with stakeholders and networks in the education, training, employment and youth sectors, as well as other relevant policy areas, for the purpose of recognising professional experience under this Directive.

³² Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning (2012/C 398/01) (OJ C 398, 22.12.2012, p. 1).

³³ Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning (OJ L 394, 30.12.2006, p. 10).

Or. en

Justification

The Blue card directive should not be limited to strictly “highly skilled employment” but “skilled employment”, to respond to current and future labour market needs in Europe and in the Member States

Amendment 158

Mariya Gabriel, Carlos Coelho, Jeroen Lenaers

Proposal for a directive

Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) The aim should be to create a database of talented persons selected on account of recognition of their qualifications, their experience or the interest they have expressed in a particular sector. The database should be accessible to European businesses.

Or. fr

Amendment 159

Barbara Spinelli

Proposal for a directive

Recital 7

Text proposed by the Commission

Amendment

(7) This Directive should not affect the right of the Member States to determine the volumes of admission of third-country nationals coming from third countries to their territory in order to seek work in accordance with Article 79(5) of the Treaty. On that basis, Member States should be able to either consider an application for an EU Blue Card inadmissible or reject it. As Article 79(5) TFEU only refers to third-country nationals coming from third countries, the right to determine volumes of admission does not apply in situations where a third-country national has already been admitted in the territory of Member States under this Directive and is seeking to continue the period of residence in the same or a second Member State.

deleted

Amendment 160

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Recital 7

Text proposed by the Commission

(7) This Directive should not affect the right of the Member States to determine the volumes of admission of third-country nationals coming from third countries to their territory in order to seek work in accordance with Article 79(5) of the Treaty. ***On that basis, Member States should be able to either consider an application for an EU Blue Card inadmissible or reject it.*** As Article 79(5) TFEU only refers to third-country nationals coming from third countries, the right to determine volumes of admission does not apply in situations where a third-country national has already been admitted in the territory of Member States under this Directive and is seeking to continue the period of residence in the same or a second Member State.

Amendment

(7) This Directive should not affect the right of the Member States to determine the volumes of admission of third-country nationals coming from third countries to their territory in order to seek work in accordance with Article 79(5) of the Treaty. As Article 79(5) TFEU only refers to third-country nationals coming from third countries, the right to determine volumes of admission does not apply in situations where a third-country national has already been admitted in the territory of Member States under this Directive and is seeking to continue the period of residence in the same or a second Member State.

Amendment 161

Kristina Winberg

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) Beneficiaries of international protection ***as defined in Article 2(a) of Directive 2011/95/EU of the European***

Amendment

(8) Beneficiaries of international protection who are highly skilled should ***not*** be entitled to apply for an EU Blue

Parliament and of the Council³⁴ have a wide set of rights including labour market access in the Member State having granted them protection. In order to further promote social inclusion of these persons and enhance their labour market opportunities across the Union, those who are highly skilled should be entitled to apply for an EU Blue Card. They should be subject to the same rules as any other third-country national falling within the scope of this Directive, while holding the statuses of beneficiary of international protection and EU Blue Card holder in parallel. However, for reasons of legal clarity and coherence, the provisions on equal treatment and family reunification of this Directive should not apply to this group of EU Blue Card holders in the Member State which granted them international protection. Those rights should remain regulated under the asylum acquis and, where applicable, Council Directive 2003/86/EC³⁵.

Card. They should ***not*** be subject to the same rules as any other third-country national falling within the scope of this Directive, holding the statuses of beneficiary of international protection and EU Blue Card in parallel should not ***be*** granted.

³⁴ ***Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) (OJ L 337, 20.12.2011, p. 9).***

³⁵ ***Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251, 3.10.2003, p. 12).***

Or. en

Amendment 162
Anna Maria Corazza Bildt, Carlos Coelho

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) Beneficiaries of international protection as defined in Article 2(a) of Directive 2011/95/EU of the European Parliament and of the Council³⁴ have a wide set of rights including labour market access in the Member State having granted them protection. In order to further promote social inclusion of these persons and enhance their labour market opportunities across the Union, those who are highly skilled should be entitled to apply for an EU Blue Card. They should be subject to the same rules as any other third-country national falling within the scope of this Directive, while holding the statuses of beneficiary of international protection and EU Blue Card holder in parallel. ***However, for reasons of legal clarity and coherence, the provisions on equal treatment and family reunification of this Directive should not apply to this group of EU Blue Card holders in the Member State which granted them international protection. Those rights should remain regulated under the asylum acquis and, where applicable, Council Directive 2003/86/EC³⁵.***

³⁴ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) (OJ L 337, 20.12.2011, p. 9).

³⁵ ***Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251, 3.10.2003, p. 12).***

Amendment

(8) Beneficiaries of international protection as defined in Article 2(a) of Directive 2011/95/EU of the European Parliament and of the Council³⁴ have a wide set of rights including labour market access in the Member State having granted them protection. In order to further promote social inclusion of these persons and enhance their labour market opportunities across the Union, those who are highly skilled should be entitled to apply for an EU Blue Card. They should be subject to the same rules as any other third-country national falling within the scope of this Directive, while holding the statuses of beneficiary of international protection and EU Blue Card holder in parallel.

³⁴ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) (OJ L 337, 20.12.2011, p. 9).

Justification

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

Amendment 163**Barbara Spinelli, Paloma López Bermejo****Proposal for a directive****Recital 8***Text proposed by the Commission*

(8) Beneficiaries of international protection *as defined in Article 2(a) of Directive 2011/95/EU of the European Parliament and of the Council*³⁴ have a *wide* set of rights including labour market access in the Member State having granted them protection. In order to further promote social inclusion of these persons and enhance their labour market opportunities across the Union, those who are highly skilled should be entitled to apply for an EU Blue Card. They should be subject to the same rules as any other third-country national falling within the scope of this Directive, while holding the statuses of beneficiary of international protection *and EU Blue Card holder in parallel. However, for reasons of legal clarity and coherence, the provisions on equal treatment and family reunification of this Directive should not apply to this group of EU Blue Card holders in the Member State which granted them international protection. Those rights should remain regulated under the asylum acquis and, where applicable, Council Directive 2003/86/EC*³⁵.

Amendment

(8) Beneficiaries of international protection *and applicants for international protection* have a set of rights including labour market access in the Member State having granted them protection *or being responsible for their application for international protection*. In order to further promote social inclusion of these persons and enhance their labour market opportunities across the Union, those who are highly skilled should be entitled to apply for an EU Blue Card. They should be subject to the same rules as any other third-country national falling within the scope of this Directive, while holding the statuses of beneficiary of international protection, *or applicant for international protection, and EU Blue Card holder in parallel.*

³⁴ *Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) (OJ L 337, 20.12.2011, p. 9).*

³⁵ *Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251, 3.10.2003, p. 12).*

Or. en

Justification

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

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

Amendment 164

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Recital 8

Text proposed by the Commission

(8) Beneficiaries of international protection as defined in Article 2(a) of Directive 2011/95/EU of the European Parliament and of the Council³⁴ have a wide set of rights including labour market access in the Member State having granted them protection. In order to further promote social inclusion of these persons

Amendment

(8) Beneficiaries of international protection as defined in Article 2(a) of Directive 2011/95/EU of the European Parliament and of the Council³⁴ **and applicants for international protection** have a wide set of rights including labour market access in the Member State having granted them protection **or responsible for**

and enhance their labour market opportunities across the Union, those who are highly skilled should be entitled to apply for an EU Blue Card. They should be subject to the same rules as any other third-country national falling within the scope of this Directive, while holding the statuses of beneficiary of international protection and EU Blue Card holder in parallel. ***However, for reasons of legal clarity and coherence, the provisions on equal treatment and family reunification of this Directive should not apply to this group of EU Blue Card holders in the Member State which granted them international protection. Those rights should remain regulated under the asylum acquis and, where applicable, Council Directive 2003/86/EC³⁵.***

³⁴ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) (OJ L 337, 20.12.2011, p. 9).

³⁵ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251, 3.10.2003, p. 12).

determining their application for international protection. In order to further promote social inclusion of these persons and enhance their labour market opportunities across the Union, those who are highly skilled should be entitled to apply for an EU Blue Card. They should be subject to the same rules as any other third-country national falling within the scope of this Directive, while holding the statuses of beneficiary of international protection ***or of applicants for international protection*** and EU Blue Card holder in parallel. ***The rights of refugees and asylum applicants who are also holders of an EU Blue Card should remain regulated under the asylum acquis and, where applicable, Council Directive 2003/86/EC³⁵ and more favourable provisions covered by the EU Blue Card in terms of equal treatment, family reunification and mobility should equally apply.***

³⁴ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) (OJ L 337, 20.12.2011, p. 9).

³⁵ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251, 3.10.2003, p. 12).

Or. en

Amendment 165
Kristina Winberg

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) The transfer of responsibility for protection of beneficiaries of international protection is outside the scope of this Directive: ***the protection status and the rights associated with it should not be transferred to another Member State on the basis of the issuance of an EU Blue Card.***

Amendment

(9) The transfer of responsibility for protection of beneficiaries of international protection is outside the scope of this Directive.

Or. en

Amendment 166

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) The transfer of responsibility for protection of beneficiaries of international protection is outside the scope of this Directive: ***the protection status*** and the rights associated with ***it*** should not be transferred to another Member State on the basis of the issuance of an EU Blue Card.

Amendment

(9) The transfer of responsibility for protection of beneficiaries of international protection ***or of applicants for international protection*** is outside the scope of this Directive: ***those statuses*** and the rights associated with ***them*** should not be transferred to another Member State on the basis of the issuance of an EU Blue Card.

Or. en

Amendment 167

Lorenzo Fontana

Proposal for a directive

Recital 9

Text proposed by the Commission

(9) The transfer of responsibility for

Amendment

(9) The transfer of responsibility for

protection of beneficiaries of international protection is outside the scope of this Directive: the protection status and the rights associated with it should not be transferred to another Member State on the basis of the issuance of an EU Blue Card.

and obligations concerning protection of beneficiaries of international protection is outside the scope of this Directive: the protection status and the rights associated with it should not be transferred to another Member State on the basis of the issuance of an EU Blue Card.

Or. it

Amendment 168
Kristina Winberg

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) *In order to facilitate the independent intra-EU mobility and business activities of those highly skilled third-country nationals who are beneficiaries of the right to free movement, they should be given access to the EU Blue Card according to the same rules as any other third-country national falling within the scope of this Directive. This should apply regardless of whether or not the Union citizen of reference has exercised the fundamental right to move and reside freely under Article 21 TFEU and regardless of whether the third-country national concerned was first an EU Blue Card holder or a beneficiary of the right to free movement. The rights that these third-country nationals acquire as EU Blue Card holders should be without prejudice to rights they may enjoy under Directive 2004/38/EC of the European Parliament and of the Council³⁶. For reasons of legal clarity and coherence, in terms of family reunification and equal treatment the rules under Directive 2004/38/EC should prevail. All provisions regarding the beneficiaries of the right to free movement*

Amendment

(10) This Directive should **not apply to** third-country nationals **who** enjoy **EU-long term resident status in a Member State and who exercise their** right to reside in another Member State in order to carry out an economic activity in an employed or self-employed capacity.

in this Directive should also apply where that right is derived from those third-country nationals who enjoy rights of free movement equivalent to those of Union citizens under agreements either between the Union and its Member States and third countries or between the Union and third countries.

³⁶ *Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (OJ L 158, 30.4.2004, p. 77).*

Or. en

Amendment 169
Barbara Spinelli

Proposal for a directive
Recital 11

Text proposed by the Commission

(11) This Directive should not apply to categories of third-country nationals to whom a particular scheme under Union law, with specific entry conditions and sets of rights, applies when the inclusion of those categories in this Directive would go against the rationale of the particular scheme, create unnecessary legal complexity or entail a risk of abuses. This Directive should not apply to third-country nationals who apply to reside in a Member State as researchers in order to carry out a research project, as they fall within the scope of Directive (EU) 2016/801 of the European Parliament and of the Council³⁷ which introduces a specific procedure for admitting third-country nationals for the purposes of scientific research. However,

Amendment

(11) This Directive should not apply to categories of third-country nationals to whom a particular scheme under Union law, with specific entry conditions and sets of rights, applies when the inclusion of those categories in this Directive would go against the rationale of the particular scheme, create unnecessary legal complexity or entail a risk of abuses. This Directive should not apply to third-country nationals who apply to reside in a Member State as researchers in order to carry out a research project, as they fall within the scope of Directive (EU) 2016/801 of the European Parliament and of the Council³⁷ which introduces a specific procedure for admitting third-country nationals for the purposes of scientific research. However,

once admitted under Directive (EU) 2016/801, legally residing researchers should be entitled to apply for an EU Blue Card under this Directive for other purposes than those covered under Directive (EU) 2016/801.

once admitted under Directive (EU) 2016/801, legally residing researchers should be entitled to apply for an EU Blue Card under this Directive for other purposes than those covered under Directive (EU) 2016/801. ***Equally, legally residing EU Blue Card holders should be entitled to apply to reside as researchers under Directive (EU) 2016/801. The provisions of that Directive should be clarified so as to ensure such a possibility.***

³⁷ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.05.2016, p. 21).

³⁷ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.05.2016, p. 21).

Or. en

Justification

Amendment to clarify that when a third-country national is admitted as a Blue Card holder, he/ she is not prevented from applying to become a researcher under the Students and Researchers Directive (2016/801/EU). Similarly students and researchers legally residing under Directive 2016/801/EU may apply for a Blue Card.

Amendment 170

Cecilia Wikström, Nathalie Griesbeck

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) This Directive should not apply to categories of third-country nationals to whom a particular scheme under Union law, with specific entry conditions and sets of rights, applies when the inclusion of those categories in this Directive would go against the rationale of the particular

Amendment

(11) This Directive should not apply to categories of third-country nationals to whom a particular scheme under Union law, with specific entry conditions and sets of rights, applies when the inclusion of those categories in this Directive would go against the rationale of the particular

scheme, create unnecessary legal complexity or entail a risk of abuses. This Directive should not apply to third-country nationals who apply to reside in a Member State as researchers in order to carry out a research project, as they fall within the scope of Directive (EU) 2016/801 of the European Parliament and of the Council³⁷ which introduces a specific procedure for admitting third-country nationals for the purposes of *scientific* research. However, once admitted under Directive (EU) 2016/801, legally residing researchers should be entitled to apply for an EU Blue Card under this Directive for other purposes than those covered under Directive (EU) 2016/801.

scheme, create unnecessary legal complexity or entail a risk of abuses. This Directive should not apply to third-country nationals who apply to reside in a Member State as researchers in order to carry out a research project, as they fall within the scope of Directive (EU) 2016/801 of the European Parliament and of the Council which introduces a specific procedure for admitting third-country nationals for the purposes of research. However, once admitted under Directive (EU) 2016/801, legally residing researchers should be entitled to apply for an EU Blue Card under this Directive for other purposes than those covered under Directive (EU) 2016/801. ***Equally, legally residing Blue Card holders should be entitled to apply to reside as researchers under Directive (EU) 2016/801. The provisions of that Directive should be clarified so as to ensure such a possibility.***

³⁷ ***Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ L 132, 21.05.2016, p. 21).***

Or. en

Justification

Article 2(2)(g) of the Students and Researchers Directive provides that the Directive does not apply to third-country nationals “who are admitted as highly qualified workers in accordance with Council Directive 2009/50/EC”. During the negotiations, it was understood as meaning that it wouldn’t be possible to apply for both a Blue Card and a student or researcher authorisation at the same time. It has since been realised it could be interpreted as meaning that, for the whole time the third-country national is admitted as a Blue Card holder, he/she cannot apply to become a researcher/student and would therefore need either to have another type of authorisation first and then apply for a Blue Card, or leave the territory to apply. This was not the intention during the negotiations of the SRD. Therefore, because it is linked to the Blue Card Directive, the Students and Researchers Directive should be amended through the

Blue Card Directive (the legal basis being the same). This recital relates to our proposal for a new Article 26a amending the SRD

Amendment 171

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) This Directive should not apply to ***categories of third-country nationals to whom a particular scheme under Union law, with specific entry conditions and sets of rights, applies when the inclusion of those categories in this Directive would go against the rationale of the particular scheme, create unnecessary legal complexity or entail a risk of abuses.*** This Directive should not apply to third-country nationals who apply to reside in a Member State as researchers in order to carry out a research project, as they fall within the scope of Directive (EU) 2016/801 of the European Parliament and of the Council³⁷ which introduces a specific procedure for admitting third-country nationals for the purposes of scientific research. However, once admitted under Directive (EU) 2016/801, legally residing researchers should be entitled to apply for an EU Blue Card under this Directive for other purposes than those covered under Directive (EU) 2016/801.

³⁷ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ

Amendment

(11) This Directive should not apply to third-country nationals who apply to reside in a Member State as researchers in order to carry out a research project, as they fall within the scope of Directive (EU) 2016/801 of the European Parliament and of the Council³⁷ which introduces a specific procedure for admitting third-country nationals for the purposes of scientific research. However, once admitted under Directive (EU) 2016/801, legally residing researchers should be entitled to apply for an EU Blue Card under this Directive for other purposes than those covered under Directive (EU) 2016/801. ***Equally, legally residing EU Blue Card holders should be entitled to apply to reside as researchers under Directive (EU) 2016/801. The provisions of that Directive should be clarified so as to ensure such a possibility.***

³⁷ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ

Amendment 172

Anna Maria Corazza Bildt, Carlos Coelho

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) This Directive should not apply to categories of third-country nationals to whom a particular scheme under Union law, with specific entry conditions and sets of rights, applies when the inclusion of those categories in this Directive would go against the rationale of the particular scheme, create unnecessary legal complexity or entail a risk of abuses. This Directive should not apply to third-country nationals who apply to reside in a Member State as researchers in order to carry out a research project, as they fall within the scope of Directive (EU) 2016/801 of the European Parliament and of the Council³⁷ which introduces a specific procedure for admitting third-country nationals for the purposes of scientific research. However, once admitted under Directive (EU) 2016/801, legally residing researchers should be entitled to apply for an EU Blue Card under this Directive for other purposes than those covered under Directive (EU) 2016/801.

³⁷ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ

Amendment

(11) This Directive should not apply to categories of third-country nationals to whom a particular scheme under Union law, with specific entry conditions and sets of rights, applies when the inclusion of those categories in this Directive would go against the rationale of the particular scheme, create unnecessary legal complexity or entail a risk of abuses. This Directive should not apply to third-country nationals who apply to reside in a Member State as researchers in order to carry out a research project, as they fall within the scope of Directive (EU) 2016/801 of the European Parliament and of the Council³⁷ which introduces a specific procedure for admitting third-country nationals for the purposes of scientific research. However, once admitted under Directive (EU) 2016/801, legally residing researchers should be entitled to apply for an EU Blue Card under this Directive for other purposes than those covered under Directive (EU) 2016/801 ***without having to leave the territory of the EU.***

³⁷ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (OJ

Or. en

Amendment 173

Miapetra Kumpula-Natri, Claude Moraes

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) It is necessary to provide for a flexible demand-driven admission system based on objective criteria, such as a work contract or a binding job offer of at least 6 months, a salary threshold adaptable by the Member States to the situation in its labour market and higher *professional* qualifications.

Amendment

(13) It is necessary to provide for a flexible demand-driven admission system based on objective criteria, such as a work contract or a binding job offer of at least 6 months, *compliance with the applicable laws, collective agreements or national practices in the relevant occupational branches*, a salary threshold adaptable by the Member States to the situation in its labour market and higher *education* qualifications *or higher professional skills*.

Or. en

Amendment 174

Nathalie Griesbeck

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) It is necessary to provide for a flexible demand-driven admission system based on objective criteria, such as a work contract or a binding job offer of at least 6 months, *a salary threshold adaptable by the Member States to the situation in its labour market and higher* professional qualifications.

Amendment

(13) It is necessary to provide for a flexible demand-driven admission system based on objective criteria, such as a work contract or a binding job offer of at least 6 months *and* professional qualifications.

Or. en

Justification

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

Amendment 175

Barbara Spinelli, Patrick Le Hyaric

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) It is necessary to provide for a flexible ***demand-driven*** admission system based on objective criteria, such as a work contract or a binding job offer of at least **6** months, ***a salary threshold adaptable by the Member States to the situation in its labour market and higher professional qualifications.***

Amendment

(13) It is necessary to provide for a flexible admission system based on objective criteria, such as a work contract or a binding job offer of at least ***three*** months, ***compliance with the applicable laws, collective agreements or national practices in the relevant occupational branches and higher education qualifications or higher professional skills.***

Or. en

Justification

As a salary threshold is acknowledged as being a blunt instrument in terms of legal migration, thus it should be abolished in line with later amendments. By contrast, the requirement that conditions in collective agreements or national practices in relevant occupational branches are met is essential to ensure equal treatment and therefore to allow entry to the Union for high-skilled employment. This should protect national labour markets and reduce any risk of undercutting labour markets.

Amendment 176

Anna Maria Corazza Bildt

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) It is necessary to provide for a flexible demand-driven admission system based on objective criteria, such as a work contract or a binding job offer of at least 6 months, *a* salary threshold adaptable by the Member States to the situation in its labour market and higher professional qualifications.

Amendment

(13) It is necessary to provide for a flexible demand-driven admission system based on objective criteria, such as a work contract or a binding job offer of at least 6 months, *an optional* salary threshold adaptable by the Member States to the situation in its labour market and higher professional *and educational* qualifications *and skills*.

Or. en

Amendment 177

Bodil Valero

on behalf of the Verts/ALE Group

Jean Lambert, Judith Sargentini

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) It is necessary to provide for a flexible demand-driven admission system based on objective criteria, such as a work contract or a binding job offer of at least 6 months, a *salary threshold adaptable by the Member States to the situation in its labour market* and higher professional qualifications.

Amendment

(13) It is necessary to provide for a flexible demand-driven admission system based on objective criteria, such as a work contract or a binding job offer of at least 6 months, a *comparable salary level* and higher professional qualifications.

Or. en

Amendment 178

Maria Grapini

Proposal for a directive

Recital 13

Text proposed by the Commission

(13) It is necessary to provide for a

Amendment

(13) It is necessary to provide for a

flexible demand-driven admission system based on objective criteria, such as a work contract or a binding job offer of at least 6 months, a salary threshold adaptable by the Member States to the situation in its labour market and higher professional qualifications.

flexible, ***clear and balanced***, demand-driven admission system based on objective criteria, such as a work contract or a binding job offer of at least 6 months, a salary threshold adaptable by the Member States to the situation in its labour market and higher professional qualifications.

Or. ro

Amendment 179
Lorenzo Fontana

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) It is necessary to provide for a flexible demand-driven admission system based on objective criteria, such as a work contract or a binding job offer of at least 6 months, ***a salary threshold adaptable by the Member States to the situation in its labour market and higher professional qualifications.***

Amendment

(13) It is necessary ***and right*** to provide for a flexible demand-driven admission system based on objective criteria, such as a work contract or a binding job offer of at least 6 months ***with a minimum salary that can guarantee the individual concerned is completely self-sufficient.***

Or. it

Amendment 180
Cécile Kashetu Kyenge, Brando Benifei, Elena Gentile, Jutta Steinruck

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) It is necessary to provide for a flexible demand-driven admission system based on objective criteria, such as a work contract or a binding job offer of at least **6** months, a salary threshold adaptable by the Member States to the situation in its labour

Amendment

(13) It is necessary to provide for a flexible demand-driven admission system based on objective criteria, such as a work contract or a binding job offer of at least **12** months, a salary threshold adaptable by the Member States to the situation in its labour

market and higher professional qualifications.

market and higher professional qualifications.

Or. en

Amendment 181
Birgit Sippel

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) It is necessary to provide for a flexible demand-driven admission system based on objective criteria, such as a work contract or a binding job offer of at least **6** months, a salary threshold adaptable by the Member States to the situation in its labour market and higher professional qualifications.

Amendment

(13) It is necessary to provide for a flexible demand-driven admission system based on objective criteria, such as a work contract or a binding job offer of at least **12** months, a salary threshold adaptable by the Member States to the situation in its labour market and higher professional qualifications.

Or. en

Amendment 182
Kristina Winberg

Proposal for a directive
Recital 13

Text proposed by the Commission

(13) It is necessary to provide for *a flexible* demand-driven admission system based on objective criteria, such as a work contract *or a binding job offer* of at least **6** months, a salary threshold adaptable by the Member States to the situation in its labour market and higher professional qualifications.

Amendment

(13) It is necessary to provide for demand-driven admission system based on objective criteria, such as a work contract of at least **12** months, a salary threshold adaptable by the Member States to the situation in its labour market and higher professional qualifications.

Or. en

Amendment 183
Nathalie Griesbeck

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) This Directive is without prejudice to national procedures on the recognition of diplomas. In order to evaluate if the third-country national concerned possesses higher education or equivalent qualifications, reference should be made either to ISCED (International Standard Classification of Education) 2011 levels 6, 7 and 8, or to the broadly equivalent EQF (European Qualifications Framework) levels 6, 7 and 8, according to the choice of the Member State concerned.

Amendment

(14) This Directive is without prejudice to national procedures on the recognition of diplomas. In order to evaluate if the third-country national concerned possesses higher education or equivalent qualifications, reference should be made either to ISCED (International Standard Classification of Education) 2011 levels **3, 4, 5**, 6, 7 and 8, or to the broadly equivalent EQF (European Qualifications Framework) levels **3, 4, 5**, 6, 7 and 8, according to the choice of the Member State concerned.

Or. en

Justification

The Blue card directive should not be limited to strictly “highly skilled employment” but “skilled employment”, to respond to current and future labour market needs in Europe and in the Member States. The “education qualifications” requirements have been, changed in consequence.

Amendment 184
Barbara Spinelli

Proposal for a directive
Recital 14

Text proposed by the Commission

(14) This Directive is without prejudice to national procedures on the recognition of diplomas. In order to evaluate if the third-country national concerned possesses higher education or equivalent qualifications, reference *should* be made either to ISCED (International Standard Classification of Education) 2011 levels 6,

Amendment

(14) This Directive is without prejudice to national procedures on the recognition of diplomas. In order to evaluate if the third-country national concerned possesses higher education or equivalent qualifications, reference *could* be made either to ISCED (International Standard Classification of Education) 2011 levels 6,

7 and 8, or to the broadly equivalent EQF (European Qualifications Framework) levels 6, 7 and 8, according to the choice of the Member State concerned.

7 and 8, or to the broadly equivalent EQF (European Qualifications Framework) levels 6, 7 and 8, according to the choice of the Member State concerned.

Or. en

Amendment 185
Nathalie Griesbeck

Proposal for a directive
Recital 15

Text proposed by the Commission

Amendment

(15) In order to ensure a sufficient level of harmonisation in the admission conditions throughout the Union, both minimum and maximum factors for calculating the salary threshold should be determined. Member States should fix their threshold in accordance with the situation and organisation of their respective labour markets and their general immigration policies.

deleted

Or. en

Justification

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

Amendment 186
Kristina Winberg

Proposal for a directive
Recital 15

Text proposed by the Commission

Amendment

(15) *In order to ensure a sufficient level of harmonisation in the admission conditions throughout the Union, both minimum and maximum factors for calculating the salary threshold should be determined. Member States should fix their threshold in accordance with the situation and organisation of their respective labour markets and their general immigration policies.*

(15) Calculating the salary threshold should be determined *by the Member State concerned.*

Or. en

Amendment 187

Bodil Valero

on behalf of the Verts/ALE Group

Jean Lambert, Judith Sargentini

Proposal for a directive

Recital 15

Text proposed by the Commission

Amendment

(15) In order to ensure a sufficient level of harmonisation in the admission conditions *throughout the Union, both minimum and maximum factors for calculating the salary threshold should be determined. Member States should fix their threshold in accordance with the situation and organisation of their respective labour markets and their general immigration policies.*

(15) In order to ensure a sufficient level of harmonisation in the admission conditions *and to guarantee equal treatment, the principle of equal pay for equal work or work of equal value should apply.*

Or. en

Amendment 188

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

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) In order to ensure a sufficient level of harmonisation in the admission conditions throughout the Union, both minimum and maximum factors for calculating the salary threshold should be determined. Member States should fix their threshold in accordance with the situation and organisation of their respective labour markets and their general immigration policies.

Amendment

(15) In order to ensure a sufficient level of harmonisation in the admission conditions throughout the Union, both minimum and maximum factors for calculating the salary threshold should be determined. Member States should fix their threshold in accordance with the situation and organisation of their respective labour markets and their general immigration policies. ***Members States should involve the social partners before introducing a salary threshold.***

Or. en

Amendment 189

Anna Maria Corazza Bildt

Proposal for a directive

Recital 15

Text proposed by the Commission

(15) In order to ensure a sufficient level of harmonisation in the admission conditions throughout the Union, both minimum and maximum factors for calculating the salary threshold should be determined. Member States should fix ***their threshold*** in accordance with the situation and organisation of their respective labour markets and their general immigration policies.

Amendment

(15) In order to ensure a sufficient level of harmonisation in the admission conditions throughout the Union, both minimum and maximum factors for calculating the salary threshold should be determined ***by Member States that have chosen to introduce such a threshold. Those*** Member States should fix ***it*** in accordance with the situation and organisation of their respective labour markets and their general immigration policies.

Or. en

Amendment 190

Barbara Spinelli

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) In order to *ensure a sufficient level of harmonisation in the admission conditions throughout the Union, both minimum and maximum factors for calculating the salary threshold* should be determined. Member States should fix their threshold in accordance with the situation and organisation of their respective labour markets and their general immigration policies.

Amendment

(15) In order to *prevent abuses by employers, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer* should not be inferior to the wages which apply or would apply to a comparable worker in the same sector in the Member State concerned. The principle of equal pay for equal work or work of equal value should apply.

Or. en

Justification

Equal pay for equal work is one of the European Union's founding principles, embedded in the Treaties since 1957. Article 157 of the Treaty on the Functioning of the European Union provides that each Member State shall ensure that the principle of equal pay for male and female workers for equal work or work of equal value is applied.

The section on salary threshold is eliminated for consistency with later amendments.

Amendment 191
Lorenzo Fontana

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) In order to ensure a sufficient level of harmonisation in the admission conditions throughout the Union, *both* minimum *and maximum* factors for calculating the salary threshold should be determined. Member States should fix their threshold in accordance with the situation and organisation of their respective labour markets and their general immigration policies.

Amendment

(15) In order to ensure a sufficient level of harmonisation in the admission conditions throughout the Union, minimum factors for calculating the salary threshold should be determined. Member States should fix their threshold in accordance with the situation and organisation of their respective labour markets and their general immigration policies.

Amendment 192
Monika Hohlmeier

Proposal for a directive
Recital 15

Text proposed by the Commission

(15) In order to ensure a sufficient level of harmonisation in the admission conditions throughout the Union, **both** minimum **and maximum** factors for calculating the salary threshold should be determined. Member States should fix their threshold in accordance with the situation and organisation of their respective labour markets and their general immigration policies.

Amendment

(15) In order to ensure a sufficient level of harmonisation in the admission conditions throughout the Union, minimum factors for calculating the salary threshold should be determined. Member States should fix their threshold in accordance with the situation and organisation of their respective labour markets and their general immigration policies.

Or. en

Amendment 193
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Recital 15 a (new)

Text proposed by the Commission

Amendment

(15a) The appropriate wage levels should be defined at national, regional, sectoral and/or company level in agreement with social partners and in accordance with existing collective agreements and national legislation.

Or. en

Amendment 194
Bodil Valero
on behalf of the Verts/ALE Group

Jean Lambert, Judith Sargentini

**Proposal for a directive
Recital 15 a (new)**

Text proposed by the Commission

Amendment

(15a) The appropriate wage levels should be defined at national, regional, sectoral and/or company level in agreement with social partners and in accordance with existing collective agreements and national legislation.

Or. en

**Amendment 195
Kristina Winberg**

**Proposal for a directive
Recital 16**

Text proposed by the Commission

Amendment

(16) A lower salary threshold should be laid down for specific professions where it is considered by the Member State concerned that there is a particular lack of available workforce and where such professions belong to major group 1 or 2 of the ISCO (“International Standard Classification of Occupation”) classification.

deleted

Or. en

**Amendment 196
Juan Fernando López Aguilar**

**Proposal for a directive
Recital 16**

Text proposed by the Commission

Amendment

(16) A lower salary threshold should be laid down for specific professions where it is considered by the Member State concerned that there is a particular lack of available workforce and where such professions belong to major group 1 or 2 of the ISCO (“International Standard Classification of Occupation”) classification. *deleted*

Or. en

Amendment 197
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Recital 16

Text proposed by the Commission

Amendment

(16) A lower salary threshold should be laid down for specific professions where it is considered by the Member State concerned that there is a particular lack of available workforce and where such professions belong to major group 1 or 2 of the ISCO (“International Standard Classification of Occupation”) classification. *deleted*

Or. en

Justification

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

Amendment 198
Nathalie Griesbeck

Proposal for a directive
Recital 16

Text proposed by the Commission

Amendment

(16) A lower salary threshold should be laid down for specific professions where it is considered by the Member State concerned that there is a particular lack of available workforce and where such professions belong to major group 1 or 2 of the ISCO (“International Standard Classification of Occupation”) classification. **deleted**

Or. en

Justification

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

Amendment 199

Bodil Valero

on behalf of the Verts/ALE Group

Jean Lambert, Judith Sargentini

Proposal for a directive

Recital 16

Text proposed by the Commission

Amendment

(16) A lower salary threshold should be laid down for specific professions where it is considered by the Member State concerned that there is a particular lack of available workforce and where such professions belong to major group 1 or 2 of the ISCO (“International Standard Classification of Occupation”) classification. **deleted**

Or. en

Amendment 200
Anna Maria Corazza Bildt

Proposal for a directive
Recital 16

Text proposed by the Commission

Amendment

(16) A lower salary threshold should be laid down for specific professions where it is considered by the Member State concerned that there is a particular lack of available workforce and where such professions belong to major group 1 or 2 of the ISCO (“International Standard Classification of Occupation”) classification. **deleted**

Or. en

Justification

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

Amendment 201
Lorenzo Fontana

Proposal for a directive
Recital 16

Text proposed by the Commission

Amendment

(16) A lower salary threshold should be laid down *for specific professions* where it is considered by the Member State concerned that there is a particular lack of available workforce and where such professions belong to major group 1 or 2 of the ISCO (“International Standard Classification of Occupation”) classification.

(16) A lower salary threshold should be laid down where it is considered by the Member State concerned that there is a particular lack of available workforce and where such professions belong to major group 1 or 2 of the ISCO (“International Standard Classification of Occupation”) classification.

Or. it

Amendment 202
Lorenzo Fontana

Proposal for a directive
Recital 17

Text proposed by the Commission

Amendment

(17) A lower salary threshold should also be laid down to benefit third-country nationals during a certain period after their graduation. This period should be granted each time that the third-country national reaches a level of education relevant for the purposes of this Directive, namely levels 6, 7 or 8 of ISCED 2011, or levels 6, 7 or 8 of EQF, according to the national law of the Member State concerned. It should apply whenever the third-country national applies for an initial or renewed EU Blue Card within three years from the date of obtaining the qualifications and in addition, when that third-country national applies for a first renewal of the EU Blue Card and the initial EU Blue Card was issued for a period shorter than 24 months. After these grace periods – which may run in parallel – have elapsed the young professionals can be reasonably expected to have gained sufficient professional experience in order to fulfil the regular salary threshold.

deleted

Or. it

Amendment 203
Kristina Winberg

Proposal for a directive
Recital 17

Text proposed by the Commission

Amendment

(17) A lower salary threshold should also be laid down to benefit third-country

deleted

nationals during a certain period after their graduation. This period should be granted each time that the third-country national reaches a level of education relevant for the purposes of this Directive, namely levels 6, 7 or 8 of ISCED 2011, or levels 6, 7 or 8 of EQF, according to the national law of the Member State concerned. It should apply whenever the third-country national applies for an initial or renewed EU Blue Card within three years from the date of obtaining the qualifications and in addition, when that third-country national applies for a first renewal of the EU Blue Card and the initial EU Blue Card was issued for a period shorter than 24 months. After these grace periods – which may run in parallel – have elapsed the young professionals can be reasonably expected to have gained sufficient professional experience in order to fulfil the regular salary threshold.

Or. en

Amendment 204
Nathalie Griesbeck

Proposal for a directive
Recital 17

Text proposed by the Commission

Amendment

(17) A lower salary threshold should also be laid down to benefit third-country nationals during a certain period after their graduation. This period should be granted each time that the third-country national reaches a level of education relevant for the purposes of this Directive, namely levels 6, 7 or 8 of ISCED 2011, or levels 6, 7 or 8 of EQF, according to the national law of the Member State concerned. It should apply whenever the third-country national applies for an

deleted

initial or renewed EU Blue Card within three years from the date of obtaining the qualifications and in addition, when that third-country national applies for a first renewal of the EU Blue Card and the initial EU Blue Card was issued for a period shorter than 24 months. After these grace periods – which may run in parallel – have elapsed the young professionals can be reasonably expected to have gained sufficient professional experience in order to fulfil the regular salary threshold.

Or. en

Justification

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

Amendment 205

Juan Fernando López Aguilar

Proposal for a directive

Recital 17

Text proposed by the Commission

Amendment

(17) A lower salary threshold should also be laid down to benefit third-country nationals during a certain period after their graduation. This period should be granted each time that the third-country national reaches a level of education relevant for the purposes of this Directive, namely levels 6, 7 or 8 of ISCED 2011, or levels 6, 7 or 8 of EQF, according to the national law of the Member State concerned. It should apply whenever the third-country national applies for an

deleted

initial or renewed EU Blue Card within three years from the date of obtaining the qualifications and in addition, when that third-country national applies for a first renewal of the EU Blue Card and the initial EU Blue Card was issued for a period shorter than 24 months. After these grace periods – which may run in parallel – have elapsed the young professionals can be reasonably expected to have gained sufficient professional experience in order to fulfil the regular salary threshold.

Or. en

Amendment 206
Anna Maria Corazza Bildt

Proposal for a directive
Recital 17

Text proposed by the Commission

Amendment

(17) A lower salary threshold should also be laid down to benefit third-country nationals during a certain period after their graduation. This period should be granted each time that the third-country national reaches a level of education relevant for the purposes of this Directive, namely levels 6, 7 or 8 of ISCED 2011, or levels 6, 7 or 8 of EQF, according to the national law of the Member State concerned. It should apply whenever the third-country national applies for an initial or renewed EU Blue Card within three years from the date of obtaining the qualifications and in addition, when that third-country national applies for a first renewal of the EU Blue Card and the initial EU Blue Card was issued for a period shorter than 24 months. After these grace periods – which may run in parallel – have elapsed the young professionals can be reasonably expected to have

deleted

gained sufficient professional experience in order to fulfil the regular salary threshold.

Or. en

Justification

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

Amendment 207

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Recital 17

Text proposed by the Commission

Amendment

(17) A lower salary threshold should also be laid down to benefit third-country nationals during a certain period after their graduation. This period should be granted each time that the third-country national reaches a level of education relevant for the purposes of this Directive, namely levels 6, 7 or 8 of ISCED 2011, or levels 6, 7 or 8 of EQF, according to the national law of the Member State concerned. It should apply whenever the third-country national applies for an initial or renewed EU Blue Card within three years from the date of obtaining the qualifications and in addition, when that third-country national applies for a first renewal of the EU Blue Card and the initial EU Blue Card was issued for a period shorter than 24 months. After these grace periods – which may run in parallel – have elapsed the young professionals can be reasonably expected to have gained sufficient professional experience in order to fulfil the regular salary threshold.

deleted

Or. en

Justification

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

Amendment 208

Bodil Valero

on behalf of the Verts/ALE Group

Jean Lambert, Judith Sargentini

Proposal for a directive

Recital 17

Text proposed by the Commission

Amendment

(17) A lower salary threshold should also be laid down to benefit third-country nationals during a certain period after their graduation. This period should be granted each time that the third-country national reaches a level of education relevant for the purposes of this Directive, namely levels 6, 7 or 8 of ISCED 2011, or levels 6, 7 or 8 of EQF, according to the national law of the Member State concerned. It should apply whenever the third-country national applies for an initial or renewed EU Blue Card within three years from the date of obtaining the qualifications and in addition, when that third-country national applies for a first renewal of the EU Blue Card and the initial EU Blue Card was issued for a period shorter than 24 months. After these grace periods – which may run in parallel – have elapsed the young professionals can be reasonably expected to have gained sufficient professional experience in order to fulfil the regular salary threshold.

deleted

Or. en

Amendment 209

Kinga Gál

**Proposal for a directive
Recital 17**

Text proposed by the Commission

(17) A lower salary threshold ***should also be laid down*** to benefit third-country nationals during a certain period after their graduation. This period ***should*** be granted each time that the third-country national reaches a level of education relevant for the purposes of this Directive, namely levels 6, 7 or 8 of ISCED 2011, or levels 6, 7 or 8 of EQF, according to the national law of the Member State concerned. It ***should*** apply whenever the third-country national applies for an initial or renewed EU Blue Card within three years from the date of obtaining the qualifications and in addition, when that third-country national applies for a first renewal of the EU Blue Card and the initial EU Blue Card was issued for a period shorter than 24 months. After these grace periods – which may run in parallel – have elapsed the young professionals can be reasonably expected to have gained sufficient professional experience in order to fulfil the regular salary threshold.

Amendment

(17) A lower salary threshold ***may be applied by Member States*** to benefit third-country nationals during a certain period after their graduation. This period ***may*** be granted each time that the third-country national reaches a level of education relevant for the purposes of this Directive, namely levels 6, 7 or 8 of ISCED 2011, or levels 6, 7 or 8 of EQF, according to the national law of the Member State concerned. It ***may*** apply whenever the third-country national applies for an initial or renewed EU Blue Card within three years from the date of obtaining the qualifications and in addition, when that third-country national applies for a first renewal of the EU Blue Card and the initial EU Blue Card was issued for a period shorter than 24 months. After these grace periods – which may run in parallel – have elapsed the young professionals can be reasonably expected to have gained sufficient professional experience in order to fulfil the regular salary threshold.

Or. en

**Amendment 210
Kristina Winberg**

**Proposal for a directive
Recital 19**

Text proposed by the Commission

(19) It should ***not be necessary*** for a third-country national to hold a travel document whose validity covers the whole duration of ***the initial EU Blue Card***.

Amendment

(19) It should ***be mandatory*** for a third-country national to hold a travel document whose validity covers the whole duration of an EU Blue Card.

Third-country nationals should be allowed to renew their travel document while holding an EU Blue Card.

Or. en

Amendment 211

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Recital 20

Text proposed by the Commission

(20) Member States should reject applications for an EU Blue Card and be allowed to withdraw or refuse to renew an EU Blue Card if there is a threat to public ***policy, public security or public health***. Any rejection on grounds of public ***policy or public*** security should be based on the individual behaviour of the person concerned, in accordance with the principle of proportionality. ***Illness or disability suffered after the third-country national was admitted to the territory of the first Member State should not constitute the sole ground for withdrawing or refusing to renew an EU Blue Card or for not issuing an EU Blue Card in a second Member State.***

Amendment

(20) Member States should ***be entitled to*** reject applications for an EU Blue Card and be allowed to withdraw or refuse to renew an EU Blue Card if there is a ***proven*** threat to public security. Any rejection on grounds of public security should be based on the individual behaviour of the person concerned, in accordance with the principle of proportionality.

Or. en

Amendment 212

Marine Le Pen, Gilles Lebreton

Proposal for a directive

Recital 20

Text proposed by the Commission

Amendment

(20) Member States should reject applications for an EU Blue Card and be allowed to withdraw or refuse to renew an EU Blue Card if there is a threat to public policy, public security or public health. ***Any rejection on grounds of public policy or public security should be based on the individual behaviour of the person concerned, in accordance with the principle of proportionality.*** Illness or disability suffered after the third-country national was admitted to the territory of the first Member State should not constitute the sole ground for withdrawing or refusing to renew an EU Blue Card or for not issuing an EU Blue Card in a second Member State.

(20) Member States should reject applications for an EU Blue Card and be allowed to withdraw or refuse to renew an EU Blue Card if there is a threat to public policy, public security or public health. Illness or disability suffered after the third-country national was admitted to the territory of the first Member State should not constitute the sole ground for withdrawing or refusing to renew an EU Blue Card or for not issuing an EU Blue Card in a second Member State.

Or. fr

Amendment 213
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) ***Member States should reject applications for an EU Blue Card and be allowed to withdraw or refuse to renew an EU Blue Card if there is a threat to public policy, public security or public health. Any rejection on grounds of public policy or public security should be based on the individual behaviour of the person concerned, in accordance with the principle of proportionality. Illness or disability suffered after the third-country national was admitted to the territory of the first Member State should not constitute the sole ground for withdrawing or refusing to renew an EU Blue Card or for not issuing an EU Blue Card in a second Member State.***

Amendment

(20) ***Any rejection, withdrawal or refusal to renew on grounds of public policy or public security should be based on the individual behaviour of the person concerned, in accordance with the principle of proportionality. Illness or disability suffered after the third-country national was admitted to the territory of the first Member State should not constitute a ground for withdrawing an EU Blue Card. Illness or disability suffered during the period when the third-country national is an EU Blue Card holder should not constitute a ground for objecting to mobility to a second Member State or for refusing to renew an EU Blue Card.***

Amendment 214
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Recital 20 a (new)

Text proposed by the Commission

Amendment

(20a) Expulsion of Blue Card holders on grounds of public policy or public security is a measure that can seriously harm persons who have become genuinely integrated into the host Member State. The scope for such measures should therefore be limited in accordance with the principle of proportionality to take account of the degree of integration of the persons concerned, the length of their residence in the host Member State, their age, state of health, family and economic situation and the links with their country of origin. In cases involving children, the best interests of the child should be the primary consideration.

Or. en

Justification

This amendment is consistent with §23 of the preamble of Directive 2004/38/EC. There is no reason why the same guarantees should differ from EU citizens, their families and other third country nationals

Amendment 215
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Recital 20 b (new)

Text proposed by the Commission

Amendment

(20b) Accordingly, the greater the degree of integration of Blue Card holders and

their family members in the host Member State, the greater the degree of protection against expulsion should be. Only in exceptional circumstances, where there are imperative grounds of public security, should an expulsion measure be taken against Blue Card holders who have resided for many years in the territory of the host Member State. In addition, such exceptional circumstances should also apply to an expulsion measure taken against minors, in order to protect their links with their family, in accordance with the United Nations Convention on the Rights of the Child, of 20 November 1989.

Or. en

Justification

This amendment is consistent with §24 of the preamble of Directive 2004/38/EC. There is no reason why the same guarantees should differ from EU citizens, their families and other third country nationals.

Amendment 216
Barbara Spinelli

Proposal for a directive
Recital 21

Text proposed by the Commission

Amendment

(21) Member States should be allowed to withdraw or refuse to renew an EU Blue Card where the EU Blue Card holder has either failed to comply with the conditions for mobility under this Directive or has repetitively exercised the mobility rights in an abusive manner, for example by applying for EU Blue Cards in second Member States and beginning employment immediately while it is clear that the conditions will not be fulfilled and the application will be refused.

deleted

Or. en

Amendment 217
Kristina Winberg

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) Member States should be allowed to *withdraw or refuse to renew an EU Blue Card where the EU Blue Card holder has either failed to comply with the conditions for mobility under this Directive or has repetitively exercised the mobility rights in an abusive manner, for example by applying for EU Blue Cards in second Member States and beginning employment immediately while it is clear that the conditions will not be fulfilled and the application will be refused.*

Amendment

(21) Member States should be allowed to *decide whether to grant, withdraw or refuse to renew an EU Blue Card.*

Or. en

Amendment 218
Bodil Valero
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) Member States should be allowed to withdraw or refuse to renew an EU Blue Card where the EU Blue Card holder has *either* failed to comply with the conditions for mobility under this Directive *or has repetitively exercised the mobility rights in an abusive manner, for example by applying for EU Blue Cards in second Member States and beginning employment immediately while it is clear that the conditions will not be fulfilled*

Amendment

(21) Member States should be allowed to withdraw or refuse to renew an EU Blue Card where the EU Blue Card holder has failed to comply with the conditions for mobility under this Directive.

and the application will be refused.

Or. en

Amendment 219

Heinz K. Becker

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) Member States should ***be allowed to*** withdraw or refuse to renew an EU Blue Card where the EU Blue Card holder has either failed to comply with the conditions for mobility under this Directive or has repetitively exercised the mobility rights in an abusive manner, for example by applying for EU Blue Cards in second Member States and beginning employment immediately while it is clear that the conditions will not be fulfilled and the application will be refused.

Amendment

(21) Member States should withdraw or refuse to renew an EU Blue Card where the EU Blue Card holder has either failed to comply with the conditions for mobility under this Directive or has repetitively exercised the mobility rights in an abusive manner, for example by applying for EU Blue Cards in second Member States and beginning employment immediately while it is clear that the conditions will not be fulfilled and the application will be refused.

Or. de

Amendment 220

Marine Le Pen, Gilles Lebreton

Proposal for a directive

Recital 21

Text proposed by the Commission

(21) Member States should be allowed to withdraw or refuse to renew an EU Blue Card where the EU Blue Card holder has either failed to comply with the conditions for mobility under this Directive or has ***repetitively*** exercised the mobility rights in an abusive manner, for example by applying for EU Blue Cards in second Member States and beginning employment

Amendment

(21) Member States should be allowed to withdraw or refuse to renew an EU Blue Card where the EU Blue Card holder has either failed to comply with the conditions for mobility under this Directive or has exercised the mobility rights in an abusive manner, for example by applying for EU Blue Cards in second Member States and beginning employment immediately while

immediately while it is clear that the conditions will not be fulfilled and the application will be refused.

it is clear that the conditions will not be fulfilled and the application will be refused.

Or. fr

Amendment 221
Kristina Winberg

Proposal for a directive
Recital 22

Text proposed by the Commission

Amendment

(22) Any decision to reject an application for an EU Blue Card or to withdraw or refuse to renew an EU Blue Card should take into consideration the specific circumstances of the case and respect the principle of proportionality. In particular, where the ground for rejection is related to the activity of the employer, a minor misconduct should not in any case constitute the sole ground for rejecting an application or withdrawing or refusing to renew the permit.

deleted

Or. en

Amendment 222
Barbara Spinelli

Proposal for a directive
Recital 22

Text proposed by the Commission

Amendment

(22) Any decision to reject an application for an EU Blue Card or to withdraw or refuse to renew an EU Blue Card should take into consideration the specific circumstances of the case and respect the principle of proportionality. In particular, where the ground for rejection is

(22) Any decision to reject an application for an EU Blue Card or to withdraw or refuse to renew an EU Blue Card should take into consideration the specific circumstances of the case and *be proportionate*. In particular, where the ground for rejection, *withdrawal or refusal*

related to the *activity* of the employer, a *minor misconduct* should *not in any case constitute the sole ground for rejecting an application or withdrawing or refusing to renew the permit.*

to renew is related to the *conduct* of the employer, *the EU Blue Card holder* should *be provided a period of time to find alternative employment, equal to nine months, in line with provisions under Article 14.*

Or. en

Justification

The amendment is intended to ensure consistency with later amendments to Article 14.

Amendment 223

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Recital 22 a (new)

Text proposed by the Commission

Amendment

(22a) To facilitate enforcement of this Directive, Member States should put in place effective mechanisms through which third country nationals, regardless of their residence status/ work permit, may seek legal redress and lodge complaints directly or through relevant third parties such as trade unions or other associations. That is considered necessary to address situations where third country nationals are unaware of the existence of enforcement mechanisms or hesitant to use them in their own name, out of fear of possible consequences. Third country nationals should have access to judicial protection against further victimisation as a result of a complaint being made.

Or. en

Justification

This amendment is consistent with §50 of the preamble of Directive 2014/36/EU with minor precisions, for coherence and equal treatment of all third-country nationals. Complaints mechanisms for third-country nationals including those that working irregularly are also

required by Directive 2009/52/EC, and would facilitate the implementation of Directive 2011/36/EU and Directive 2012/29/EU.

Amendment 224
Lorenzo Fontana

Proposal for a directive
Recital 24

Text proposed by the Commission

Amendment

(24) The rules on processing times for EU Blue Card applications should guarantee the swift issuance of permits in all cases. The processing time for examining the application for an EU Blue Card should not include the time required for the recognition of professional qualifications, where applicable, or the time required for issuing a visa, if required.

deleted

Or. it

Amendment 225
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) Any decision on an application/renewal/withdrawal of a Blue Card should be given in writing and it should be notified to the applicant without undue delay in a language he or she understands or is reasonably meant to understand.

Where an application is rejected, not renewed or the Blue Card is withdrawn, the reasons in fact and in law should be stated in the decision. Applicants should have access to effective judicial remedies

and receive information on how to challenge the abovementioned decision. Information should be given in writing, unless otherwise already provided to the applicant.

Or. en

Justification

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

Amendment 226
Monika Hohlmeier

Proposal for a directive
Recital 27

Text proposed by the Commission

(27) Since EU Blue Card holders are highly skilled workers contributing to addressing labour and skills shortages in key sectors, the principle of access to the labour market should be the general rule. However, ***in circumstances where the domestic labour market undergoes serious disturbances such as a high level of unemployment in a given occupation or sector, which may be limited to particular regions or other parts of the territory, a Member State*** should be able to take into account the situation of its labour market before issuing an EU Blue Card.

Amendment

(27) Since EU Blue Card holders are highly skilled workers contributing to addressing labour and skills shortages in key sectors, the principle of access to the labour market should be the general rule. However, Member ***States*** should be able to take into account the situation of its labour market before issuing an EU Blue Card.

Or. en

Amendment 227
Lorenzo Fontana

Proposal for a directive
Recital 27

Text proposed by the Commission

(27) *Since EU Blue Card holders are highly skilled workers contributing to addressing labour and skills shortages in key sectors, the principle of access to the labour market should be the general rule.* However, in circumstances where the domestic labour market undergoes serious disturbances such as a high level of unemployment in a given occupation or sector, which may be limited to particular regions or other parts of the territory, a Member State should ***be able to*** take into account the situation of its labour market before issuing an EU Blue Card.

Amendment

(27) EU Blue Card holders ***have to be highly skilled workers***. However, in circumstances where the domestic labour market undergoes serious disturbances such as a high level of unemployment in a given occupation or sector, which may be limited to particular regions or other parts of the territory, a Member State should take into account the situation of its labour market before issuing an EU Blue Card.

Or. it

Amendment 228
Kristina Winberg

Proposal for a directive
Recital 27

Text proposed by the Commission

(27) *Since EU Blue Card holders are highly skilled workers contributing to addressing labour and skills shortages in key sectors, the principle of access to the labour market should be the general rule.* ***However, in*** circumstances where the domestic labour market undergoes serious disturbances such as a high level of unemployment in a given occupation or sector, which may be limited to particular regions or other parts of the territory, a Member State should be able to take into account the situation of its labour market before issuing an EU Blue Card.

Amendment

(27) In circumstances where the domestic labour market undergoes serious disturbances such as a high level of unemployment in a given occupation or sector, which may be limited to particular regions or other parts of the territory, a Member State should be able to take into account the situation of its labour market before issuing an EU Blue Card.

Or. en

Amendment 229
Kinga Gál

Proposal for a directive
Recital 27

Text proposed by the Commission

(27) *Since EU Blue Card holders are highly skilled workers contributing to addressing labour and skills shortages in key sectors, the principle of access to the labour market should be the general rule. However, in circumstances where the domestic labour market undergoes serious disturbances such as a high level of unemployment in a given occupation or sector, which may be limited to particular regions or other parts of the territory, a Member State should be able to take into account the situation of its labour market before issuing an EU Blue Card.*

Amendment

(27) *The rationale behind the EU Blue Card scheme is to address labour and skills shortages in key sectors in the EU labour market, consequently Member State should have the possibility to check whether the job vacancy could not be filled by a national of that country or another EU citizen or by third country nationals lawfully residing in that Member State and already part of the EU's labour market.*

Or. en

Amendment 230
Bodil Valero
on behalf of the Verts/ALE Group
Jean Lambert, Judith Sargentini

Proposal for a directive
Recital 27

Text proposed by the Commission

(27) Since EU Blue Card holders are highly skilled workers contributing to addressing labour and skills shortages in key sectors, the principle of access to the labour market should be the general rule. However, in circumstances where the domestic labour market undergoes serious disturbances such as a high level of unemployment in a given occupation or sector, *which may be limited to particular regions or other parts of the territory, a*

Amendment

(27) Since EU Blue Card holders are highly skilled workers contributing to addressing labour and skills shortages in key sectors, the principle of access to the labour market should be the general rule. However, in circumstances where the domestic labour market undergoes serious disturbances such as a high level of unemployment in a given occupation or sector, *a Member State should, after consulting with social partners and*

Member State should be able to take into account the situation of its labour market before issuing an EU Blue Card.

relevant national employment and social authorities and actors, be able to take into account the situation of its labour market before issuing an EU Blue Card.

Or. en

Amendment 231
Barbara Spinelli

Proposal for a directive
Recital 27

Text proposed by the Commission

(27) Since EU Blue Card holders are highly skilled workers contributing to addressing labour and skills shortages in key sectors, the principle of access to the labour market should be the general rule. **However, in** circumstances where the domestic labour market **undergoes serious disturbances such as a high** level of unemployment in a given occupation or sector, which may be limited to particular regions or other parts of the territory, a Member State should be able to take into account the situation of its labour market before issuing an EU Blue Card.

Amendment

(27) Since EU Blue Card holders are highly skilled workers contributing to addressing labour and skills shortages in key sectors, the principle of access to the labour market should be the general rule. In circumstances where the domestic labour market **suffers an acute** level of unemployment in a given occupation or sector, which may be limited to particular regions or other parts of the territory, a Member State should be able to take into account the situation of its labour market before issuing an EU Blue Card.

Or. en

Justification

The concept of “serious disturbance” is not defined and is unclear. In addition ‘high level of unemployment’ could be interpreted very differently in different Member State. The state of unemployment in the labour market should be acute before such a labour market test is applied.

Amendment 232
Kinga Gál

Proposal for a directive
Recital 28

Text proposed by the Commission

Amendment

(28) In case Member States decide to make use of this possibility for a given occupation or sector, possibly in a particular part of their territory, they should send a notification to the Commission hereof, explaining the economic, social and other reasons justifying the decision to introduce such labour market test for the next 12 months and do so again for every subsequent 12 month period. Member States may involve social partners in the assessment of the circumstances related to the domestic labour market. This verification should not be possible when an EU Blue Card is renewed in the first Member State. For EU Blue Cards in a second Member State, taking into account the situation of the labour market should only be possible if that Member State has also introduced checks for first applications for third-country nationals coming from third countries and after a separate justified notification. In case Member States decide to make use of this possibility, they should communicate this in a clear, accessible and transparent way to applicants and employers, including online.

deleted

Or. en

**Amendment 233
Kristina Winberg**

**Proposal for a directive
Recital 28**

Text proposed by the Commission

Amendment

(28) In case Member States decide to make use of this possibility for a given occupation or sector, possibly in a

(28) It is within the exclusive competence of the Member State to decide to make use of this possibility for any

particular part of their territory, they should send a notification to the Commission hereof, explaining the economic, social and other reasons justifying the decision to introduce such labour market test for the next 12 months and do so again for every subsequent 12 month period. Member States may involve social partners in the assessment of the circumstances related to the domestic labour market. This verification should not be possible when an EU Blue Card is renewed in the first Member State. For EU Blue Cards in a second Member State, taking into account the situation of the labour market should only be possible if that Member State has also introduced checks for first applications for third-country nationals coming from third countries and after a separate justified notification. In case Member States decide to make use of this possibility, they should communicate this in a clear, accessible and transparent way to applicants and employers, including online.

sector and for any period of time.

Or. en

Amendment 234
Barbara Spinelli

Proposal for a directive
Recital 28

Text proposed by the Commission

(28) In case Member States decide to make use of this possibility for a given occupation or sector, *possibly in* a particular part of their territory, *they should send a notification to the Commission hereof, explaining the economic, social and other reasons justifying the decision to introduce such labour market test for the next 12 months*

Amendment

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

and do so again for every subsequent 12 month period. Member States may involve social partners in the assessment of the circumstances related to the domestic labour market. This verification should not be possible when an EU Blue Card is renewed in the first Member State. For EU Blue Cards in a second Member State, taking into account the situation of the labour market should only be possible if that Member State has also introduced checks for first applications for third-country nationals coming from third countries and after a separate justified notification. In case Member States decide to make use of this possibility, they should communicate this in a clear, accessible and transparent way to applicants and employers, including online.

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

Member States shall ensure that such mechanisms have a time limit of no more than four weeks and provide the employer concerned with a reasonable opportunity to present information about the difficulties in fulfilling the vacancy, taking into account inter alia the specific skills and competence requirements relating to the job, the labour market and any specific measures taken to fulfil it by the employer concerned or in comparable situations.

Or. en

Justification

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

Amendment 235

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini, Jean Lambert

Proposal for a directive

Recital 28

Text proposed by the Commission

(28) In case Member States decide to

Amendment

(28) In case Member States decide to

make use of this possibility for a given occupation or sector, possibly in a particular part of their territory, they should send a notification to the Commission hereof, explaining the economic, social and other reasons justifying the decision to introduce such labour market test for the next **12** months and do so again for every subsequent **12** month period. Member States *may* involve social partners in the assessment of the circumstances related to the domestic labour market. This verification should not be possible when an EU Blue Card is renewed in the first Member State. For EU Blue Cards in a second Member State, taking into account the situation of the labour market should only be possible if that Member State has also introduced checks for first applications for third-country nationals coming from third countries and after a separate justified notification. In case Member States decide to make use of this possibility, they should communicate this in a clear, accessible and transparent way to applicants and employers, including online.

make use of this possibility for a given occupation or sector, possibly in a particular part of their territory, they should send a notification to the Commission hereof, explaining the economic, social and other reasons justifying the decision to introduce such labour market test for the next **6** months and do so again for every subsequent **6** month period. Member States *should* involve social *and employment* partners in the assessment of the circumstances related to the domestic labour market. This verification should not be possible when an EU Blue Card is renewed in the first Member State. For EU Blue Cards in a second Member State, taking into account the situation of the labour market should only be possible if that Member State has also introduced checks for first applications for third-country nationals coming from third countries and after a separate justified notification. *The Commission should notify the Member State of its decision to approve or reject the proposed measures by the Member States.* In case Member States decide to make use of this possibility, they should communicate this in a clear, accessible and transparent way to applicants and employers, including online.

Or. en

Amendment 236

Bodil Valero

on behalf of the Verts/ALE Group

Jean Lambert, Judith Sargentini

Proposal for a directive

Recital 29

Text proposed by the Commission

(29) In implementing this Directive, Member States should refrain from

Amendment

(29) In implementing this Directive, Member States should refrain from

pursuing active recruitment in developing countries in sectors suffering from a lack of personnel. Ethical recruitment policies and principles applicable to public and private sector employers should be developed in key sectors, for example the health sector. This is consistent with EU's commitment to the 2010 WHO Global Code on the International Recruitment of Health Personnel³⁹ in addition to the Council and Member States' conclusions of 14 May 2007 on the European Programme for Action to tackle the critical shortage of health workers in developing countries (2007-2013) and the education sector, as appropriate. These principles and policies should be strengthened by the development and application of mechanisms, guidelines and other tools to facilitate, as appropriate, circular and temporary migration, as well as other measures that would minimise negative and maximise positive impacts of highly skilled immigration on developing countries in order to turn "brain drain" into "brain gain".

³⁹ The WHO Global Code of Practice on the International Recruitment of Health Personnel, adopted on 21 May 2010 by the Sixty-third World Health Assembly in resolution WHA63.16.

pursuing active recruitment in developing countries in sectors suffering from a lack of personnel *in key sectors essential for sustainable development*. Ethical recruitment policies and principles applicable to public and private sector employers should be developed in key sectors, for example the health sector. This is consistent with EU's commitment to the 2010 WHO Global Code on the International Recruitment of Health Personnel³⁹ in addition to the Council and Member States' conclusions of 14 May 2007 on the European Programme for Action to tackle the critical shortage of health workers in developing countries (2007-2013) and the education sector, as appropriate. These principles and policies should be strengthened by the development and application of mechanisms, guidelines and other tools to facilitate, as appropriate, circular and temporary migration, as well as other measures that would minimise negative and maximise positive impacts of highly skilled immigration on developing countries in order to turn "brain drain" into "brain gain".

³⁹ The WHO Global Code of Practice on the International Recruitment of Health Personnel, adopted on 21 May 2010 by the Sixty-third World Health Assembly in resolution WHA63.16.

Or. en

Amendment 237
Anna Maria Corazza Bildt

Proposal for a directive
Recital 30

Text proposed by the Commission

(30) A simplified procedure for

Amendment

(30) A simplified procedure for

employers which have been recognised for that purpose should be provided, *optional for Member States*. The status of recognised employer should bring specific facilitation in terms of procedures and admission conditions – amounting to a simplified procedure – under this Directive and Member States should include sufficient safeguards against abuse. Where the status of recognised employer is withdrawn during the period of validity of an EU Blue Card issued under the simplified procedure, regular admission conditions should apply upon renewing that EU Blue Card, unless the third-country national concerned is employed by another recognised employer.

employers which have been recognised for that purpose should be provided. The status of recognised employer should bring specific facilitation in terms of procedures and admission conditions – amounting to a simplified procedure – under this Directive and Member States should include sufficient safeguards against abuse. Where the status of recognised employer is withdrawn during the period of validity of an EU Blue Card issued under the simplified procedure, regular admission conditions should apply upon renewing that EU Blue Card, unless the third-country national concerned is employed by another recognised employer.

Or. en

Justification

Having simplified procedures for recognised employers in all Member States will make the scheme more attractive for companies and for high-skilled workers.

Amendment 238 **Barbara Spinelli**

Proposal for a directive **Recital 30**

Text proposed by the Commission

(30) A simplified procedure for employers which have been recognised for that purpose should be provided, *optional for Member States*. The status of recognised employer should bring specific facilitation in terms of procedures and admission conditions – amounting to a simplified procedure – under this Directive and Member States should include sufficient safeguards against abuse. Where the status of recognised employer is withdrawn during the period of validity of an EU Blue Card issued under the

Amendment

(30) A simplified procedure for employers which have been recognised for that purpose should be provided. The status of recognised employer should bring specific facilitation in terms of procedures and admission conditions – amounting to a simplified procedure – under this Directive and Member States should include sufficient safeguards against abuse. Where the status of recognised employer is withdrawn during the period of validity of an EU Blue Card issued under the simplified procedure, regular admission

simplified procedure, regular admission conditions should apply upon renewing that EU Blue Card, unless the third-country national concerned is employed by another recognised employer.

conditions should apply upon renewing that EU Blue Card, unless the third-country national concerned is employed by another recognised employer.

Or. en

Justification

The recognised employer procedure is a good way of simplifying the application procedure. In order to boost the attractiveness of the EU Blue Card, and to facilitate the process for both employers and potential Blue Card applicants, Member States should commit to establishing a fast track procedure for recognised employers.

Amendment 239 **Kristina Winberg**

Proposal for a directive **Recital 34**

Text proposed by the Commission

Amendment

(34) Professional qualifications acquired by a third-country national in another Member State should be recognised in the same way as those of Union citizens. Qualifications acquired in a third country should be taken into account in accordance with Directive 2005/36/EC of the European Parliament and of the Council⁴². Where a third-country national is applying for an EU Blue Card to practice an unregulated profession, Member States should avoid excessive formal requirements and full recognition procedures regarding qualifications, wherever sufficient evidence can be otherwise obtained.

deleted

⁴² Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

Amendment 240**Anna Maria Corazza Bildt, Carlos Coelho****Proposal for a directive****Recital 34***Text proposed by the Commission*

(34) **Professional** qualifications acquired by a third-country national in another Member State should be recognised in the same way as those of Union citizens. Qualifications acquired in a third country should be taken into account in accordance with Directive 2005/36/EC of the European Parliament and of the Council⁴². Where a third-country national is applying for an EU Blue Card to practice an unregulated profession, Member States should avoid excessive formal requirements and full recognition procedures regarding qualifications, wherever sufficient evidence can be otherwise obtained.

⁴² Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

Amendment

(34) **Educational and** professional qualifications **and skills** acquired by a third-country national in another Member State should be recognised in the same way as those of Union citizens. Qualifications acquired in a third country should be taken into account in accordance with Directive 2005/36/EC of the European Parliament and of the Council⁴². Where a third-country national is applying for an EU Blue Card to practice an unregulated profession, Member States should avoid excessive formal requirements and full recognition procedures regarding qualifications, wherever sufficient evidence can be otherwise obtained.

⁴² Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

Amendment 241**Barbara Spinelli****Proposal for a directive****Recital 34***Text proposed by the Commission*

(34) **Professional qualifications**

Amendment

(34) **Qualifications, skills and work**

acquired by a third-country national in another Member State should be recognised in the same way as those of Union citizens. Qualifications acquired in a third country should be taken into account in accordance with Directive 2005/36/EC of the European Parliament and of the Council⁴². Where a third-country national is applying for an EU Blue Card to practice an unregulated profession, Member States should avoid excessive formal requirements and full recognition procedures regarding qualifications, wherever sufficient evidence can be otherwise obtained.

⁴² Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

experiences acquired by a third-country national in another Member State should be recognised in the same way as those of Union citizens. Qualifications acquired in a third country should be taken into account in accordance with Directive 2005/36/EC of the European Parliament and of the Council⁴². Where a third-country national is applying for an EU Blue Card to practice an unregulated profession, Member States should avoid excessive formal requirements and full recognition procedures regarding qualifications, wherever sufficient evidence can be otherwise obtained.

⁴² Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

Or. en

Amendment 242
Barbara Spinelli

Proposal for a directive
Recital 34 a (new)

Text proposed by the Commission

Amendment

(34a) The issue of recognition of qualifications - and the practical aspects of this process - will be particularly relevant in the case of a category of persons who are for the first time becoming potential beneficiaries of the scheme: applicants and beneficiaries of international protection. It may be expected that in the case of these persons obtaining proof of qualifications will be especially difficult and complex.

Or. en

Justification

This amendment is taken from §21 of the Committee or Regions opinion “legal migration” of 7-8 December 2016

Amendment 243

Barbara Spinelli

Proposal for a directive

Recital 34 b (new)

Text proposed by the Commission

Amendment

(34b) Many refugees have appropriate skills and qualifications, but they are usually acquired in different labour markets and education systems. Thus, governments and employers need a sharper focus on improving the procedures and methods for recognizing and accrediting refugees’ previous training, skills and professional qualifications. This recognition would substantially improve refugees’ access to the labour markets and ensure that refugees are not underemployed based on their prior qualifications.

Member States should consider a broad range of evidence for evaluating and verifying credentials including knowledge and competency-based tests, interviews, sworn statements and other supporting evidence.

Or. en

Justification

Source: Refugees’ Right to Work and Access to Labor Markets – An Assessment. Roger Zetter and Héloïse Ruaudel, September 2016, Global Knowledge Partnership on Migration and Development (KNOMAD)

Amendment 244

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Recital 34 c (new)

Text proposed by the Commission

Amendment

(34c) Greater emphasis should be placed on up-front education and training to ensure that refugees meet the standards required in the host country.

Governments should renew their commitments to providing language training by strengthening partnerships with employers who benefit from employees with language proficiency.

Or. en

Justification

Source: Refugees' Right to Work and Access to Labor Markets – An Assessment. Roger Zetter and Héloïse Ruaudel, September 2016, Global Knowledge Partnership on Migration and Development (KNOMAD)

Amendment 245
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Recital 34 d (new)

Text proposed by the Commission

Amendment

(34d) Member States may set up a list of recognised diplomas and certificates not requiring examination. For information purposes, these national lists, if adopted, shall be included in a common database accessible to all EU Member States.

Or. en

Amendment 246
Kristina Winberg

**Proposal for a directive
Recital 35**

Text proposed by the Commission

(35) *The rights acquired by a beneficiary of international protection as an EU Blue Card holder should be without prejudice to rights enjoyed by the person concerned under Directive 2011/95/EU and under the Geneva Convention in the Member State which granted the protection status. In that Member State, in order to avoid situations of conflicting rules, the provisions on equal treatment and family reunification of this Directive should not apply. Persons who are beneficiaries of international protection in one Member State and EU Blue Card holders in another should enjoy the same rights including equality of treatment with nationals of the Member State of residence as any other EU Blue Card holders in the latter Member State.*

Amendment

Deleted

Or. en

**Amendment 247
Barbara Spinelli, Paloma López Bermejo**

**Proposal for a directive
Recital 35**

Text proposed by the Commission

(35) The rights acquired by a beneficiary of international protection as an EU Blue Card holder should be without prejudice to rights enjoyed by the person concerned under *Directive 2011/95/EU and under the Geneva Convention in the Member State which granted the protection status. In that Member State, in order to avoid situations of conflicting rules, the provisions on equal treatment and family reunification of this Directive should not*

Amendment

(35) The rights acquired by *an applicant or* a beneficiary of international protection as an EU Blue Card holder should be without prejudice to rights enjoyed by the person concerned under the Geneva Convention *and, where applicable, under Directive 2011/95/EU.*** In order to avoid situations of conflicting rules ***in the Member States, the most favourable provisions with regards to*** equality of treatment ***and family*****

apply. Persons who are beneficiaries of international protection in one Member State and EU Blue Card holders in another should enjoy the same rights including equality of treatment with nationals of the Member State of residence as any other EU Blue Card holders in the latter Member State.

reunification rights shall apply.

Or. en

Justification

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

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

In case of conflicting rules, Member States shall always apply the most favourable standards with regards to equality of treatment and family reunification rights.

Amendment 248

Anna Maria Corazza Bildt, Carlos Coelho

Proposal for a directive

Recital 35

Text proposed by the Commission

(35) The rights acquired by a beneficiary of international protection as an EU Blue Card holder should be without prejudice to rights enjoyed by the person concerned under Directive 2011/95/EU and under the Geneva Convention in the Member State which granted the protection status. ***In that Member State, in order to avoid situations of conflicting rules, the provisions on equal treatment and family reunification of this Directive should not apply.*** Persons who are beneficiaries of international protection in one Member State and EU Blue Card holders in another should enjoy

Amendment

(35) The rights acquired by a beneficiary of international protection as an EU Blue Card holder should be without prejudice to rights enjoyed by the person concerned under Directive 2011/95/EU and under the Geneva Convention in the Member State which granted the protection status. Persons who are beneficiaries of international protection in one Member State and EU Blue Card holders in another should enjoy the same rights including equality of treatment with nationals of the Member State of residence as any other EU Blue Card holders in the latter Member

the same rights including equality of treatment with nationals of the Member State of residence as any other EU Blue Card holders in the latter Member State.

State. *When the Blue card expires beneficiaries of international protection should not lose their status in accordance to Directive 2011/95/EU in the Member States which granted the protection status.*

Or. en

Amendment 249

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini, Jean Lambert

Proposal for a directive

Recital 35

Text proposed by the Commission

(35) The rights acquired by a beneficiary of international protection as an EU Blue Card holder should be without prejudice to rights enjoyed by the person concerned under Directive 2011/95/EU and under the Geneva Convention in the Member State which granted the protection status. In that Member State, in order to avoid situations of conflicting rules, *the* provisions on equal treatment and family reunification of this Directive should *not* apply. Persons who are beneficiaries of international protection in one Member State and EU Blue Card holders in another should enjoy the same rights including equality of treatment with nationals of the Member State of residence as any other EU Blue Card holders in the latter Member State.

Amendment

(35) The rights acquired by a beneficiary of international protection as an EU Blue Card holder should be without prejudice to rights enjoyed by the person concerned under Directive 2011/95/EU and under the Geneva Convention in the Member State which granted the protection status. In that Member State, in order to avoid situations of conflicting rules, *existing more favourable* provisions on equal treatment and family reunification of this Directive should apply. Persons who are beneficiaries of international protection in one Member State and EU Blue Card holders in another should enjoy the same rights including equality of treatment with nationals of the Member State of residence as any other EU Blue Card holders in the latter Member State.

Or. en

Amendment 250

Kristina Winberg

Proposal for a directive

Recital 36

Text proposed by the Commission

(36) Favourable conditions for family reunification and unhindered access to work for spouses should be a fundamental element of this Directive in order to facilitate the attraction of highly skilled workers. Specific derogations from Council Directive 2003/86/EC should be provided for in order to reach this aim. Conditions related to integration or waiting periods should not be applied before allowing family reunification, as highly skilled workers and their families are likely to have favourable starting point regarding integration in the host community. With the aim of facilitating the swift entry of highly skilled workers, residence permits to their family members should be issued at the same time as the EU Blue Card, where the relevant conditions are fulfilled and the applications were lodged simultaneously.

Amendment

deleted

Or. en

Amendment 251

Barbara Spinelli

Proposal for a directive

Recital 36

Text proposed by the Commission

(36) Favourable conditions for family reunification and unhindered access to work for spouses should be a fundamental element of this Directive in order to facilitate the attraction of highly skilled workers. Specific derogations from Council Directive 2003/86/EC should be provided for in order to reach this aim. **Conditions** related to integration or waiting periods should not be applied before

Amendment

(36) Favourable conditions for family reunification and unhindered access to work for spouses should be a fundamental element of this Directive in order to facilitate the attraction of highly skilled workers. Specific derogations from Council Directive 2003/86/EC should be provided for in order to reach this aim. **In order to increase the attractiveness of the EU Blue Card**, conditions related to

allowing family reunification, *as highly skilled workers and their families are likely to have favourable starting point regarding integration in the host community*. With the aim of facilitating the swift entry of highly skilled workers, residence permits to their family members should be issued at the same time as the EU Blue Card, where the relevant conditions are fulfilled *and the applications were lodged simultaneously*.

integration or waiting periods should not be applied before allowing family reunification, *bearing in mind that an EU Blue Card holder already has a work contract or binding job offer in highly-skilled employment upon arrival*. With the aim of facilitating the swift entry of highly skilled workers, residence permits to their family members should be issued at the same time as the EU Blue Card, where the relevant conditions are fulfilled

Or. en

Amendment 252
Barbara Spinelli

Proposal for a directive
Recital 36 a (new)

Text proposed by the Commission

Amendment

(36a) The integration of family members should be promoted. For that purpose, they should be granted a status independent of that of the sponsor, in particular in cases of breakup of marriages and partnerships, and access to education, employment and vocational training on the same terms as the person with whom they are reunited, under the relevant conditions.

Or. en

Justification

This is §15 of the preamble of Directive 2003/86/EC.

Amendment 253
Kristina Winberg

Proposal for a directive
Recital 37

Text proposed by the Commission

Amendment

(37) In order to attract highly skilled workers and encourage their continuous stay in the Union, while enabling mobility within the Union as well as circular migration, derogations from Council Directive 2003/109/EC⁴³ should be provided for in order to give EU Blue Card holders an easier access to EU long-term resident status.

deleted

⁴³ Council Directive 2003/109/EC of 25 November 2003 on the status of third-country nationals who are long-term residents (OJ L 16, 23.1.2004, p. 44).

Or. en

Amendment 254

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Recital 37

Text proposed by the Commission

Amendment

(37) In order to attract highly skilled workers and encourage their continuous stay in the Union, while enabling mobility within the Union as well as circular migration, derogations from Council Directive 2003/109/EC⁴³ should be provided for in order to give EU Blue Card holders an easier access to EU long-term resident status.

(37) In order to attract highly skilled workers and encourage their continuous stay in the Union, while enabling mobility within the Union as well as circular migration, derogations from Council Directive 2003/109/EC⁴³ should be provided for in order to give EU Blue Card holders **and their family members** an easier access to EU long-term resident status.

⁴³ Council Directive 2003/109/EC of 25 November 2003 on the status of third-country nationals who are long-term

⁴³ Council Directive 2003/109/EC of 25 November 2003 on the status of third-country nationals who are long-term

residents (OJ L 16, 23.1.2004, p. 44).

residents (OJ L 16, 23.1.2004, p. 44).

Or. en

Amendment 255
Kristina Winberg

Proposal for a directive
Recital 38

Text proposed by the Commission

(38) In order to foster the mobility of highly skilled workers between the Union and their countries of origin, derogations from Directive 2003/109/EC should be provided for in order to allow longer periods of absence than those provided for in that Directive after highly skilled third-country workers have acquired the EU long-term resident status

Amendment

deleted

Or. en

Amendment 256
Lorenzo Fontana

Proposal for a directive
Recital 38

Text proposed by the Commission

(38) In order to foster the mobility of highly skilled workers between the Union and their countries of origin, *derogations from Directive 2003/109/EC should be provided for in order to* allow longer periods of absence than those provided for in *that* Directive after highly skilled third-country workers have acquired the EU long-term resident status

Amendment

(38) In order to foster the mobility of highly skilled workers between the Union and their countries of origin *and* allow longer periods of absence than those provided for in Directive 2003/109/EC after highly skilled third-country workers have acquired the EU long-term resident status, *there should be an agreement guaranteeing that, where applicable, repatriation agreements are drawn up for citizens of these countries who entered a Member State illegally.*

Amendment 257
Lorenzo Fontana

Proposal for a directive
Recital 39

Text proposed by the Commission

Amendment

(39) *The occupational and geographical mobility of third-country highly skilled workers should be recognised as an important contributor to improving labour market efficiency across the Union, addressing skills shortages and offsetting regional imbalances. Mobility within the Union should be facilitated.*

deleted

Amendment 258
Kristina Winberg

Proposal for a directive
Recital 39

Text proposed by the Commission

Amendment

(39) *The occupational and geographical mobility of third-country highly skilled workers should be recognised as an important contributor to improving labour market efficiency across the Union, addressing skills shortages and offsetting regional imbalances. Mobility within the Union should be facilitated.*

deleted

Amendment 259
Kristina Winberg

Proposal for a directive
Recital 40

Text proposed by the Commission

(40) Existing legal uncertainty surrounding business trips of highly skilled workers should be addressed by defining this notion and setting a list of activities that in any case should be considered as business activities in all Member States. Second Member States should not be allowed to require from EU Blue Card holders engaging in business activities a work permit or any other authorisation than the EU Blue Card issued by the first Member State. Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full, its holder should be entitled to enter and stay in one or several second Member States for the purpose of business activity for up to 90 days in any 180-day period based on the EU Blue Card.

Amendment

deleted

Or. en

Amendment 260
Carlos Coelho, Mariya Gabriel

Proposal for a directive
Recital 40

Text proposed by the Commission

(40) Existing legal uncertainty surrounding business trips of highly skilled workers should be addressed by defining this notion and setting a list of activities that in any case should be considered as business activities in all Member States. Second Member States should not be allowed to require from EU Blue Card holders engaging in business activities a work permit or any other authorisation than the EU Blue Card issued by the first

Amendment

(40) Existing legal uncertainty surrounding business trips of highly skilled workers should be addressed by defining this notion and setting a list of activities that in any case should be considered as business activities in all Member States. Second Member States should not be allowed to require from EU Blue Card holders engaging in business activities a work permit or any other authorisation than the EU Blue Card issued by the first

Member State. Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full, its holder should be entitled to enter and stay in one or several second Member States for the purpose of business activity for up to 90 days in any 180-day period based on the EU Blue Card.

Member State. Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full, its holder should be entitled to enter and stay in one or several second Member States for the purpose of business activity for up to 90 days in any 180-day period based on the EU Blue Card, *in accordance with the rules laid down in this directive and the Schengen Borders Code.*

Or. en

Amendment 261
Monika Hohlmeier

Proposal for a directive
Recital 41

Text proposed by the Commission

(41) EU Blue Card holders should be allowed to move to a second Member State under simplified conditions where they intend to apply for a new EU Blue Card based on an existing work contract or binding job offer. Second Member States should **not** be allowed to require from EU Blue Card holders **any other authorisation than the EU Blue Card issued by** the first Member State. As soon as they submit an application for an EU Blue Card within the deadline provided for in this Directive, they should be allowed to begin employment. In the second Member State the procedure for issuing an EU Blue Card should be simplified compared to the first EU Blue Card; as the mobile EU Blue Card holder has already exercised highly skilled activity in one Member State for a certain period of time, the second Member State **should not have the need to control all the same details** for a second time. However, mobility should remain demand-driven and therefore a work contract should always be required in the second Member State, and

Amendment

(41) EU Blue Card holders should be allowed to move to a second Member State under simplified conditions where they intend to apply for a new EU Blue Card based on an existing work contract or binding job offer. Second Member States should be allowed to require from EU Blue Card holders **the justification documents submitted in the first Member State during the application for a Blue Card. They may examine whether the criteria for issuing a Blue Card were met and reject a Blue Card if the criteria are not met or if the first Member State has not fulfilled their obligation to verify whether the criteria were met.** As soon as they submit an application for an EU Blue Card within the deadline provided for in this Directive, they should be allowed to begin employment. In the second Member State the procedure for issuing an EU Blue Card should be simplified compared to the first EU Blue Card; as the mobile EU Blue Card holder has already exercised highly skilled activity in one Member State for a certain

the salary should meet the threshold set by the second Member State in accordance with this Directive.

period of time, the second Member State *may* control *the justification documents* for a second time. However, mobility should remain demand-driven and therefore a work contract should always be required in the second Member State, and the salary should meet the threshold set by the second Member State in accordance with this Directive.

Or. en

Amendment 262

Miapetra Kumpula-Natri, Claude Moraes

Proposal for a directive

Recital 41

Text proposed by the Commission

(41) EU Blue Card holders should be allowed to move to a second Member State under simplified conditions where they intend to apply for a new EU Blue Card based on an existing work contract or binding job offer. Second Member States should not be allowed to require from EU Blue Card holders any other authorisation than the EU Blue Card issued by the first Member State. As soon as they submit an application for an EU Blue Card within the deadline provided for in this Directive, they should be allowed to begin employment. In the second Member State the procedure for issuing an EU Blue Card should be simplified compared to the first EU Blue Card; as the mobile EU Blue Card holder has already exercised highly skilled activity in one Member State for a certain period of time, the second Member State should not have the need to control all the same details for a second time. However, mobility should remain demand-driven and therefore a work contract should always be required in the second Member State, and the salary should meet the threshold set by

Amendment

(41) EU Blue Card holders should be allowed to move to a second Member State under simplified conditions where they intend to apply for a new EU Blue Card based on an existing work contract or binding job offer. Second Member States should not be allowed to require from EU Blue Card holders any other authorisation than the EU Blue Card issued by the first Member State. As soon as they submit an application for an EU Blue Card within the deadline provided for in this Directive, they should be allowed to begin employment. In the second Member State the procedure for issuing an EU Blue Card should be simplified compared to the first EU Blue Card; as the mobile EU Blue Card holder has already exercised highly skilled activity in one Member State for a certain period of time, the second Member State should not have the need to control all the same details for a second time. However, mobility should remain demand-driven and therefore a work contract should always be required in the second Member State, *all the conditions in applicable laws,*

the second Member State in accordance with this Directive.

collective agreements or practices in the relevant occupational branch should be met, and the salary should meet the threshold set by the second Member State in accordance with this Directive.

Or. en

Amendment 263
Nathalie Griesbeck

Proposal for a directive
Recital 41

Text proposed by the Commission

(41) EU Blue Card holders should be allowed to move to a second Member State under simplified conditions where they intend to apply for a new EU Blue Card based on an existing work contract or binding job offer. Second Member States should not be allowed to require from EU Blue Card holders any other authorisation than the EU Blue Card issued by the first Member State. As soon as they submit an application for an EU Blue Card within the deadline provided for in this Directive, they should be allowed to begin employment. In the second Member State the procedure for issuing an EU Blue Card should be simplified compared to the first EU Blue Card; as the mobile EU Blue Card holder has already exercised highly skilled activity in one Member State for a certain period of time, the second Member State should not have the need to control all the same details for a second time. However, mobility should remain demand-driven and therefore a work contract should always be required in the second Member State, *and the salary should meet the threshold set by the second Member State in accordance with this Directive.*

Amendment

(41) EU Blue Card holders should be allowed to move to a second Member State under simplified conditions where they intend to apply for a new EU Blue Card based on an existing work contract or binding job offer. Second Member States should not be allowed to require from EU Blue Card holders any other authorisation than the EU Blue Card issued by the first Member State. As soon as they submit an application for an EU Blue Card within the deadline provided for in this Directive, they should be allowed to begin employment. In the second Member State the procedure for issuing an EU Blue Card should be simplified compared to the first EU Blue Card; as the mobile EU Blue Card holder has already exercised highly skilled activity in one Member State for a certain period of time, the second Member State should not have the need to control all the same details for a second time. However, mobility should remain demand-driven and therefore a work contract should always be required in the second Member State.

Or. en

Justification

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

Amendment 264

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Recital 41

Text proposed by the Commission

(41) EU Blue Card holders should be allowed to move to a second Member State under simplified conditions where they intend to apply for a new EU Blue Card based on an existing work contract or binding job offer. Second Member States should not be allowed to require from EU Blue Card holders any other authorisation than the EU Blue Card issued by the first Member State. As soon as they submit an application for an EU Blue Card within the deadline provided for in this Directive, they should be allowed to begin employment. In the second Member State the procedure for issuing an EU Blue Card should be simplified compared to the first EU Blue Card; as the mobile EU Blue Card holder has already exercised highly skilled activity in one Member State for a certain period of time, the second Member State should not have the need to control all the same details for a second time. However, mobility should remain demand-driven and therefore a work contract should always be required in the second Member State, and the salary should meet the threshold set by

Amendment

(41) EU Blue Card holders ***and their family members*** should be allowed to move to a second Member State under simplified conditions where they intend to apply for a new EU Blue Card based on an existing work contract or binding job offer. Second Member States should not be allowed to require from EU Blue Card holders any other authorisation than the EU Blue Card issued by the first Member State. As soon as they submit an application for an EU Blue Card within the deadline provided for in this Directive, they should be allowed to begin employment. In the second Member State the procedure for issuing an EU Blue Card should be simplified compared to the first EU Blue Card; as the mobile EU Blue Card holder has already exercised highly skilled activity in one Member State for a certain period of time, the second Member State should not have the need to control all the same details for a second time. However, mobility should remain demand-driven and therefore a work contract should always be required in the second Member State, and

the second Member State in accordance with this Directive.

the salary should meet the threshold set by the second Member State in accordance with this Directive.

Or. en

Amendment 265
Barbara Spinelli

Proposal for a directive
Recital 41

Text proposed by the Commission

(41) EU Blue Card holders should be allowed to move to a second Member State under *simplified conditions where they intend to apply for a new EU Blue Card based on an existing work contract or binding job offer*. Second Member States should not be allowed to require from EU Blue Card holders any other *authorisation* than the EU Blue Card issued by the first Member State. *As soon as they submit an application for an EU Blue Card* within the deadline provided for in this Directive, they should be allowed to begin employment. *In the second Member State the procedure for issuing an EU Blue Card should be simplified compared to the first EU Blue Card*; as the mobile EU Blue Card holder has already exercised highly skilled activity in one Member State for a certain period of time, the second Member State should not have the need to control all the same details for a second time. However, *mobility should remain demand-driven and therefore* a work contract *should always* be required in the second Member State, *and the salary should meet the threshold set by the second Member State in accordance with this Directive*.

Amendment

(41) EU Blue Card holders should be allowed to move to a second Member State under *their EU Blue Card subject to notifying the second Member State of the fact that they are moving to that second Member State for the purposes of employment under the EU Blue Card*. Second Member States should not be allowed to require from EU Blue Card holders any *authorisation* other than the EU Blue Card issued by the first Member State. *Once the EU Blue Card holder has submitted his or her notification* within the deadline provided for in this Directive, they should be allowed to begin employment. The second Member State *should retain the right to object to the mobility, but the procedure should be simplified*; as the mobile EU Blue Card holder has already exercised highly skilled activity in one Member State for a certain period of time, the second Member State should not have the need to control all the same details for a second time. However, a work contract *could* be required in the second Member State, *all the conditions in applicable laws, collective agreements or practices in the relevant occupational branch should be met*

Or. en

Justification

The deletion of the requirement to meet the salary threshold is to ensure consistency with later amendments.

Amendment 266 **Kristina Winberg**

Proposal for a directive **Recital 42**

Text proposed by the Commission

(42) While some special rules are provided in this Directive regarding entry and stay in a second Member State for the purpose of business activity, as well as moving to a second Member State to apply for a new EU Blue Card in its territory, all the other rules governing the movement of persons across borders as laid down in the relevant provisions of the Schengen acquis apply.

Amendment

deleted

Or. en

Amendment 267 **Barbara Spinelli**

Proposal for a directive **Recital 42**

Text proposed by the Commission

(42) While some special rules are provided in this Directive regarding entry and stay in a second Member State for the purpose of business activity, as well as moving to a second Member State to **apply for a new** EU Blue Card in its territory, all the other rules governing the movement of persons across borders as laid down in the relevant provisions of the Schengen acquis apply.

Amendment

(42) While some special rules are provided in this Directive regarding entry and stay in a second Member State for the purpose of business activity, as well as moving to a second Member State to **reside and work there under the** EU Blue Card in its territory, all the other rules governing the movement of persons across borders as laid down in the relevant provisions of the Schengen acquis apply.

Amendment 268
Kristina Winberg

Proposal for a directive
Recital 43

Text proposed by the Commission

Amendment

(43) *Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full and the EU Blue Card holder, in the mobility situations provided for in this Directive, crosses an external border within the meaning of Regulation (EU) 2016/399 of the European Parliament and of the Council⁴⁴, a Member State should be entitled to require evidence that the EU Blue Card holder is entering its territory either for the purpose of business activities or in order to apply for a new EU Blue Card based on a work contract or binding job offer. In the case of mobility for carrying out business activities, that Member State should be able to require evidence of the business purpose of the stay, such as invitations, entry tickets, or documents describing the business activities of the company and the position of the EU Blue Card holder in the company.* **deleted**

⁴⁴ *Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23 03 2016, p. 1).*

Amendment 269
Barbara Spinelli

Proposal for a directive
Recital 43

Text proposed by the Commission

(43) Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full and the EU Blue Card holder, in the mobility situations provided for in this Directive, crosses an external border within the meaning of Regulation (EU) 2016/399 of the European Parliament and of the Council⁴⁴, a Member State should be entitled to require evidence that the EU Blue Card holder is entering its territory either for the purpose of business activities or in order to ***apply for a new EU Blue Card based on a work contract or binding job offer. In the case of mobility for carrying out business activities, that Member State should be able to require evidence of the business purpose of the stay, such as invitations, entry tickets, or documents describing the business activities of the company and the position of the EU Blue Card holder in the company.***

⁴⁴ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23 03 2016, p. 1).

Amendment

(43) Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full and the EU Blue Card holder, in the mobility situations provided for in this Directive, crosses an external border within the meaning of Regulation (EU) 2016/399 of the European Parliament and of the Council⁴⁴, a Member State should be entitled to require evidence that the EU Blue Card holder is entering its territory either for the purpose of business activities or in order to ***reside and work there under*** the EU Blue Card.

⁴⁴ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23 03 2016, p. 1).

Or. en

Amendment 270
Barbara Spinelli

Proposal for a directive
Recital 44

Text proposed by the Commission

(44) Where the EU Blue Card holder moves to a second Member State to apply for an EU Blue Card and he or she is accompanied by family members, that Member State *should* be able to require *evidence of their lawful* residence in the first Member State. *Besides, in* case of crossing of an external border within the meaning of Regulation (EU) 2016/399, the Members States applying the Schengen acquis in full *should* consult the Schengen information system and should refuse entry or object to the mobility of persons for whom an alert for the purposes of refusing entry or stay, as referred to in Regulation (EC) No 1987/2006 of the European Parliament and of the Council⁴⁵, has been issued in that system.

⁴⁵ Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381, 28.12.2006, p. 4).

Amendment

(44) Where the EU Blue Card holder moves to a second Member State to apply for an EU Blue Card and he or she is accompanied by family members, that Member State *could* be able to require *the family members to present their residence permits issued* in the first Member State. In case of crossing of an external border within the meaning of Regulation (EU) 2016/399, the Members States applying the Schengen acquis in full *could* consult the Schengen information system and should refuse entry or object to the mobility of persons for whom an alert for the purposes of refusing entry or stay, as referred to in Regulation (EC) No 1987/2006 of the European Parliament and of the Council⁴⁵, has been issued in that system.

⁴⁵ Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381, 28.12.2006, p. 4).

Or. en

Amendment 271
Kristina Winberg

Proposal for a directive
Recital 45

Text proposed by the Commission

(45) *For the purpose of residence of beneficiaries of international protection across Member States, it is necessary to ensure that Member States other than the one which issued international protection are informed of the protection*

Amendment

(45) Beneficiaries of international protection *must remain in the* Member State which issued international protection.

background of the persons concerned in order to enable Member States to comply with their obligations regarding the principle of non-refoulement.

Or. en

Amendment 272

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Recital 45

Text proposed by the Commission

(45) For the purpose of residence of beneficiaries of international protection across Member States, it is necessary to ensure that Member States other than the one which issued international protection are informed of the protection background of the persons concerned in order to enable Member States to comply with their obligations regarding the principle of non-refoulement.

Amendment

(45) For the purpose of residence of beneficiaries of international protection ***and applicants for international protection or those who seek protection in accordance with the national law*** across ***the*** Member States, it is necessary to ensure that Member States other than the one which issued international protection, ***or the one that is responsible for the application for international protection,*** are informed of the protection ***or application*** background of the persons concerned in order to enable Member States to comply with their obligations regarding the principle of non-refoulement.

Or. en

Amendment 273

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Recital 45

Text proposed by the Commission

(45) For the purpose of residence of

Amendment

(45) For the purpose of residence of

beneficiaries of international protection across Member States, it is necessary to ensure that Member States other than the one which issued international protection are informed of the protection background of the persons concerned in order to enable Member States to comply with their obligations regarding the principle of non-refoulement.

beneficiaries of international protection *or of applicants for international protection* across Member States, it is necessary to ensure that Member States other than the one which issued *international protection or other than the one responsible for the application for* international protection are informed of the protection background of the persons concerned in order to enable Member States to comply with their obligations regarding the principle of non-refoulement.

Or. en

Amendment 274
Kristina Winberg

Proposal for a directive
Recital 46

Text proposed by the Commission

Amendment

(46) Where a Member State intends to expel a person who has acquired an EU Blue Card in that Member State and who is a beneficiary of international protection in another Member State, that person should enjoy the protection against expulsion guaranteed under Directive 2011/95/EU and under Article 33 of the Convention Relating to the Status of Refugees of 28 July 1951, as amended by the Protocol signed in New York on 31 January 1967 (the Geneva Convention).

deleted

Or. en

Amendment 275
Barbara Spinelli, Paloma López Bermejo

Proposal for a directive
Recital 46 a (new)

Text proposed by the Commission

Amendment

(46a) Where a Member State intends to expel a person who acquired an EU Blue Card, the Member State shall comply with the principle of non-refoulement. If the person is a beneficiary or an applicant for international protection in another Member State, the person shall be transferred to that Member State and that other Member State shall comply with the principle of non-refoulement.

Or. en

Amendment 276

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini, Barbara Spinelli

Proposal for a directive

Recital 48 a (new)

Text proposed by the Commission

Amendment

(48a) As part of its role in monitoring the implementation of this Directive, the Commission should evaluate the applicability of similar schemes for labour migration to other employment sectors, in particular low and medium-wage sectors, and seriously consider to propose a comprehensive framework for labour migration applicable to all sectors, including for low and medium-skilled workers.

Or. en

Justification

Establishing more, increasingly flexible and realistic channels for labour migration including in low and medium-wage sectors is crucial in order to ensure that people can migrate in a safe and legal manner, thus using the appropriate channels for migration, without necessarily needing to recourse to the asylum system, which is currently one of the very few options

available in order to acquire a regular status in the European Union and which would take away the need to resort to human smugglers.

Amendment 277
Nathalie Griesbeck

Proposal for a directive
Recital 48 a (new)

Text proposed by the Commission

Amendment

(48a) When transposing this Directive and in order to better respond to the needs of the EU labour market, Member States and the Commission should gather data and list the sectors of employment or geographical areas where there are employment shortages or where vacancies are hard to fill and communicate this information publicly.

Or. en

Justification

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

Amendment 278
Nathalie Griesbeck

Proposal for a directive
Recital 48 b (new)

Text proposed by the Commission

Amendment

(48b) To ensure the proper enforcement of this Directive, and in particular the provisions regarding rights and working conditions, Member States should ensure that appropriate mechanisms are in place for the monitoring of the Directive.

Or. en

Justification

See Amendment in Article 24

Amendment 279
Kristina Winberg

Proposal for a directive
Recital 49

Text proposed by the Commission

(49) *Since the objectives of this Directive, namely the establishment of a special admission procedure and the adoption of conditions of entry and residence, and the rights, applicable to third-country nationals for the purpose of highly skilled employment and their family members, cannot be sufficiently achieved by the Member States, especially – to better exploit the EU’s overall attractiveness – as regards ensuring their mobility between Member States and offering a clear and single set of admission criteria across the Member States, and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In 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.*

Amendment

(49) Admission procedure and the adoption of conditions of entry and residence, and the rights, applicable to third-country nationals for the purpose of highly *qualified* employment and their family members *should remain fully within the competence of* Member States.

Or. en

Amendment 280
Kristina Winberg

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

Text proposed by the Commission

Amendment

(a) the conditions of entry and residence for more than three months in the territory of the Member States, and the rights, of third-country nationals for the purpose of highly *skilled* employment, and of their family members;

(a) the conditions of entry and residence for more than three months in the territory of the Member States, and the rights, of third-country nationals for the purpose of highly *qualified* employment, and of their family members;

Or. en

Amendment 281
Nathalie Griesbeck

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

Text proposed by the Commission

Amendment

(a) the conditions of entry and residence for more than three months in the territory of the Member States, and the rights, of third-country nationals for the purpose of *highly* skilled employment, and of their family members;

(a) the conditions of entry and residence for more than three months in the territory of the Member States, and the rights, of third-country nationals for the purpose of skilled employment, and of their family members;

Or. en

Justification

The Blue card directive should not be limited to strictly “highly skilled employment” but “skilled employment”, to respond to current and future labour market needs in Europe and in the Member States

Amendment 282
Kinga Gál

Proposal for a directive
Article 2 – paragraph 1 – point b – introductory part

Text proposed by the Commission

Amendment

(b) “highly skilled employment” means the employment *of a person who*:

(b) “highly skilled employment” means the employment *in a position requiring higher professional qualifications, where*

the person:

Or. en

Amendment 283
Nathalie Griesbeck

Proposal for a directive
Article 2 – paragraph 1 – point b – introductory part

Text proposed by the Commission

Amendment

(b) “**highly** skilled employment” means the employment of a person who:

(b) “skilled employment” means the employment of a person who:

Or. en

Justification

The Blue card directive should not be limited to strictly “highly skilled employment” but “skilled employment”, to respond to current and future labour market needs in Europe and in the Member States.

Amendment 284
Barbara Spinelli

Proposal for a directive
Article 2 – paragraph 1 – point b – indent 3

Text proposed by the Commission

Amendment

- has the required **competence, as proven by** higher professional **qualifications.**

- has the required **qualifications or skills as attested by evidence of higher education qualifications or** higher professional **skills or specific artistic or sporting talent;**

Or. en

Justification

The Commission proposal defines highly skilled employment by reference to higher professional qualifications, which are then defined by reference to higher education qualifications or higher professional skills. The definitions are thus amended to make it clear

that highly skilled employment is based on higher education qualifications or higher professional skills.

Amendment 285
Nathalie Griesbeck

Proposal for a directive
Article 2 – paragraph 1 – point b – indent 3

Text proposed by the Commission

- has the required competence, as proven by **higher** professional qualifications.

Amendment

- has the required competence, as proven by professional qualifications.

Or. en

Justification

The Blue card directive should not be limited to strictly “highly skilled employment” but “skilled employment”, to respond to current and future labour market needs in Europe and in the Member States.

Amendment 286
Bodil Valero
on behalf of the Verts/ALE Group
Judith Sargentini

Proposal for a directive
Article 2 – paragraph 1 – point c

Text proposed by the Commission

(c) “EU Blue Card” means the residence permit bearing the term “EU Blue Card” entitling its holder to reside and work in the territory of a Member State under the terms of this Directive;

Amendment

(c) “EU Blue Card” means the residence permit bearing the term “EU Blue Card” entitling its holder **and his or her family members** to reside and work in the territory of a Member State under the terms of this Directive;

Or. en

Amendment 287

Barbara Spinelli

Proposal for a directive

Article 2 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) “**higher professional qualifications**” means qualifications attested by evidence of higher education qualifications or higher professional skills;

deleted

Or. en

Justification

This definition is now redundant as it is subsumed into the third indent of Article 2(b)

Amendment 288

Kazimierz Michał Ujazdowski

Proposal for a directive

Article 2 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) “higher professional qualifications” means qualifications attested by evidence of higher education qualifications or higher professional skills;

(g) “higher professional qualifications” means qualifications attested by evidence of higher education qualifications or, **where provided for by national law**, higher professional skills;

Or. en

Amendment 289

Nathalie Griesbeck

Proposal for a directive

Article 2 – paragraph 1 – point g

Text proposed by the Commission

Amendment

(g) “**higher** professional qualifications” means qualifications attested by evidence

(g) “professional qualifications” means qualifications attested by evidence of

of **higher** education qualifications or **higher** professional skills;

education qualifications or professional skills

Or. en

Justification

The Blue card directive should not be limited to strictly “highly skilled employment” but “skilled employment”, to respond to current and future labour market needs in Europe and in the Member States.

Amendment 290

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Article 2 – paragraph 1 – point h

Text proposed by the Commission

(h) “higher education qualifications” means any diploma, certificate or other evidence of formal qualifications issued by a competent authority attesting the successful completion of a post-secondary higher education or equivalent tertiary education programme, **namely** a set of courses provided by an educational establishment recognised as a higher education institution or equivalent tertiary educational institution by the State in which it is situated, where the studies needed to acquire those qualifications lasted at least three years and correspond at least to ISCED 2011 level 6 or to EQF level 6, according to national law;

Amendment

(h) “higher education qualifications” means any diploma, certificate or other **supporting** evidence of formal **or equivalent** qualifications issued by a competent authority **or supporting institutions** attesting the successful completion of a post-secondary higher education or equivalent tertiary education programme, **possibly** a set of courses provided by an educational establishment recognised as a higher education institution or equivalent tertiary educational institution by the State in which it is situated, **or its equivalent as demonstrated through skills and/or knowledge-based assessments by supporting institutions** where the studies needed to acquire those qualifications lasted at least three years and **may** correspond at least to ISCED 2011 level 6 or to EQF level 6, according to national law; **for applicants and beneficiaries of international protection residing in the territory of the EU who do not have the documents necessary to prove their qualifications, Member States will apply appropriate additional procedures to establish their level of**

Justification

This amendment incorporates Amendment 1 of the Committee or Regions opinion “legal migration” of 7-8 December 2016. COR justification: It is necessary to redefine this concept, to take account of the fact that a potentially large number of refugees may not be able to document their vocational qualifications. The proposed provisions of the Directive require a much more flexible approach to this issue than at present. The CoR draws attention in this context to existing documents setting out accumulated experience in this area, in particular the Skills Profile Tool Kit for Third Country Nationals currently being prepared, as proposed in the New Skills Agenda for Europe. It is also suggested that use be made of the experience of European regions in this area.

Amendment 291
Nathalie Griesbeck

Proposal for a directive
Article 2 – paragraph 1 – point h

Text proposed by the Commission

(h) “**higher** education qualifications” means any diploma, certificate or other evidence of formal qualifications issued by a competent authority attesting the successful completion of **a post-secondary higher education or equivalent tertiary education** programme, namely a set of courses provided by an educational establishment recognised as a **higher education institution or equivalent tertiary educational institution** by the State in which it is situated, **where the studies needed to acquire those qualifications lasted at least three years** and correspond at least to ISCED 2011 level **6** or to EQF level **6**, according to national law;

Amendment

(h) “education qualifications” means any diploma, certificate or other evidence of formal qualifications issued by a competent authority attesting the successful completion of **at least a secondary** education programme, namely a set of courses provided by an educational establishment recognised as a **secondary** education institution or equivalent by the State in which it is situated and correspond at least to ISCED 2011 level **3** or to EQF level **3** according to national law

Justification

The Blue card directive should not be limited to strictly “highly skilled employment” but “skilled employment”, to respond to current and future labour market needs in Europe and in the Member States.

Amendment 292

Miltiadis Kyrkos

Proposal for a directive

Article 2 – paragraph 1 – point η

Text proposed by the Commission

(h) “higher education qualifications” means any diploma, certificate or other evidence of formal qualifications issued by a competent authority attesting the successful completion of a post-secondary higher education or equivalent tertiary education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution or equivalent tertiary educational institution by the State in which it is situated, where the studies needed to acquire those qualifications lasted at least three years and correspond at least to ISCED 2011 level 6 or to EQF level 6, according to national law;

Amendment

(h) higher education qualifications means any diploma, certificate or other evidence of formal qualifications issued by a competent authority **and recognised by the Member State authorities** attesting the successful completion of a post-secondary higher education or equivalent tertiary education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution or equivalent tertiary educational institution by the State in which it is situated, where the studies needed to acquire those qualifications lasted at least three years and correspond at least to ISCED 2011 level 6 or to EQF level 6, according to national law;

Or. el

Amendment 293

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Article 2 – paragraph 1 – point i

Text proposed by the Commission

(i) “higher professional skills” means skills attested by at least three years of professional experience of a level

Amendment

(i) “higher professional skills” means skills attested by at least three years of professional experience of a level

comparable to higher education qualifications and which is relevant in the profession or sector specified in the work contract or binding job offer;

comparable to higher education qualifications and which is relevant in the profession or sector specified in the work contract or binding job offer; ***for applicants and beneficiaries of international protection resident in the territory of the EU who do not have the documents necessary to prove their higher-level professional skills, Member States will apply appropriate additional procedures to establish their skills and professional experience;***

Or. en

Justification

Amendment 2 of the Committee of Regions opinion “legal migration” of 7-8 December 2016. COR justification: It is necessary to redefine this concept, to take account of the fact that a potentially large number of refugees may not be able to document their vocational qualifications. The proposed provisions of the Directive require a much more flexible approach to this issue than at present. The CoR draws attention in this context to existing documents setting out accumulated experience in this area, in particular the Skills Profile Tool Kit for Third Country Nationals currently being prepared, as proposed in the New Skills Agenda for Europe. It is also suggested that use be made of the experience of European regions in this area.

Amendment 294 **Kinga Gál**

Proposal for a directive **Article 2 – paragraph 1 – point i**

Text proposed by the Commission

(i) “higher professional skills” means skills attested by at least three years of professional experience of a level comparable to higher education qualifications and which is relevant in the profession or sector specified in the work contract or binding job offer;

Amendment

(i) “higher professional skills” means ***knowledge***, skills attested ***where provided for by national law or national procedures*** by at least three years of professional experience of a level comparable to higher education qualifications and which is relevant in the profession or sector specified in the work contract or binding job offer;

Or. en

Amendment 295
Nathalie Griesbeck

Proposal for a directive
Article 2 – paragraph 1 – point i

Text proposed by the Commission

(i) “**higher** professional skills” means skills attested by at least three years of professional experience of a level comparable to **higher** education qualifications and which is relevant in the profession or sector specified in the work contract or binding job offer;

Amendment

(i) “professional skills” means skills attested by at least three years of professional experience of a level comparable to **secondary** education qualifications and which is relevant in the profession or sector specified in the work contract or binding job offer;

Or. en

Justification

The Blue card directive should not be limited to strictly “highly skilled employment” but “skilled employment”, to respond to current and future labour market needs in Europe and in the Member States.

Amendment 296
Kazimierz Michał Ujazdowski

Proposal for a directive
Article 2 – paragraph 1 – point i

Text proposed by the Commission

(i) “higher professional skills” means skills attested by at least **three** years of professional experience of a level comparable to higher education qualifications and which is relevant in the profession or sector specified in the work contract or binding job offer;

Amendment

(i) “higher professional skills” means skills attested by at least **five** years of professional experience of a level comparable to higher education qualifications and which is relevant in the profession or sector specified in the work contract or binding job offer;

Or. en

Amendment 297

Miltiadis Kyrkos

Proposal for a directive

Article 2 – paragraph 1 – point i

Text proposed by the Commission

(j) “professional experience” means the actual and lawful pursuit of the profession concerned;

Amendment

(j) “professional experience” means the actual and lawful pursuit of the profession concerned, ***as evidenced by supporting documentation***;

Or. el

Amendment 298

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 2 – paragraph 1 – point j

Text proposed by the Commission

(j) “professional experience” means the actual and ***lawful*** pursuit of the profession concerned;

Amendment

(j) “professional experience” means the actual and ***proved*** pursuit of the profession concerned;

Or. en

Amendment 299

Barbara Spinelli

Proposal for a directive

Article 2 – paragraph 1 – point l

Text proposed by the Commission

(l) “business activity” means a temporary activity related to the business interests of the employer, such as attending internal and external business meetings, attending conferences and seminars, negotiating business deals, undertaking sales or marketing activities, performing

Amendment

(l) “business activity” means a temporary activity related to the business interests of the employer, such as ***but not limited to***: attending internal and external business meetings, attending, ***organizing and speaking at*** conferences and seminars, ***trade exhibitions and other expositions***,

internal or client audits, exploring business opportunities, or attending and receiving training;

negotiating business deals, undertaking sales or marketing activities, performing internal or client audits, exploring business opportunities (*attending networking events, developing and maintaining business contacts*), *the verification of the use and functioning of machinery purchased or sold in the framework of commercial contracts, giving*, or attending and receiving training, *testing/maintenance of software/hardware, gathering data, conducting research, business process analysis, conducting interviews in view of recruiting employees, attending and participating in job fairs*;

Or. en

Justification

The possibility to conduct a business activity in a second Member State without prior authorisation is beneficial both for the employee and the employer. The proposed of business activities should not be exhaustive and include more examples including those enshrined in this amendment.

Amendment 300

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

Proposal for a directive

Article 2 – paragraph 1 – point 1

Text proposed by the Commission

(1) “business activity” means a temporary activity related to the business interests of the employer, such as attending internal and external business meetings, attending conferences and seminars, negotiating business deals, undertaking sales or marketing activities, *performing internal or client audits, exploring business opportunities, or attending and receiving training*;

Amendment

(1) “business activity” means a temporary activity related to the business interests of the employer, such as attending internal and external business meetings, attending conferences and seminars, negotiating business deals, undertaking sales or marketing activities;

Or. en

Amendment 301

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 2 – paragraph 1 – point l

Text proposed by the Commission

(l) “business activity” means a temporary activity related to the business interests of the employer, such as attending internal and external business meetings, attending conferences and seminars, negotiating business deals, undertaking sales or marketing activities, performing internal or client audits, exploring business opportunities, or attending and receiving training;

Amendment

(l) “business activity” means a temporary activity related to the business interests of the employer, such as, ***but not limited to***, attending internal and external business meetings, attending conferences and seminars, negotiating business deals, undertaking sales or marketing activities, performing internal or client audits, exploring business opportunities, or attending and receiving training;

Or. en

Amendment 302

Barbara Spinelli, Paloma López Bermejo

Proposal for a directive

Article 2 – paragraph 1 – point m

Text proposed by the Commission

(m) “international protection” has the meaning as defined in Article 2(a) of Directive 2011/95/EU of the European Parliament and of the Council.

Amendment

(m) “international protection” has the meaning as defined in Article 2(a) of Directive 2011/95/EU of the European Parliament and of the Council ***and, where applicable, as defined in national legislation***

Or. en

Justification

All beneficiaries of international protection, whether according to EU law or national law, should be eligible, as no undue obligations are placed on Member States other than that which has granted international protection.

Amendment 303

Barbara Spinelli

Proposal for a directive

Article 2 – paragraph 1 – point m a (new)

Text proposed by the Commission

Amendment

(ma) ‘threat to public health’ means any disease with epidemic potential as defined by the International Health Regulations of the World Health Organization and other infectious diseases or contagious parasitic diseases if they are the subject of protection provisions applying to nationals of the Member States. Applicants should be informed of the reasons of the refusal, which shall not be based on suspicions. Applicants shall have access to effective judicial remedies.

Or. en

Justification

Leaving ‘threat to public health’ undefined allows for the withdrawal of an EU Blue Card or the rejection of an EU Blue Card application or renewal based on divergent definitions across Member States. This is contradictory to the aim of this proposal as stated in recital 4. The proposed definition as stated in Regulation (EU) 2016/399 and Directive 2004/38/EC prevents legal uncertainty for Member States, Blue Card applicants, Blue Card holders, and employers.

As referred in article 47 and 48 of the Charter of Fundamental Rights, everyone is entitled to a fair trial and effective remedy, as the presumption of innocence and right of defence shall be guaranteed by judicial institutions.

Amendment 304

Cécile Kashetu Kyenge, Miltiadis Kyrkos, Juan Fernando López Aguilar

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

Text proposed by the Commission

Amendment

(ma) ‘threat to public health’ means any disease with epidemic potential as defined by the International Health Regulations of the World Health Organization and other infectious diseases or contagious parasitic diseases if they are the subject of protection provisions applying to nationals of the Member States.

Or. en

Amendment 305
Barbara Spinelli

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

Text proposed by the Commission

Amendment

(mb) an individual can only have his/her application refused on the basis of ‘threat to public policy and/or security’ based on documented evidence that the applicant represents or is directly connected to networks undermining Member States’ national security. The decision should be legitimate and the refusal proportionate to the purported goal. Applicants should be informed of the reasons of the refusal, which shall not be based on suspicions. Applicants shall have access to effective judicial remedies.

Or. en

Justification

As the concept of “threat to public policy and/or security” can be subjectively interpreted, some safeguards should be better defined under this article to avoid arbitrariness of administrative decisions from national offices in charge of the application. As referred in article 47 and 48 of the Charter of Fundamental Rights, everyone is entitled to a fair trial and

effective remedy, as the presumption of innocence and right of defence shall be guaranteed by judicial institutions.

Amendment 306
Barbara Spinelli

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

Text proposed by the Commission

Amendment

(mc) “specific artistic or sporting talent” means a talent attested by testimonies of teachers or trainers and portfolio which is relevant in the profession or sector specified in the work contract or binding job offer;

Or. en

Amendment 307
Barbara Spinelli, Paloma López Bermejo

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

Text proposed by the Commission

Amendment

(md) “Parental leave” has the meaning as defined by the Annex of Directive 2010/18/EU and as defined in national legislation where more favourable standards apply

Or. en

Amendment 308
Jeroen Lenaers

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. This Directive shall apply to third-country nationals who apply to be admitted or who have been admitted to the territory of a Member State for the purpose of highly skilled employment.

Amendment

1. This Directive shall apply to third-country nationals who apply to be admitted or who have been admitted to the territory of a Member State for the purpose of highly skilled employment. ***This Directive shall also apply to third-country nationals who already hold a residence permit in a Member State on the basis of Directive (EU) 2016/801, subject to the proviso that those third-country nationals must comply with the requirements laid down in this Directive.***

Or. nl

Amendment 309
Kristina Winberg

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. This Directive shall apply to third-country nationals who apply to be admitted or who have been admitted to the territory of a Member State for the purpose of highly ***skilled*** employment.

Amendment

1. This Directive shall apply to third-country nationals who apply to be admitted or who have been admitted to the territory of a Member State for the purpose of highly ***qualified*** employment.

Or. en

Amendment 310
Nathalie Griesbeck

Proposal for a directive
Article 3 – paragraph 1

Text proposed by the Commission

1. This Directive shall apply to third-country nationals who apply to be admitted or who have been admitted to the territory

Amendment

1. This Directive shall apply to third-country nationals who apply to be admitted or who have been admitted to the territory

of a Member State for the purpose of **highly** skilled employment.

of a Member State for the purpose of skilled employment.

Or. en

Justification

The Blue card directive should not be limited to strictly “highly skilled employment” but “skilled employment”, to respond to current and future labour market needs in Europe and in the Member States.

Amendment 311

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This Directive shall equally apply to third-country nationals who apply for and are granted an EU Blue Card in the following circumstances:

(a) third country-nationals who have applied for international protection and are awaiting a decision on their status or who are beneficiaries of temporary protection in accordance with the Council Directive 2001/55/EC47 in a Member State;

(b) third country-nationals who have applied for protection in accordance with national law, international obligations or practice of the Member State and are awaiting a decision on their status, or who are beneficiaries of protection in accordance with national law, international obligations or practice of the Member State;

(c) third country-nationals whose application for international protection or protection under national law has been rejected, who have been employed while

their application was pending and have applied for an EU Blue Card within three months after the notification of a rejection of their application for international protection or protection under national law;

(d) “non-returnable migrants”: migrants in a return procedure whose presence in the territory is known to the immigration authorities, who cannot be returned for varying reasons beyond their control, which may be related to legal or humanitarian considerations, practical obstacles or policy choices;

(e) third country-nationals who are residing in a Member State as researchers, students, school pupils, trainees, volunteers or au pairs within the meaning of Directive (EU) 2016/801;

(f) third country-nationals who enjoy EU long-term resident status in a Member State in accordance with Directive 2003/109/EC and exercise their right to reside in another Member State in order to carry out an economic activity in an employed or self-employed capacity;

(g) third country-nationals who are residing in the territory of a Member State as seasonal workers pursuant to Directive 2014/36/EU of the European Parliament and of the Council;

Or. en

Amendment 312

Cecilia Wikström, Nathalie Griesbeck

Proposal for a directive

Article 3 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. This Directive shall equally apply to third country-nationals whose

application for international protection or protection under national law have been rejected, who have been employed while their application was pending and have applied for an EU Blue Card within three months after the notification of a rejection of their application for international protection or protection under national law;

Or. en

Amendment 313

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 3 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) who seek international protection and are awaiting a decision on their status or who are beneficiaries of temporary protection in accordance with the Council Directive 2001/55/EC⁴⁷ in a Member State;

deleted

⁴⁷ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).

Or. en

Amendment 314

Barbara Spinelli, Paloma López Bermejo, Cornelia Ernst

Proposal for a directive
Article 3 – paragraph 2 – point a

Text proposed by the Commission

Amendment

(a) who seek international protection and are awaiting a decision on their status or who are beneficiaries of temporary protection in accordance with the Council Directive 2001/55/EC⁴⁷ in a Member State;

deleted

⁴⁷ *Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).*

Or. en

Justification

Persons who are seeking international protection in a Member State under the Union's asylum rules should be entitled to apply for a Blue Card and should thus be removed from the list of third country nationals unable to apply for a Blue Card according to Article 3. There is no reason why such persons should not have the chance to take part in the Blue Card provided they meet the criteria laid down in the Directive. Moreover, while enhancing their chances for integration, enabling those persons to participate in the Blue Card scheme is in line with one of the objectives of the Directive, i.e. to increase the highly skilled work force in the EU and meet Europe's future demographic and labour market needs.

Amendment 315
Heinz K. Becker

Proposal for a directive
Article 3 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) The beneficiaries of international protection in accordance with 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 granted or persons who have sought international protection under this Directive but have not yet received a decision;

Or. de

Amendment 316
Kinga Gál

Proposal for a directive
Article 3 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) who have been awarded refugee status or subsidiary protection;

Or. en

Amendment 317
Bodil Valero
on behalf of the Verts/ALE Group
Judith Sargentini

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

Text proposed by the Commission

Amendment

(b) who seek protection in accordance with national law, international obligations or practice of the Member State and are awaiting a decision on their status, or who are beneficiaries of protection in accordance with national law, international obligations or practice of the Member State;

deleted

Amendment 318

Barbara Spinelli, Paloma López Bermejo, Cornelia Ernst

Proposal for a directive

Article 3 – paragraph 2 – point b

Text proposed by the Commission

Amendment

(b) who seek protection in accordance with national law, international obligations or practice of the Member State and are awaiting a decision on their status, or who are beneficiaries of protection in accordance with national law, international obligations or practice of the Member State; *deleted*

Or. en

Justification

As for those persons who are seeking international protection under Union law, persons seeking protection under specific national law provisions or practices in a Member State should be entitled to apply for a Blue Card, thus they should be eliminated from the list of those who cannot apply for a Blue Card.

Amendment 319

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 3 – paragraph 2 – point c

Text proposed by the Commission

Amendment

(c) who apply to reside in a Member State as researchers within the meaning of Directive (EU) 2016/801 in order to carry out a research project; *deleted*

Or. en

Amendment 320

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 3 – paragraph 2 – point d

Text proposed by the Commission

Amendment

(d) who enjoy EU long-term resident status in a Member State in accordance with Directive 2003/109/EC and exercise their right to reside in another Member State in order to carry out an economic activity in an employed or self-employed capacity; *deleted*

Or. en

Amendment 321

Barbara Spinelli

Proposal for a directive

Article 3 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) who have been admitted to the territory of a Member State as seasonal workers pursuant to Directive 2014/36/EU of the European Parliament and of the Council⁴⁹ ; *deleted*

⁴⁹ *Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (OJ L 94, 28.3.2014, p. 375).*

Or. en

Justification

There is no reason why a seasonal worker who meets the criteria for obtaining an EU Blue Card should not be allowed to apply and obtain a Blue Card, bearing in mind that if he/she were resident in a third country he/she would automatically be entitled to apply. Arbitrarily restricting the scope of the Directive in this way does not increase the attractiveness of the Blue Card.

Amendment 322

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 3 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) who have been admitted to the territory of a Member State as seasonal workers pursuant to Directive 2014/36/EU of the European Parliament and of the Council⁴⁹ ;

deleted

⁴⁹ *Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (OJ L 94, 28.3.2014, p. 375).*

Or. en

Amendment 323

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

Proposal for a directive

Article 3 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) *whose expulsion has been suspended for reasons of fact or law;* *deleted*

Or. en

Amendment 324

Barbara Spinelli, Paloma López Bermejo, Cornelia Ernst

Proposal for a directive

Article 3 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) *whose expulsion has been suspended for reasons of fact or law;* *deleted*

Or. en

Amendment 325

Monika Hohlmeier

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall not issue any other permit than an EU Blue Card to third-country nationals for the purpose of highly skilled employment. *deleted*

Or. en

Amendment 326

Kinga Gál

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall not issue any *deleted*

other permit than an EU Blue Card to third-country nationals for the purpose of highly skilled employment.

Or. en

Amendment 327

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini, Anna Hedh, Malin Björk

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall ***not*** issue ***any other permit than*** an EU Blue Card to third-country nationals for the purpose of highly skilled employment.

Amendment

4. Member States shall issue an EU Blue Card to third-country nationals for the purpose of highly skilled employment ***and may retain national schemes which adopt or retain more favourable provisions in respect of this Directive. Member States can issue other national permits for third-country nationals who fall out of the scope of this Directive.***

Or. en

Amendment 328

Kazimierz Michał Ujazdowski

Proposal for a directive

Article 3 – paragraph 4

Text proposed by the Commission

4. ***Member States*** shall ***not*** issue ***any other permit than*** an EU Blue Card to ***third-country nationals for the purpose of highly skilled employment.***

Amendment

4. ***This Directive shall be without prejudice to the right of the Member States to issue residence permits other than an EU Blue Card for any purpose of employment. Such residence permits shall not confer the right of residence in the other Member States as provided in this Directive.***

Amendment 329
Barbara Spinelli, Cornelia Ernst

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall not issue any other permit than an EU Blue Card to third-country nationals for the purpose of highly skilled employment.

Amendment

4. Member States shall not issue any other permit than an EU Blue Card to third-country nationals for the purpose of highly skilled employment ***where the Blue Card offers more favourable standards to third country nationals than those provided for in national schemes.***

Or. en

Justification

National systems should not be abolished. There are already well-functioning national systems that are suited for national needs when it comes to recruiting highly-skilled third-country nationals and filling shortages. The purpose and value of the EU Blue Card can be fulfilled while parallel systems are kept in place.

Amendment 330
Heinz K. Becker

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall ***not issue any other permit than*** an EU Blue Card ***to third-country nationals*** for the purpose of highly skilled employment.

Amendment

4. Member States shall ***accord*** an EU Blue Card ***priority over purely national residence permits*** for the purpose of highly skilled employment ***by third-country nationals.***

Or. de

Amendment 331
Nathalie Griesbeck

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall not issue any other permit than an EU Blue Card to third-country nationals for the purpose of **highly** skilled employment.

Amendment

4. Member States shall not issue any other permit than an EU Blue Card to third-country nationals for the purpose of skilled employment **in accordance with Article (new)**

Or. en

Justification

One of the main reason of the failure of the 2005 Blue Card directive is the coexistence of national schemes for highly qualified workers, that compete with the EU Blue Card. Therefore, we must, step by step, go towards a unique European Blue Card scheme.

Amendment 332
Mariya Gabriel, Jeroen Lenaers, Anna Maria Corazza Bildt

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission

4. Member States shall **not issue any other permit than** an EU Blue Card to third-country nationals for the purpose of highly skilled employment.

Amendment

4. Member States shall **give preference for the issue of** an EU Blue Card to third-country nationals for the purpose of highly skilled employment.

Or. en

Amendment 333
Kristina Winberg

Proposal for a directive
Article 3 – paragraph 4

Text proposed by the Commission

Amendment

4. Member States shall not issue *any other* permit than an EU Blue Card to third-country nationals for the purpose of highly *skilled* employment.

4. Member States may issue *a* permit *other* than an EU Blue Card to third-country nationals for the purpose of highly *qualified* employment.

Or. en

Amendment 334

Mariya Gabriel, Carlos Coelho, Jeroen Lenaers

Proposal for a directive

Article 3 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. When transposing this Directive the Member States shall, where appropriate in consultation with the social partners, list those sectors of employment which face shortages of highly skilled workers. The Member States may modify that list, where appropriate in consultation with the social partners. The Member States shall inform the Commission of such modifications.

Or. en

Justification

This amendment is intended to ensure consistency with the approach adopted in Directive 2014/36/EU on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers.

Amendment 335

Nathalie Griesbeck

Proposal for a directive

Article 3 a (new)

Text proposed by the Commission

Amendment

Article 3 a

Progressive abolition of national schemes

for skilled employment

1. Member States shall abolish national schemes dedicated to skilled employment 5 years after the entry into force of the directive and shall take all the necessary measures to ensure a smooth transition from national schemes to the EU blue-card scheme

2. During the transition period, Member States shall give preference to the EU blue card over national permits to applicants falling within the scope of this directive and when not possible automatically deliver a EU blue card to all the candidates who qualify for the national scheme.

Or. en

Justification

One of the main reason of the failure of the 2005 Blue Card directive is the coexistence of national schemes for highly qualified workers, that compete with the EU Blue Card. Therefore, we must, step by step, go towards a unique European Blue Card scheme.

Amendment 336

Kazimierz Michał Ujazdowski

Proposal for a directive

Article 4 – paragraph 1 – point b

Text proposed by the Commission

(b) bilateral or multilateral agreements ***already*** concluded between one or more Member States and one or more third countries ***before the date of entry into force of this Directive.***

Amendment

(b) bilateral or multilateral agreements concluded between one or more Member States and one or more third countries.

Or. en

Amendment 337

Barbara Spinelli, Cornelia Ernst

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 in respect of Articles 10, 14, 15, 16 **and 17(5)**.

Amendment

2. This Directive shall not affect the right of Member States to adopt or retain more favourable provisions in respect of Articles 5, 6 (1, 2), 7, 10, 13(1), 14, 15, 16, 17(5), **and 22**.

3. In order to complement the EU Blue Card, Member States should be allowed to issue national permits for any purpose of employment for third-country nationals who fall outside the scope of the Directive.

4. Where a Member States issues residence permits which offer more favourable provisions than Articles 5, 10, 14, 15 and 16 of this Directive, these provisions shall also apply to the EU Blue Card.

Or. en

Justification

Member States should be able to adopt or retain more favourable provisions in respect of the definitions of criteria for admission, grounds for refusal and withdrawal, the possibility to change employer and sanctions to the employer.

Amendment 338

Bodil Valero

on behalf of the Verts/ALE Group

Judith Sargentini

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 in respect of Articles 10, 14, 15, 16 and 17(5).

Amendment

2. This Directive shall not affect the right of Member States to adopt or retain more favourable provisions in respect of **this Directive and in particular in respect of** Articles 10, 14, 15, 16 and 17(5).

