EUROPEAN PARLIAMENT

2004 *2009*

Committee on Civil Liberties, Justice and Home Affairs

2007/0228(CNS)

10.9.2008

AMENDMENTS
43 - 159

Draft report
Ewa Klamt
(PE409.459v02-00)

on the proposal for a Council directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment

Proposal for a directive
(COM(2007)0637 – C6-0011/2007 – 2007/0228(CNS))

AM_Com_LegReport

Amendment 43
Armando França

Proposal for a directive
Recital 5a (new)

Text proposed by the Commission	*Amendment*
	(5-A) The European Parliament should contribute to promoting policies aimed at dynamising the Member States' labour markets and strengthening the EU's economy while not jeopardising the development of the third countries from which the emigrants come. With this in view, cooperation with the countries concerned is today essential if there is to be sustainable global development and a suitable immigration policy. The blue card, while certainly important for the EU economy, nonetheless entails a risk of talent flight which needs to be averted. Measures are therefore required to promote the 'circular movement of talent' by which highly qualified immigrants may return to their countries of origin.

Or. pt

Amendment 44
Armando França

Proposal for a directive
Recital 5b (new)

Text proposed by the Commission	*Amendment*
	(5-B) In recent decades the EU has operated a significant development policy in support of less-developed third countries, and it is essential to establish cooperation agreements with those countries, especially concerning immigration, with a view to safeguarding both the Union's needs and the

development of the third countries from which highly qualified immigrants come, for instance by proposing solutions for the problem of 'talent flight'.

Or. pt

Amendment 45
Giusto Catania

Proposal for a directive
Recital 6

Text proposed by the Commission	*Amendment*
(6) To achieve the objectives of the Lisbon Process it is also important to foster the mobility within the Union of highly qualified workers who are EU citizens, and in particular from the Member States which acceded in 2004 and 2007. ***In implementing this Directive, Member States are bound to respect the principle of Community preference as expressed in particular in the relevant provisions of the Acts of Accession of 16 April 2003 and 25 April 2005.***	(6) To achieve the objectives of the Lisbon Process it is also important to foster the mobility within the Union of highly qualified workers who are EU citizens, and in particular from the Member States which acceded in 2004 and 2007.

Or. it

Amendment 46
Giusto Catania

Proposal for a directive
Recital 7

Text proposed by the Commission	*Amendment*
(7) This Directive is intended to contribute to achieving these goals and addressing these labour shortages by fostering the admission and mobility – for the purposes of highly qualified employment – of third-country nationals for stays of more than three months, in order to make the	(7) This Directive is intended to contribute to achieving these goals and addressing these labour shortages by fostering the admission and mobility – for the purposes of highly qualified employment – of third-country nationals for stays of more than three months, in order to make the

Community more attractive to such workers from around the world and sustain its competitiveness and economic growth. To reach these goals, it is necessary to facilitate the admission of highly qualified workers and their families by establishing a fast-track admission procedure and by granting them equal social and economic rights with nationals of the host Member State ***in a number of areas. As concerns these rights, this Directive builds on the corresponding provision of Directive … ["on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third country workers legally residing in a Member State"].***	Community more attractive to such workers from around the world and sustain its competitiveness and economic growth. To reach these goals, it is necessary to facilitate the admission of highly qualified workers and their families by establishing a fast-track admission procedure and by granting them equal social and economic rights with nationals of the host Member State.

Or. it

Amendment 47
Jean Lambert

Proposal for a directive
Recital 10

Text proposed by the Commission	*Amendment*
(10) This Directive should provide for a flexible demand-driven entry system, based on objective criteria such as ***a minimum salary threshold comparable with the wage levels in the Member States and on*** professional qualifications. ***The definition of a common minimum denominator for the national wage threshold is necessary to ensure a minimum level of harmonisation in the admission conditions throughout the EU. Member States should fix their national threshold accordingly to the situation of their respective labour markets and their general immigration policies.***	(10) This Directive should provide for a flexible demand-driven entry system, based on objective criteria such as professional qualifications. ***The principle of equal pay for equal work or work of equal value shall apply.***

Or. en

Amendment 48
Roselyne Lefrançois

Proposal for a directive
Recital 10

Text proposed by the Commission	*Amendment*
(10) This Directive should provide for a flexible demand-driven entry system, based on objective criteria such as ***a minimum salary threshold comparable with the wage levels in the Member States and on*** professional qualifications. ***The definition of a common minimum denominator for the national wage threshold*** is necessary to ensure ***a minimum level of harmonisation in the admission conditions throughout the EU. Member States should fix their national threshold accordingly to the situation of their respective labour markets and their general immigration policies.***	(10) This Directive should provide for a flexible demand-driven entry system, based on objective criteria such as professional qualifications. ***Application of the principle of 'equal pay for equal work'*** is necessary to ensure ***that nationals and third-country nationals are treated equally***.

Or. fr

Amendment 49
Marian-Jean Marinescu

Proposal for a directive
Recital 10

Text proposed by the Commission	*Amendment*
(10) This Directive should provide for a flexible demand-driven entry system, based on objective criteria such as ***a minimum salary threshold comparable with the wage levels in the Member States and on*** professional qualifications***. The definition of a common minimum denominator for the national wage threshold is necessary to ensure a minimum level of harmonisation in the admission***	(10) This Directive should provide for a flexible demand-driven entry system, based on objective criteria such as professional qualifications ***and wages set by the applicable collective agreements or practices in the relevant sector of activity of the Member States.***

conditions throughout the EU. Member States should fix their national threshold accordingly to the situation of their respective labour markets and their general immigration policies.

Or. en

Amendment 50
Javier Moreno Sánchez

Proposal for a directive
Recital 10

Text proposed by the Commission	*Amendment*
(10) This Directive should provide for a flexible ***demand-driven*** entry system, based on objective criteria such as ***a minimum salary threshold comparable with the wage levels in the Member States and on*** professional qualifications. ***The definition of a common minimum denominator for the national wage threshold is necessary to ensure a minimum level of harmonisation in the admission conditions throughout the EU***. Member States should fix their national threshold accordingly to the situation of their respective labour markets and their general immigration policies.	(10) This Directive should provide for a flexible entry system ***taking account of demand, the state of the labour market in the Member States and the potential value added offered by these workers and*** based on objective criteria such as professional qualifications ***and experience***. Member States should fix their national threshold accordingly to the situation of their respective labour markets and their general immigration policies.

Or. es

Amendment 51
Jeanine Hennis-Plasschaert

Proposal for a directive
Recital 10

Text proposed by the Commission	*Amendment*
(10) This Directive should provide for a flexible demand-driven entry system, based	(10) This Directive should provide for a flexible demand-driven entry system,

on objective criteria such as a minimum salary threshold comparable with the wage levels in the Member States and on professional qualifications. ***The definition of a common minimum denominator for the national wage threshold is necessary to ensure a minimum level of harmonisation in the admission conditions throughout the EU.*** Member States should fix their national threshold accordingly to the situation of their respective labour markets and their general immigration policies.	based on objective criteria such as a minimum salary threshold comparable with the wage levels in the Member States and on professional qualifications. Member States should fix their national threshold accordingly to the situation of their respective labour markets and their general immigration policies.

Or. en

Justification

Wage-setting is not an EU competence.

Amendment 52
Jean Lambert

Proposal for a directive
Recital 11

Text proposed by the Commission	*Amendment*
(11) Derogations from the main scheme in terms of the salary threshold should be laid down for highly qualified applicants under 30 years of age who, due to their relatively limited professional experience and their position on the labour market, may not be in a position to fulfil the salary requirements of the main scheme or, for those who have acquired their higher education qualifications in the European Union.	***deleted***

Or. en

Amendment 53
Marian-Jean Marinescu

Proposal for a directive
Recital 11

Text proposed by the Commission	*Amendment*
(11) Derogations from the main scheme in terms of the salary threshold should be laid down for highly qualified applicants under 30 years of age who, due to their relatively limited professional experience and their position on the labour market, may not be in a position to fulfil the salary requirements of the main scheme or, for those who have acquired their higher education qualifications in the European Union.	***deleted***

Or. en

Amendment 54
Jeanine Hennis-Plasschaert

Proposal for a directive
Recital 11

Text proposed by the Commission	*Amendment*
(11) Derogations from the main scheme in terms of the salary threshold should be laid down for highly qualified applicants under ***30*** years of age who, due to their relatively limited professional experience and their position on the labour market, may not be in a position to fulfil the salary requirements of the main scheme or, for those who have acquired their higher education qualifications in the European Union.	(11) Derogations from the main scheme in terms of the salary threshold should be laid down for highly qualified applicants under ***35*** years of age who, due to their relatively limited professional experience and their position on the labour market, may not be in a position to fulfil the salary requirements of the main scheme or, for those who have acquired their higher education qualifications in the European Union.

Or. en

Amendment 55
Giusto Catania

Proposal for a directive
Recital 15

Text proposed by the Commission	*Amendment*
(15) The occupational and geographical mobility of third-country highly qualified workers should be recognised as a primary mechanism for improving labour market efficiency, preventing skill shortages and offsetting regional imbalances. ***In order to respect the principle of Community preference and to avoid possible abuses of the system, the occupational mobility of a third-country highly qualified worker should be limited for the first two years of legal residence in a Member State.***	(15) The occupational and geographical mobility of third-country highly qualified workers should be recognised as a primary mechanism for improving labour market efficiency, preventing skill shortages and offsetting regional imbalances.

Or. it

Justification

The limits proposed by the article in the directive unjustifiably exclude some categories from the opportunity to obtain a Blue Card.

Amendment 56
Jeanine Hennis-Plasschaert

Proposal for a directive
Recital 15

Text proposed by the Commission	*Amendment*
(15) The occupational and geographical mobility of third-country highly qualified workers should be recognised as a primary mechanism for improving labour market efficiency, preventing skill shortages and offsetting regional imbalances. ***In order to respect the principle of Community preference and to avoid possible abuses of the system, the occupational mobility of a third-country highly qualified worker***	(15) The occupational and geographical mobility of third-country highly qualified workers should be recognised as a primary mechanism for improving labour market efficiency, preventing skill shortages and offsetting regional imbalances.

should be limited for the first two years of legal residence in a Member State.

Or. en

Justification

Red tape. Undermines the objective of the proposal and is of no help whatsoever in trying to make the EU more attractive for highly qualified workers.

Amendment 57
Marian-Jean Marinescu

Proposal for a directive
Recital 16

Text proposed by the Commission	*Amendment*
(16) The geographical mobility within the EU should be controlled and demand-driven during the third-country worker's first period of legal stay. Once EC long-term resident status has been granted, Member States should give preference to these workers when they exercise their right to intra-EU mobility. Derogations from Council Directive 2003/109/EC of 25 November 2003 on the status of third-country nationals who are long-term residents should be included in order not to penalise geographically mobile highly qualified third-country workers who have not yet acquired EC long-term resident status, and to encourage geographical and circular migration.	(16) The geographical mobility within the EU should be controlled and demand-driven during the third-country worker's first period of legal stay. Once EC long-term resident status has been granted, Member States should give preference to these workers ***over other third-country workers who apply for an EU Blue Card,*** when they exercise their right to intra-EU mobility. Derogations from Council Directive 2003/109/EC of 25 November 2003 on the status of third-country nationals who are long-term residents should be included in order not to penalise geographically mobile highly qualified third-country workers who have not yet acquired EC long-term resident status, and to encourage geographical and circular migration.

Or. en

Amendment 58
Emine Bozkurt

Proposal for a directive
Recital 17

Text proposed by the Commission	*Amendment*
(17) The mobility of highly qualified third-country workers between the Community and their countries of origin should be fostered and sustained. Derogations from Council Directive 2003/109/EC *of 25 November 2003 on the status of third-country nationals who are long-term residents* should be foreseen in order to extend the period of absence from the territory of the Community which is not taken into account for the calculation of the period of legal and continuous residence necessary to be eligible for the EC long-term residence status. Longer periods of absence than those provided for in Council Directive 2003/109/EC should also be allowed after highly qualified third country workers have acquired EC long-term residence status. In particular, to encourage the circular migration of highly qualified third-country workers originating from developing countries, Member States should take into consideration making use of the possibilities offered in Article 4(3), second subparagraph, and Article 9(2) of Council Directive 2003/109/EC to allow for longer periods of absence than those provided for in this Directive. In order to ensure ***consistency*** in particular with the underlying development objectives, ***these derogations should only be applicable if it can be proven that the person concerned has returned to his/her country of origin for work, study or volunteering activities.***	(17) The mobility of highly qualified third-country workers between the Community and their countries of origin should be fostered and sustained. Derogations from Council Directive 2003/109/EC should be foreseen in order to extend the period of absence from the territory of the Community which is not taken into account for the calculation of the period of legal and continuous residence necessary to be eligible for the EC long-term residence status. Longer periods of absence than those provided for in Council Directive 2003/109/EC should also be allowed after highly qualified third country workers have acquired EC long-term residence status. In particular, to encourage the circular migration of highly qualified third-country workers originating from developing countries, Member States should take into consideration making use of the possibilities offered in Article 4(3), second subparagraph, and Article 9(2) of Council Directive 2003/109/EC to allow for longer periods of absence than those provided for in this Directive. In order to ensure ***coherence,*** in particular with the underlying development objectives, ***as defined in Article 178 of the EC Treaty, five targets need to be stressed to encourage circular migration, which are: 1) training sufficient workers in developing countries to meet their own labour market needs; 2) encouraging highly qualified workers to remain in their home countries; 3) promoting voluntary return to the country of origin by facilitating both social and financial security; 4) ethical recruitment under a binding code of conduct, and 5)***

implementing standards on dual citizenship and setting guarantees for diplomas.

Or. en

Justification

Requiring that the third country worker concerned should return to his or her country of origin only in cases where it can be proven that this has occurred for reasons of work, study or volunteering activities is an unnecessary administrative obstacle and would pose an additional barrier to third country nationals whishing to return to the EU after a period of absence - in the cases where the third country national concerned is required to be in his or her home country for personal/family reasons, for instance.

Amendment 59
Emine Bozkurt

Proposal for a directive
Recital 20

Text proposed by the Commission	*Amendment*
(20) In implementing this Directive, Member States should refrain from pursuing ***active*** recruitment in developing countries in sectors suffering from lack of human resources. Ethical recruitment policies and principles applicable to public and private sector employers should be developed in particular in the health sector, as underlined in 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). These should be strengthened by the development of mechanisms, guidelines and other tools to facilitate circular and temporary migration, as well as other measures that would minimise negative and maximise positive impacts of highly skilled immigration on developing countries. Any such intervention must be taken along the lines of the Joint Africa-EU Declaration on Migration and Development agreed in Tripoli on 22 and 23 November 2006 and with a view of establishing a	(20) In implementing this Directive, Member States should refrain from pursuing recruitment in developing countries in sectors suffering from lack of human resources ***in sectors vital to achieving the UN Millennium Development Goals, in particular the health and education sectors, and in sectors vital to the ability of developing countries to deliver basic social services***. ***In the above-mentioned sectors,*** ethical recruitment policies and principles applicable to ***both*** public and private sector employers should be developed, in particular in the health and education sector, as underlined in 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). These should be strengthened by the development of mechanisms, guidelines and other tools to facilitate circular and temporary migration, as well as other measures that would minimise

comprehensive migration policy as called for by the European Council of 14 and 15 December 2006.

negative and maximise positive impacts of highly skilled immigration on developing countries. Any such intervention must be taken along the lines of the Joint Africa-EU Declaration on Migration and Development agreed in Tripoli on 22 and 23 November 2006 and with a view of establishing a comprehensive migration policy as called for by the European Council of 14 and 15 December 2006. ***Any such intervention should be taken in consultation with social partners in both the countries of origin and the receiving countries, in relevant sectors. Member States shall abide by codes of conduct when they implement their policies of admission of highly qualified workers.***

Or. en

Amendment 60
Javier Moreno Sánchez

Proposal for a directive
Recital 20

Text proposed by the Commission	*Amendment*
(20) In implementing this Directive, Member States should refrain from pursuing active recruitment in developing countries in sectors suffering from lack of human resources. Ethical recruitment policies and principles applicable to public and private sector employers should be developed in particular in the health sector, as underlined in 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). These should be strengthened by the development of mechanisms, guidelines and other tools to facilitate circular and temporary migration, as well as other measures that would minimise negative and maximise	(20) In implementing this Directive, Member States should refrain from pursuing active recruitment in developing countries in sectors suffering from lack of human resources***, in line with the objectives of the Union's development cooperation policy***. Ethical recruitment policies and principles applicable to public and private sector employers should be developed in particular in the health sector, as underlined in 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)***, as also in other sectors especially likely to be affected, such as education and other professions closely linked to basic pillars***

positive impacts of highly skilled immigration on developing countries. Any such intervention must be taken along the lines of the Joint Africa-EU Declaration on Migration and Development agreed in Tripoli on 22 and 23 November 2006 and with a view of establishing a comprehensive migration policy as called for by the European Council of 14 and 15 December 2006.

of the constitutional state, e.g. the legal profession. These should be strengthened by the development of mechanisms, guidelines and other tools to facilitate 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 addition, the Member States, in cooperation with the countries of origin, should establish specific measures and programmes to offset the loss of human resources, offering concrete support for the training of professionals in key sectors weakened by this exodus of talent.*** Any such intervention must be taken along the lines of the Joint Africa-EU Declaration on Migration and Development agreed in Tripoli on 22 and 23 November 2006 ***and the conclusions of the First World Forum on Migration and Development of July 2007***, and with a view of establishing a comprehensive migration policy as called for by the European Council of 14 and 15 December 2006.

Or. es

Amendment 61
Emine Bozkurt

Proposal for a directive
Recital 20 a (new)

Text proposed by the Commission	*Amendment*
	(20a) In order to limit recruitment in sensitive sectors in developing countries that could lead to or increase the 'brain drain', Member States should focus on recruiting highly qualified employees from countries such as the USA, Canada and Australia by emphasising the benefits of the EU social and working environment.

Or. en

Amendment 62
Roselyne Lefrançois

Proposal for a directive
Article 2 – point b

Text proposed by the Commission	*Amendment*
(b) "highly qualified employment" means the exercise of ***genuine and effective*** work ***under the direction of someone else*** for which ***a person is paid and for which*** higher education qualifications or at least ***three*** years of equivalent professional experience is required;	(b) "highly qualified employment" means the exercise of ***paid*** work for which higher education qualifications or at least ***five*** years of equivalent professional experience is required;

Or. fr

Amendment 63
Jeanine Hennis-Plasschaert

Proposal for a directive
Article 2 - point b

Text proposed by the Commission	*Amendment*
(b) "highly qualified employment" means the exercise of genuine and effective work under the direction of someone else for which a person is paid and for which higher education qualifications or ***at least three years of equivalent*** professional experience is required;	(b) "highly qualified employment" means the exercise of genuine and effective work under the direction of someone else for which a person is paid and for which higher education qualifications or ***relevant*** professional experience is required;

Or. en

Justification

The employer is perfectly able to assess the qualifications and/or relevant professional experience needed.

Amendment 64
Marian-Jean Marinescu

Proposal for a directive
Article 2 - point b

Text proposed by the Commission	*Amendment*
(b) "highly qualified employment" means the exercise of genuine and effective work ***under the direction of someone else for which a person is paid and for which higher education qualifications or at least three years of equivalent professional experience is required;***	(b)"highly qualified employment" means the exercise of genuine and effective work ***as a worker in a position that requires higher education qualifications or higher professional competence.***

Or. en

Amendment 65
Emine Bozkurt

Proposal for a directive
Article 2 - point f

Text proposed by the Commission	*Amendment*
(f) "family members" means third-country nationals as defined in Article 4(1) of Directive 2003/86/EC;	(f) "family members" means third-country nationals as defined in Article 4(1), ***4(2)(b) and 4(3)*** of Directive 2003/86/EC;

Or. en

Justification

Excluding the persons referred to in Article 4.2(b) of Directive 2003/86/EC is highly undesirable from a humanitarian point of view. Excluding the persons referred to in Article 4.3 of Directive 2003/86/EC is discriminatory towards unmarried couples who are in a long-term and committed relationship.

Amendment 66
Jean Lambert

Proposal for a directive
Article 2 - point g

Text proposed by the Commission	*Amendment*
(g)"higher education qualification" stands for any degree, diploma or other certificate issued by a competent authority attesting the successful completion of a higher education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution by the State in which it is situated. These qualifications are taken into account, for the purposes of this directive, on condition that the studies needed to acquire them lasted at least three years;	(g)"higher education qualification" stands for any degree, diploma or other certificate issued by a competent authority attesting**,** the successful completion of a higher education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution by the State in which it is situated. These qualifications are taken into account, for the purposes of this directive, on condition that the studies needed to acquire them lasted at least three years. ***For the purpose of this Directive, in order to evaluate whether a third-country national possesses higher education, reference shall be made to International Standard Classification of Education (ISCED) 1997 levels 5a and 6;***

Or. en

Amendment 67
Stavros Lambrinidis

Proposal for a directive
Article 2 - point g

Text proposed by the Commission	*Amendment*
(g) "higher education qualification" stands for any degree, diploma or other certificate ***issued by a competent authority*** attesting the successful completion of a higher education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution by the State in which it is situated. These qualifications are taken	(g) "higher education qualifications " stands for any degree, diploma or other certificate ***recognised by the competent authority of the Member State*** attesting the successful completion of a higher education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution by the State in which

into account, for the purposes of this directive, on condition that the studies needed to acquire them lasted at least three years;

it is situated. These qualifications are taken into account, for the purposes of this directive, on condition that the studies needed to acquire them lasted at least three years;

Or. en

Amendment 68
Roselyne Lefrançois

Proposal for a directive
Article 2 – point g

Text proposed by the Commission	*Amendment*
(g) "higher education qualification" stands for any degree, diploma or other certificate issued by a competent authority attesting the successful completion of a higher education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution by the State in which it is situated. These qualifications are taken into account, for the purposes of this directive, on condition that the studies needed to acquire them lasted at least ***three*** years;	(g) "higher education qualification" stands for any degree, diploma or other certificate issued by a competent authority attesting the successful completion of a higher education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution by the State in which it is situated. These qualifications are taken into account, for the purposes of this directive, on condition that the studies needed to acquire them lasted at least ***five*** years;

Or. fr

Amendment 69
Javier Moreno Sánchez

Proposal for a directive
Artícle 2 - point g

Text proposed by the Commission	*Amendment*
(g) "higher education qualification" stands for any degree, diploma or other certificate issued by a competent authority attesting	(g) "higher education qualification" stands for any degree, diploma or other certificate issued by a competent authority attesting

the successful completion of a higher education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution by the State in which it is situated. These qualifications are taken into account, for the purposes of this directive, on condition that the studies needed to acquire them lasted at least ***three*** years;	the successful completion of a higher education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution by the State in which it is situated. These qualifications***, duly validated,*** are taken into account, for the purposes of this directive, on condition that the studies needed to acquire them lasted at least ***four*** years;

Or. es

Amendment 70
Jeanine Hennis-Plasschaert

Proposal for a directive
Article 2 - point g

Text proposed by the Commission	*Amendment*
(g) "higher education ***qualification***" stands for any degree, diploma or other certificate issued by a competent authority attesting the successful completion of a higher education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution by the State in which it is situated. These qualifications are taken into account, for the purposes of this directive, on condition that the studies needed to acquire them lasted at least three years***;***	(g) "higher education ***qualifications for regulated professions"*** stands for any degree, diploma or other certificate issued by a competent authority attesting the successful completion of a higher education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution by the State in which it is situated. These qualifications are taken into account, for the purposes of this directive, on condition that the studies needed to acquire them lasted at least three years***. For unregulated professions the employer shall decide the required level of higher education qualifications;***

Or. en

Justification

The employer is perfectly able to assess the qualifications and/or relevant professional experience needed.

Amendment 71
Roselyne Lefrançois

Proposal for a directive
Article 2 – point h

Text proposed by the Commission	*Amendment*
(h) "higher professional qualifications" means qualifications attested by evidence of higher education qualifications or of at least ***three*** years of equivalent professional experience;	(h) "higher professional qualifications" means qualifications attested by evidence of higher education qualifications or of at least ***five*** years of equivalent professional experience;

Or. fr

Amendment 72
Marian-Jean Marinescu

Proposal for a directive
Article 2 - point h

Text proposed by the Commission	*Amendment*
(h) "higher professional ***qualifications***" means qualifications attested by evidence of higher education qualifications or of at least three years of equivalent professional experience;	(h) "higher professional ***competence***" means ***at least six years of relevant professional experience in a position requiring a higher education qualification;***

Or. en

Amendment 73
Javier Moreno Sánchez

Proposal for a directive
Artícle 2 - point h

Text proposed by the Commission	*Amendment*
(h) "higher professional qualifications" means qualifications attested by evidence	(h) "higher professional qualifications" means qualifications attested by evidence

of higher education qualifications or of at least three years of equivalent professional experience;	of higher education qualifications ***corresponding to at least four years of study*** or of at least three years of equivalent professional experience;

Or. es

Amendment 74
Jeanine Hennis-Plasschaert

Proposal for a directive
Article 2 - point h

Text proposed by the Commission	*Amendment*
(h) "higher professional qualifications" means qualifications attested by evidence of higher education qualifications or ***of at least three years of equivalent*** professional experience;	(h) "higher professional qualifications" means qualifications attested by evidence of higher education qualifications ***in the case of regulated professions*** or ***relevant*** professional experience;

Or. en

Justification

The employer is perfectly able to assess the qualifications and/or relevant professional experience needed.

Amendment 75
Ioannis Varvitsiotis

Proposal for a directive
Article 2 - point h

Text proposed by the Commission	*Amendment*
(h)"higher professional qualifications" means qualifications attested by evidence of higher education qualifications or of at least three years of equivalent professional experience".	(h)"higher professional qualifications" means qualifications attested by evidence of higher education qualifications or of at least three years of equivalent professional experience. ***For the purposes of this Directive, in order to evaluate whether the third-country national concerned***

possesses higher educational qualifications, reference shall be made to International Standard Classification of Education(ISCED) 1997 levels 5a and 6;"

Or. en

Justification

In order to better clarify the above-mentioned point.

Amendment 76
Esther De Lange, Emine Bozkurt,

Proposal for a directive
Article 2 - point i a (new)

Text proposed by the Commission	*Amendment*
	(ia)"EU Blue Card Commuter" means a third-country national who holds an EU Blue Card in the first Member State and who carries out highly qualified employment in a second Member State while remaining a resident of the first Member State.

Or. en

Justification

This amendment defines the term "EU Blue Card Commuter", as referred to in Article 19a new).

Amendment 77
Emine Bozkurt

Proposal for a directive
Article 3 - paragraph 1

Text proposed by the Commission	*Amendment*
1. This Directive shall apply to third-country nationals who apply to be admitted to the territory of a Member State for the purpose of highly qualified employment.	1. This Directive shall apply to third-country nationals who apply to be admitted to the territory of a Member State for the purpose of highly qualified employment***, as well as to those third-country nationals who are already present within the territory who apply for an EU Blue Card.***

Or. en

Justification

In order to promote students having completed their higher education within the territory of a Member State staying within in the EU, for instance, it would be logical also to apply this directive to those wishing to stay within the 'territory of a Member State for the purpose of highly qualified employment'.

Amendment 78
Giusto Catania

Proposal for a directive
Article 3 - paragraph 2

Text proposed by the Commission	*Amendment*
2. This Directive shall not apply to third country nationals: ***(a) staying in a Member State as applicants for international protection or under temporary protection schemes;*** ***(b) who are refugees or have applied for recognition as refugees and whose application has not yet given rise to a final decision;*** ***(c) applying to reside in a Member State as researchers within the meaning of Directive 2005/71/EC in order to carry out a research project;*** ***(d) who are family members of Union citizens who have exercised, or are***	***deleted***

exercising, their right to free movement within the Community;
(e) who enjoy 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;
(f) entering a Member State under commitments contained in an international agreement facilitating the entry and temporary stay of certain categories of trade and investment-related natural persons;
(g) whose expulsion has been suspended for reasons of fact or law.

Or. it

Justification

The limits proposed by the article in the directive unjustifiably exclude some categories from the opportunity to obtain a Blue Card.

Amendment 79
Roselyne Lefrançois

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

Text proposed by the Commission	*Amendment*
(a) staying in a Member State as applicants for international protection or under temporary protection schemes;	(a) staying in a Member State as applicants for international protection or under temporary protection schemes ***or who, in either instance, have applied for a residence permit and on whose legal status no decision has yet been taken***;

Or. fr

Amendment 80
Jeanine Hennis-Plasschaert

Proposal for a regulation
Article 3 - paragraph 2 - point b

Text proposed by the Commission	*Amendment*
(b) who ***are refugees or*** have applied for recognition as refugees and whose application has not yet given rise to a final decision;	(b) who have applied for recognition as refugees and whose application has not yet given rise to a final decision;

Or. en

Amendment 81
Ioannis Varvitsiotis

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

Text proposed by the Commission	*Amendment*
	(ga) who have been admitted in the territory of a Member State as seasonal workers.

Or. en

Justification

In order to complete the list of categories.

Amendment 82
Emine Bozkurt

Proposal for a directive
Article 3 - paragraph 3

Text proposed by the Commission	*Amendment*
3.This Directive should be without prejudice to any future agreement between the Community or between the Community and its Member States on the one hand and	3. This Directive should be without prejudice to any future agreement between the Community or between the Community and its Member States on the one hand and

one or more third countries on the other, that would list the professions which should not fall under this directive in order to assure ethical recruitment, in sectors suffering from a lack of personnel, by protecting human resources in the developing countries, signatories to these agreements.	one or more third countries on the other, that would list the professions which should not fall under this directive in order to assure ethical recruitment, in sectors suffering from a lack of personnel, ***in sectors vital to achieving the UN Millennium Development Goals, in particular the health and education sectors, and in sectors vital to the ability of developing countries to deliver basic social services,*** by protecting human resources in the developing countries, signatories to these agreements.

Or. en

Amendment 83
Giusto Catania, Søren Bo Søndergaard

Proposal for a directive
Article 3 - paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. A Member State issuing an EU Blue Card to a highly qualified third-country worker shall provide education for two persons of the country/region of origin of the EU Blue Card holder concerned. The education should as far as possible be within the subject area of the Blue Card holder.

Or. xm

Justification

The limits proposed by the article in the directive unjustifiably exclude some categories from the opportunity to obtain a Blue Card.

Amendment 84
Jeanine Hennis-Plasschaert

Proposal for a directive
Article 4 - paragraph 2

Text proposed by the Commission	*Amendment*
2. This Directive shall not affect the right of Member States to adopt or retain more favourable provisions concerning conditions of entry and residence for persons to whom it applies***, except for entry into the first Member State.***	2. This Directive shall not affect the right of Member States to adopt or retain more favourable provisions concerning conditions of entry and residence for persons to whom it applies.

Or. en

Justification

Member States should be able to maintain more favourable provisions if they wish to do so. If an immigrant worker is admitted under a national scheme, he or she shall not receive an EU Blue Card. It is as simple as that.

Amendment 85
Armando França

Proposal for a directive
Article 4a (new)

Text proposed by the Commission	*Amendment*
	Article 4a
	Criteria for granting the EU blue card
	The EU blue card shall be granted only to highly qualified immigrants from third countries with which the EU has previously concluded cooperation and partnership agreements including the areas of mobility and immigration.

Or. pt

Amendment 86
Jeanine Hennis-Plasschaert

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

Text proposed by the Commission	*Amendment*
(b) fulfil the conditions set out under national legislation for the exercise by EU citizens of the ***regulated*** profession specified in the work contract or binding job offer of work;	(b) fulfil the conditions set out under national legislation for the exercise by EU citizens of the profession specified in the work contract or binding job offer of work;

Or. en

Amendment 87
Jeanine Hennis-Plasschaert

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

Text proposed by the Commission	*Amendment*
(c) for unregulated professions, present the documents attesting the relevant higher professional qualifications in the occupation or sector specified in the work contract or in the binding offer of work;	***deleted***

Or. en

Justification

The employer is perfectly able to assess the qualifications (in case of unregulated professions) and/or relevant professional experience needed.

Amendment 88
Wolfgang Kreissl-Dörfler

Proposal for a directive
Article 5 – paragraph 2 – subparagraph 1

Text proposed by the Commission	*Amendment*
2. In addition to the conditions stipulated in paragraph 1, the gross monthly salary specified in the work contract or binding job offer must not be inferior to a national ***salary threshold*** defined and published for the purpose by the Member States which shall be at least ***three*** times the ***minimum*** gross ***monthly*** wage as set by national law.	2. In addition to the conditions stipulated in paragraph 1, the gross monthly salary specified in the work contract or binding job offer must not be inferior to a national ***level*** defined and published for the purpose by the Member States which shall be at least ***2.2*** times the gross ***average*** wage as set by national law.

Or. de

Amendment 89
Jean Lambert

Proposal for a directive
Article 5 - paragraph 2

Text proposed by the Commission	*Amendment*
2. ***In addition to the conditions stipulated in paragraph 1,*** the gross monthly salary specified in the work contract or binding job offer ***must*** not be inferior to ***a national salary threshold defined and published for the purpose by the Member States which shall be at least three times the minimum gross monthly wage as set by national law.*** ***Member States where minimum wages are not defined shall set the national salary threshold to be at least three times the minimum income under which citizens of the Member State concerned are entitled to social assistance in that Member State, or to be in line with applicable collective agreements or practices in the relevant occupation branches.***	2. The gross monthly salary specified in the work contract or binding job offer ***shall*** not be inferior to ***the wages which apply or would apply to a comparable worker in the host country.***

Or. en

Amendment 90
Roselyne Lefrançois

Proposal for a directive
Article 5 – paragraph 2

Text proposed by the Commission	*Amendment*
2. In addition to the conditions stipulated in paragraph 1, the gross monthly salary specified in the work contract or binding job offer must not be inferior to a national ***salary threshold defined and published for the purpose by the Member States which shall be at least three times the minimum gross monthly wage as set by national law***. ***Member States where minimum wages are not defined shall set the national salary threshold to be at least three times the minimum income under which citizens of the Member State concerned are entitled to social assistance in that Member State, or to be in line with applicable collective agreements or practices in the relevant occupation branches.***	2. In addition to the conditions stipulated in paragraph 1, the gross monthly salary specified in the work contract or binding job offer must not be inferior to ***the wage payable to*** a national ***doing equivalent work***.

Or. fr

Amendment 91
Marian-Jean Marinescu

Proposal for a directive
Article 5 - paragraph 2

Text proposed by the Commission	*Amendment*
2. In addition to the conditions stipulated in paragraph 1, the gross monthly salary specified in the work contract or binding job offer must not be inferior to ***a national salary threshold defined and published for***	2. In addition to the conditions stipulated in paragraph 1, the gross monthly salary specified in the work contract or binding job offer must not be inferior to ***the wages set by the applicable collective agreements***

the purpose by the Member States which shall be at least three times the minimum gross monthly wage as set by national law.

Member States where minimum wages are not defined shall set the national salary threshold to be at least three times the minimum income under which citizens of the Member State concerned are entitled to social assistance in that Member State, or to be in line with applicable collective agreements or practices in the relevant occupation branches.

or practices in the relevant sectors of activity of the Member States.

Or. en

Amendment 92
Javier Moreno Sánchez

Proposal for a directive
Artícle 5 - paragraph 2

Text proposed by the Commission	*Amendment*
In addition to the conditions stipulated in paragraph 1, the gross monthly salary specified in the work contract or binding job offer must not be inferior to a national salary threshold defined and published for the purpose by the Member States which shall be at least three times the minimum gross monthly wage as set by national law.	***Deleted***
Member States where minimum wages are not defined shall set the national salary threshold to be at least three times the minimum income under which citizens of the Member State concerned are entitled to social assistance in that Member State, or to be in line with applicable	

collective agreements or practices in the relevant occupation branches.

Or. es

Amendment 93
Jeanine Hennis-Plasschaert

Proposal for a directive
Article 5 - paragraph 2

Text proposed by the Commission	*Amendment*
2. In addition to the conditions stipulated in paragraph 1, the gross monthly salary specified in the work contract or binding job offer must not be inferior to a national salary threshold defined and published for the purpose by the Member States ***which shall be at least three times the minimum gross monthly wage as set by national law.***	2. In addition to the conditions stipulated in paragraph 1, the gross monthly salary specified in the work contract or binding job offer must not be inferior to the national salary threshold defined and published for the purpose by the Member States.
Member States where minimum wages are not defined shall set the national salary threshold to be at least three times the minimum income under which citizens of the Member State concerned are entitled to social assistance in that Member State, or to be in line with applicable collective agreements or practices in the relevant occupation branches.	

Or. en

Justification

Wage-setting is not an EU competence.

Amendment 94
Inger Segelström

Proposal for a directive
Article 5 - paragraph 2

Text proposed by the Commission	*Amendment*
2. In addition to the conditions stipulated in paragraph 1, the gross monthly salary specified in the work contract or binding job offer must not be inferior to a national ***salary*** threshold defined and published for the purpose by the Member States which shall be at least ***three*** times ***the minimum*** gross ***monthly wage as set by*** national law.	2. In addition to ***complying with*** the conditions stipulated in paragraph 1, ***Member States shall apply one or several of the following criteria as appropriate:***
	(a) the gross monthly salary specified in the work contract or binding job offer must not be inferior to a national threshold defined and published for the purpose by the Member States which shall be at least 1***.7*** times ***average*** gross ***pay under*** national law***;***
	(b) in Member States where wages and employment conditions are established through collective bargaining between the social partners, and where there are no minimum wages set by law or generally applicable collective agreements, the working and employment conditions, including wages, shall not be inferior to the wages which apply or would apply to a comparable worker in the host country. In these Member States, in order to avoid wage competition, the trade unions or their local representatives shall be informed of and have a real influence on setting wages for migrant workers.

Or. en

Justification

The resolution does not take into account the model used in the Nordic countries in which employers and employees agree wages and other working conditions under collective agreements.

Amendment 95
Nicolae Vlad Popa

Proposal for a directive
Article 5 - paragraph 2 - subparagraph 1

Text proposed by the Commission	*Amendment*
2. In addition to the conditions stipulated in paragraph 1, the gross monthly salary specified in the work contract or binding job offer must not be inferior to a national ***salary*** threshold defined and published for the purpose by the Member States which shall be at least ***three*** times ***the minimum*** gross ***monthly wage as set by*** national law.	2. In addition to the conditions stipulated in paragraph 1, the gross monthly salary specified in the work contract or binding job offer must not be inferior to a national threshold defined and published for the purpose by the Member States which shall be at least ***1.8*** times ***average*** gross ***pay under*** national law.

Or. en

Justification

As some Member States do not have a minimum wage set, it is more useful to use the average gross pay as reference. A higher level of pay is necessary as a means of attracting highly qualified workers.

Amendment 96
Emine Bozkurt

Proposal for a directive – amending act
Article 5 - paragraph 2 – subparagraph 2 a (new)

Text proposed by the Commission	*Amendment*
	The gross monthly salary specified in the work contract or binding job offer shall not be inferior to the wages which apply or would apply to a comparable worker in the host country.

Or. en

Amendment 97
Emine Bozkurt

Proposal for a directive
Article 5 - paragraph 2 - subparagraph 2 a (new)

Text proposed by the Commission	*Amendment*
	Member States shall be free to deviate from the salary conditions if the third country national will make a unique contribution to the labour market in the host country, provided the third country national meets the criteria set out in Article 5(1)(b) and (c), and provided the gross monthly salary is not inferior to the wages which apply or would apply to a comparable worker in the host country.

Or. en

Amendment 98
Esther De Lange, Emine Bozkurt

Proposal for a directive
Article 5 - paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. In cases of cross-border commuting, the applicant shall fulfil the conditions set out in paragraph 1(a), (b) and (c) and paragraph 2 of this Article as required in the second Member State.

Or. en

Justification

This paragraph refers to the admission criteria an "EU Blue Card Commuter" needs to fulfil.

Amendment 99
Wolfgang Kreissl-Dörfler

Proposal for a directive
Article 5 a (new)

Text proposed by the Commission	*Amendment*
	Article 5a
	The Member States should not actively seek to attract highly qualified workers in sectors that are already subject, or are expected to be subject, to a shortage of highly qualified workers in the third country. This applies to the health and education sectors in particular.

Or. de

Amendment 100
Marian-Jean Marinescu

Proposal for a directive
Article 6

Text proposed by the Commission	*Amendment*
Article 6	***deleted***
Derogation	
If the application is submitted by a third-country national of less than 30 years of age and holding higher education qualifications, the following derogations shall apply: ***(a) Member States shall consider fulfilled the condition set out in Article 5(2) if the gross monthly salary offered corresponds to at least two–thirds of the national salary threshold defined in accordance with Article 5(2);***	
(b) Member States may waive the salary requirement provided for in Article 5(2) on condition that the applicant has	

completed higher education on site studies and obtained a Batchelor and a Master's degree in a higher education institution situated on the territory of the Community;

(c) Member States shall not require proof of professional experience in addition to the higher education qualifications, unless this is necessary to fulfil the conditions set out under national legislation for the exercise by EU citizens of the regulated profession specified in the work contract or binding job offer of work.

Or. en

Amendment 101
Ona Juknevičienė

Proposal for a directive
Article 6 - introductory part and point a

Text proposed by the Commission	*Amendment*
If the application is submitted by a third-country national of less than ***30*** years of age and holding higher education qualifications, the following derogations shall apply:	If the application is submitted by a third-country national of less than ***30*** years of age and holding higher education qualifications, the following derogations shall apply:
(a) Member States shall consider fulfilled the condition set out in Article 5(2) if the gross monthly salary offered corresponds to at least two–thirds of ***the*** national salary threshold ***defined in accordance with Article 5(2);***	(a) Member States shall consider fulfilled the condition set out in Article 5(2) if the gross monthly salary offered corresponds to at least two–thirds of ***at least 1.7 times average gross pay under national law;***

Or. en

Justification

The amendment aims to ensure firstly, that young third-country nationals are remunerated on a sufficient basis taking into account the lack of professional experience and secondly, to

prevent employers from giving preference to third-country nationals who would take up a job for a lesser salary than an EU national.

Amendment 102
Jean Lambert

Proposal for a directive
Article 6 - introductory part and point a

Text proposed by the Commission	*Amendment*
If the application is submitted by a third-country national ***of less than 30 years of age and holding higher education qualifications, the following derogations shall apply:***	If the application is submitted by a third-country national ***who holds higher educational qualifications but whose date of qualification has not given sufficient time for the acquisition of significant professional experience:***
(a) Member States shall consider fulfilled the condition set out in Article 5(2) if the gross monthly salary offered corresponds to at least two–thirds of the national salary threshold defined in accordance with Article 5(2);	

Or. en

Amendment 103
Jeanine Hennis-Plasschaert

Proposal for a directive
Article 6 - introductory part and point a

Text proposed by the Commission	*Amendment*
If the application is submitted by a third-country national of less than ***30*** years of age and holding higher education qualifications, the following derogations shall apply:	If the application is submitted by a third-country national of less than ***35*** years of age and holding higher education qualifications, the following derogations shall apply:
(a) Member States shall consider fulfilled the condition set out in Article 5(2) if the gross monthly salary offered corresponds to at least two–thirds of the national salary	(a) Member States shall consider fulfilled the condition set out in Article 5(2) if the gross monthly salary offered corresponds to at least two–thirds of the national salary

threshold ***defined in accordance with Article 5(2);***	threshold;

Or. en

Justification

Wage-setting is not an EU competence.

Amendment 104
Jean Lambert

Proposal for a directive
Article 6 - point b

Text proposed by the Commission	*Amendment*
(b) Member States may waive the salary requirement provided for in Article 5(2) on condition that the applicant has completed higher education on site studies and obtained a Bachelor and a Master's degree in a higher education institution situated on the territory of the Community;	***deleted***

Or. en

Amendment 105
Ona Juknevičienė

Proposal for a directive
Article 6 - point c

Text proposed by the Commission	*Amendment*
(c) Member States ***shall*** not require proof of professional experience in addition to the higher education qualifications, unless this is necessary to fulfil the conditions set out under national legislation for the exercise by EU citizens of the regulated profession specified in the work contract or	(c) Member States ***may*** not require proof of professional experience in addition to the higher education qualifications, unless this is necessary to fulfil the conditions set out under national legislation for the exercise by EU citizens of the regulated profession specified in the work contract or binding

binding job offer of work.	job offer of work.

Or. en

Amendment 106
Giusto Catania

Proposal for a directive
Article 7

Text proposed by the Commission	*Amendment*
Article 7	***deleted***
Volumes of admission	
Articles 5 and 6 shall be without prejudice to the competence of the Member States to determine volumes of admission of third-country nationals for highly qualified employment.	

Or. it

Amendment 107
Marian-Jean Marinescu

Proposal for a directive
Article 7

Text proposed by the Commission	*Amendment*
Articles 5 and 6 shall be without prejudice to the competence of the Member States to determine volumes of admission of third-country nationals for highly qualified employment.	***Article 5*** shall be without prejudice to the competence of the Member States to determine volumes of admission of third-country nationals for highly qualified employment.

Or. en

Amendment 108
Javier Moreno Sánchez

Proposal for a directive
Artículo 7

Text proposed by the Commission	*Amendment*
Articles 5 and 6 shall be without prejudice to the competence of the Member States to determine volumes of admission of third-country nationals for highly qualified employment.	Articles 5 and 6 shall be without prejudice to the competence of the Member States to determine volumes of admission of third-country nationals for highly qualified employment ***in line with the state of their labour markets***.

Or. es

Amendment 109
Ioannis Varvitsiotis

Proposal for a directive
Article 7

Text proposed by the Commission	*Amendment*
Articles 5 and 6 shall be without prejudice to the competence of the Member States to determine volumes of admission of third-country nationals for highly qualified employment**.**	Articles 5 and 6 shall be without prejudice to the competence of the Member States to determine volumes of admission of third-country nationals for highly qualified employment***. Member States shall retain the possibility of refusing residence permits for certain professions, economic sectors or regions.***

Or. en

Justification

There should be an exceptional measure for protecting some Member States or regions or sectors with specific problems.

Amendment 110
Marian-Jean Marinescu

Proposal for a directive
Article 8 - paragraph 1

Text proposed by the Commission	*Amendment*
1. A person fulfilling the requirements set out in ***Articles 5 and 6*** and for whom a positive decision has been issued by the competent authorities shall be issued an EU Blue Card.	1. A person fulfilling the requirements set out in ***Article 5*** and for whom a positive decision has been issued by the competent authorities shall be issued an EU Blue Card.

Or. en

Amendment 111
Giusto Catania

Proposal for a directive
Article 8 - paragraph 2

Text proposed by the Commission	*Amendment*
2. The initial validity of an EU Blue Card shall be of two years and shall be renewed for at least the same duration. If the work contract covers a period less than two years, the EU Blue Card shall be issued for the duration of the work contract plus ***three*** months.	2. The initial validity of an EU Blue Card shall be of two years and shall be renewed for at least the same duration. If the work contract covers a period less than two years, the EU Blue Card shall be issued for the duration of the work contract plus ***six*** months.

Or. it

Amendment 112
Stavros Lambrinidis

Proposal for a directive
Article 8 - paragraph 2

Text proposed by the Commission	*Amendment*
2. The initial validity of an EU Blue Card shall be of ***two*** years and shall be renewed for ***at least the same duration***. If the work	2. The initial validity of an EU Blue Card shall be of ***three*** years and shall be renewed for ***another two***. If the work

contract covers a period less than two years, the EU Blue Card shall be issued for the duration of the work contract plus three months.	contract covers a period less than two years, the EU Blue Card shall be issued for the duration of the work contract plus three months.

Or. en

Amendment 113
Jeanine Hennis-Plasschaert

Proposal for a directive
Article 8 - paragraph 2

Text proposed by the Commission	*Amendment*
2. The initial validity of an EU Blue Card shall ***be of two years and shall be renewed for at least the same duration. If the work contract covers a period less than two years, the EU Blue Card shall be issued for the duration of the work contract plus three months.***	2. The initial validity of an EU Blue Card shall ***correspond to the duration of the work contract, subject to a minimum of one year, and shall be renewed for at least the same duration up to a maximum of 5 years.***

Or. en

Amendment 114
Jeanine Hennis-Plasschaert

Proposal for a directive
Article 8 - paragraph 5

Text proposed by the Commission	*Amendment*
5. Holders of the EU Blue Card shall be entitled to the rights recognised to them and their family members ***by Articles 8, 10(2), 12, 13-19 and 21 of*** this Directive.	5. Holders of the EU Blue Card shall be entitled to the rights recognised to them and their family members ***in*** this Directive.

Or. en

Amendment 115
Marian-Jean Marinescu

Proposal for a directive
Article 9 - paragraph 1

Text proposed by the Commission	*Amendment*
1. Member States shall reject an application for a EU Blue Card whenever the applicant does not meet the conditions set out in ***Articles 5 and 6*** or whenever the documents presented have been fraudulently acquired, or falsified or tampered with.	1. Member States shall reject an application for a EU Blue Card whenever the applicant does not meet the conditions set out in ***Article 5*** or whenever the documents presented have been fraudulently acquired, or falsified or tampered with.

Or. en

Amendment 116
Giusto Catania

Proposal for a directive
Article 9 - paragraph 2

Text proposed by the Commission	*Amendment*
2. Before taking the decision on an application for an EU Blue Card, Member States may examine the situation of their labour market and apply their national procedures regarding the requirements for filling a vacancy.	***deleted***
For reasons of labour market policy, Member States may give preference to Union citizens, to third-country nationals, when provided for by Community legislation, as well as to third-country nationals who reside legally and receive unemployment benefits in the Member States concerned.	

Or. it

Amendment 117
Jean Lambert

Proposal for a directive
Article 9 - paragraph 2 - subparagraph 2

Text proposed by the Commission	*Amendment*
For reasons of labour market policy, Member States may give preference to Union citizens, to third-country nationals, when provided for by Community legislation, as well as to third-country nationals who reside legally and receive unemployment benefits in the Member States concerned.	***deleted***

Or. en

Amendment 118
Jeanine Hennis-Plasschaert

Proposal for a directive
Article 9 - paragraph 2

Text proposed by the Commission	*Amendment*
2. Before taking the decision on an application for an EU Blue Card, Member States may examine the situation of their labour market and apply their national procedures regarding the requirements for filling a vacancy.	***deleted***
For reasons of labour market policy, Member States may give preference to Union citizens, to third-country nationals, when provided for by Community legislation, as well as to third-country nationals who reside legally and receive unemployment benefits in the Member States concerned.	

Or. en

Justification

The application of a labour market test is of no help whatsoever in trying to make the EU more attractive for highly qualified workers. The red tape should be reduced.

Amendment 119
Marian-Jean Marinescu

Proposal for a directive
Article 9 - paragraph 2 - subparagraph 1

Text proposed by the Commission	*Amendment*
2. Before taking the decision on an application for an EU Blue Card, Member States may examine the situation of their labour market and apply their national procedures regarding the requirements for filling a vacancy.	2. Before taking the decision on an application for an EU Blue Card, Member States may examine the situation of their labour market and apply their national ***and Community*** procedures regarding the requirements for filling a vacancy.

Or. en

Amendment 120
Marian-Jean Marinescu

Proposal for a directive
Article 9 - paragraph 2 - subparagraph 2 and subparagraph 2 a (new)

Text proposed by the Commission	*Amendment*
For reasons of labour market policy, Member States may give preference to Union citizens, to third-country nationals, when provided for by Community legislation, as well as to third-country nationals who reside legally and receive unemployment benefits in the Member States concerned.	For reasons of labour market policy, Member States ***shall*** give preference to Union citizens, ***and may give preference*** to third-country nationals, when provided for by Community legislation, as well as to third-country nationals who reside legally and receive unemployment benefits in the Member States concerned ***Member States shall reject an application for an EU Blue Card in labour market sectors to which access to workers from other Member States is restricted on the basis of the transitional arrangements set***

out in the Acts of Accession of 16 April 2003 and 25 April 2005.

Or. en

Amendment 121
Ioannis Varvitsiotis

Proposal for a directive
Article 9 - paragraph 2 – subparagraph 1 a (new)

Text proposed by the Commission	*Amendment*
	Member States may reject an application for an EU Blue Card in order to ensure ethical recruitment in sectors suffering from a lack of qualified personnel in the countries of origin.

Or. en

Justification

In order to protect those countries from the 'brain drain' effect.

Amendment 122
Stavros Lambrinidis

Proposal for a directive
Article 10 - paragraph 1 – point a

Text proposed by the Commission	*Amendment*
(a) when it has been fraudulently acquired, or has been falsified or tampered with**,** ***or***	(a) when it has been fraudulently acquired, or has been falsified or tampered with**.** ***Member States may withdraw or refuse to renew an EU Blue Card issued on the basis of this Directive in the following cases:***

Or. en

Amendment 123
Marian-Jean Marinescu

Proposal for a directive
Article 10 - paragraph 1 - point b

Text proposed by the Commission	*Amendment*
(b) wherever it appears that the holder did not meet or no longer meets the conditions for entry and residence laid down in ***Articles 5 and 6*** or is residing for purposes other that that for which he/she was authorised to reside**.**	(b) wherever it appears that the holder did not meet or no longer meets the conditions for entry and residence laid down in ***Article 5*** or is residing for purposes other that that for which he/she was authorised to reside**.**

Or. en

Amendment 124
Giusto Catania

Proposal for a directive
Article 10 - paragraph 3 - subparagraph 1 a (new)

Text proposed by the Commission	*Amendment*
	Provisions adopted for reasons of public policy or public security shall respect the principle of proportionality and shall be adopted solely on the grounds of the personal conduct of the individual to whom they are applied. The personal conduct must represent a genuine and current threat which is sufficiently serious to affect a fundamental interest of society. Justifications extraneous to the individual case or invoking general precautions shall not be taken into account.

Or. it

Amendment 125
Giusto Catania

Proposal for a directive
Article 10 - paragraph 3 a (new)

Text proposed by the Commission	*Amendment*
	3a. If a third-country national is already resident or legally present in the territory of a Member State, the sending of the file on an application for an EU Blue Card shall give rise to the right to remain in the territory of the State where the application has been submitted until the end of the procedure for consideration of the application, including the period for any appeal in the event of a negative decision.

Or. it

Amendment 126
Hubert Pirker

Proposal for a directive
Article 12 - paragraph 3

Text proposed by the Commission	*Amendment*
3. Any decision rejecting an application for an EU Blue Card, or non-renewing or withdrawing an EU Blue Card, shall be notified in writing to the third-country national concerned and, where relevant, to his/her employer in accordance with the notification procedures under the relevant national legislation and shall be open to challenge ***before the courts*** of the Member State concerned. The notification shall specify the reasons for the decision, the possible redress procedures available and the time limit for taking action.	3. Any decision rejecting an application for an EU Blue Card, or non-renewing or withdrawing an EU Blue Card, shall be notified in writing to the third country national concerned and, where relevant, to his/her employer in accordance with the notification procedures under the relevant national legislation and shall be open to challenge ***under the national legislation*** of the Member State concerned. The notification shall specify the reasons for the decision, the possible redress procedures available and the time limit for taking action.

Or. de

Justification

The expression 'before the courts' needs to be removed because the Member States should be free to decide whether the appeal body is an administrative or legal authority.

Amendment 127
Simon Busuttil

Proposal for a directive
Article 12 - paragraph 3

Text proposed by the Commission	*Amendment*
3. Any decision rejecting an application for an EU Blue Card, or non-renewing or withdrawing an EU Blue Card, shall be notified in writing to the third-country national concerned and, where relevant, to his/her employer in accordance with the notification procedures under the relevant national legislation and shall be open to challenge before the ***courts*** of the Member State concerned. The notification shall specify the reasons for the decision, the possible redress procedures available and the time limit for taking action.	3. Any decision rejecting an application for an EU Blue Card, or non-renewing or withdrawing an EU Blue Card, shall be notified in writing to the third-country national concerned and, where relevant, to his/her employer in accordance with the notification procedures under the relevant national legislation and shall be open to challenge before the ***competent authority*** of the Member State concerned ***appointed in accordance with national law***. The notification shall specify the reasons for the decision, the possible redress procedures available and the time limit for taking action.

Or. en

Justification

The body responsible for such challenges should be appointed in accordance with national law. Moreover the requirements for decisions rejecting applications to be open to challenge before the courts of a Member State concerned, may give rise to unnecessary delays to the system.

Amendment 128
Giusto Catania

Proposal for a directive
Article 13 - paragraph 1

Text proposed by the Commission	*Amendment*
1. For the first two years of legal residence ***in the Member State concerned*** as holder of an EU Blue Card, ***access to the labour market for*** the person concerned ***shall be restricted to*** the exercise of paid employment activities which meet the conditions for admission set out in Articles 5 and 6. Modifications of the terms of the work contract that affect the conditions for admission or changes in the work relationship shall be subject to the prior ***authorisation*** in writing of the competent authorities of the Member State of residence, according to national procedures and within the time limits set out in Article 12(1).	1. For the first two years of legal residence as holder of an EU Blue Card, the person concerned ***may have access to the labour market for*** the exercise of paid employment activities which meet the conditions for admission set out in Articles 5 and 6. Modifications of the terms of the work contract that affect the conditions for admission or changes in the work relationship shall be subject to the prior ***notification*** in writing of the competent authorities of the Member State of residence, according to national procedures and within the time limits set out in Article 12(1).

Or. it

Amendment 129
Marian-Jean Marinescu

Proposal for a directive
Article 13 - paragraph 1

Text proposed by the Commission	*Amendment*
1. For the first two years of legal residence in the Member State concerned as holder of an EU Blue Card, access to the labour market for the person concerned shall be restricted to the exercise of paid employment activities which meet the conditions for admission set out in ***Articles 5 and 6***. Modifications of the terms of the work contract that affect the conditions for admission or changes in the work relationship shall be subject to the prior	1. For the first two years of legal residence in the Member State concerned as holder of an EU Blue Card, access to the labour market for the person concerned shall be restricted to the exercise of paid employment activities which meet the conditions for admission set out in ***Article 5***. Modifications of the terms of the work contract that affect the conditions for admission or changes in the work relationship shall be subject to the prior

authorisation in writing of the competent authorities of the Member State of residence, according to national procedures and within the time limits set out in Article 12(1).	authorisation in writing of the competent authorities of the Member State of residence, according to national procedures and within the time limits set out in Article 12(1).

Or. en

Amendment 130
Giusto Catania

Proposal for a directive
Article 13 - paragraph 2

Text proposed by the Commission	*Amendment*
2. After the first two years of legal residence ***in the Member State concerned*** as holder of an EU Blue Card, the person concerned shall enjoy equal treatment with nationals as regards access to ***highly qualified*** employment. The holder of the EU Blue Card shall notify changes in his/her work relationship to the competent authorities of the Member State of residence, according to national procedures.	2. After the first two years of legal residence as holder of an EU Blue Card, the person concerned shall enjoy equal treatment with nationals as regards access to employment. The holder of the EU Blue Card shall notify changes in his/her work relationship to the competent authorities of the Member State of residence, according to national procedures.

Or. it

Amendment 131
Giusto Catania

Proposal for a directive
.**Article 13 - paragraph 5**

Text proposed by the Commission	*Amendment*
5. Member States may retain restrictions to access to employment or self-employed activities in cases where, in accordance with existing national or Community legislation, these activities are reserved to nationals, EU or EEA citizens.	***deleted***

Or. it

Amendment 132
Giusto Catania

Proposal for a directive
Article 13 - paragraph 6

Text proposed by the Commission	*Amendment*
6. The provisions set out in this Article shall be applied without prejudice to the principle of Community preference as expressed in the relevant provisions of the Acts of Accession of 16 April 2003 and 25 April 2005, in particular in respect to the rights of nationals of these Member States in terms of access to the labour market.	***deleted***

Or. it

Amendment 133
Marian-Jean Marinescu

Proposal for a directive
Article 13 – paragraph 6 – subparagraph 1 a (new)

Text proposed by the Commission	*Amendment*
	(1a) The Member States shall ensure that no national highly qualified worker or highly qualified worker from the Union loses a job to a highly qualified worker from a third country with equivalent professional skills and qualifications.

Or. fr

Amendment 134
Giusto Catania

Proposal for a directive
Article 14 - paragraph 1

Text proposed by the Commission	*Amendment*
1. Unemployment in itself shall not constitute a reason for revoking an EU Blue Card, unless the period of unemployment exceeds ***three*** consecutive months.	1. Unemployment in itself shall not constitute a reason for revoking an EU Blue Card, unless the period of unemployment exceeds ***six*** consecutive months.

Or. it

Amendment 135
Hubert Pirker

Proposal for a directive
Article 14 - paragraph 1

Text proposed by the Commission	*Amendment*
1. Unemployment in itself shall not constitute a reason for revoking an EU Blue Card, unless the period of unemployment exceeds three consecutive months.	1. Unemployment in itself shall not constitute a reason for revoking ***or not renewing*** an EU Blue Card, unless the period of unemployment exceeds three consecutive months***; the holder of an EU Blue Card must notify the competent authorities of his or her Member State of residence when he or she becomes unemployed, in accordance with national procedures.***

Or. de

Justification

In order to be able to calculate a period of three consecutive months, the competent national authorities must be notified of the commencement of unemployment.

Amendment 136
Giusto Catania and Søren Bo Søndergaard

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

Text proposed by the Commission	*Amendment*
	1a. The EU Blue Card holder shall have the right to remain on the territory for as long as he or she is engaged in training activities aimed at further increasing his or her professional skills or re-qualification of his or her professional profile.

Or. en

Amendment 137
Giusto Catania

Proposal for a directive
Article 15 - paragraph 2

Text proposed by the Commission	*Amendment*
2. Member States may restrict the rights conferred under paragraphs 1(c) and (i) in respect to study grants and procedures for obtaining public housing to cases where the holder of the EU Blue Card has been staying or has the right to stay in its territory for at least three years.	***deleted***

Or. it

Amendment 138
Jean Lambert

Proposal for a directive
Article 15 - paragraph 2

Text proposed by the Commission	*Amendment*
2. Member States may restrict the rights conferred under paragraphs 1(c) and (i) in respect to study grants and procedures for obtaining public housing to cases where the holder of the EU Blue Card has been staying or has the right to stay in its territory for at least three years.	***deleted***

Or. en

Justification

The Blue Card Directive should be in line with the Council of Europe Convention on the legal status of migrant workers (ETS 93 of 24.XI.1977), which foresees equal treatment with nationals with regard to access to housing and social and medical assistance.

Amendment 139
Jeanine Hennis-Plasschaert

Proposal for a directive
Article 15 - paragraph 2

Text proposed by the Commission	*Amendment*
2. Member States may restrict the rights conferred under paragraphs 1(c) and (i) in respect to study grants and procedures for obtaining public housing to cases where the holder of the EU Blue Card has been staying or has the right to stay in its territory for at least three years.	***deleted***

Or. en

Amendment 140
Emine Bozkurt

Proposal for a directive
Article 15 - paragraph 2 a (new)

Text proposed by the Commission	*Amendment*
	2a. Holders of an EU Blue Card shall also fulfil the obligation on third-country nationals to integrate which is laid down by the Member State in which the worker is resident. In countries where such integration measures are voluntary, Member States shall encourage holders of the EU Blue Card to participate in national integration projects, in order to stimulate the integration of holders of the EU Blue Card into EU society. The Commission should develop an introductory course to inform holders of the EU Blue Card about the European Union and its Member States, in order to stimulate the involvement and participation of EU Blue Card holders and their families into EU and national societies.

Or. en

Amendment 141
Giusto Catania

Proposal for a directive
Article 15 - paragraph 3

Text proposed by the Commission	*Amendment*
3. Member States may restrict equal treatment as regards social assistance to cases where the holder of the EU Blue Card has been granted EC long-term resident status in accordance with Article 17.	***deleted***

Or. it

Amendment 142
Giusto Catania

Proposal for a directive
Article 16 - paragraph 3

Text proposed by the Commission	*Amendment*
3. By way of derogation from Article 5(4), first subparagraph, of Directive 2003/86/EC, residence permits for family members shall be granted at the latest within six months from the date on which the application was lodged.	3. By way of derogation from Article 5(4), first subparagraph, of Directive 2003/86/EC, residence permits for family members shall be granted ***as soon as possible and at the same time as the decision on the issue of the EU Blue Card, and at all events*** at the latest within six months from the date on which the application was lodged.

Or. it

Amendment 143
Jeanine Hennis-Plasschaert

Proposal for a directive
Article 16 - paragraph 3

Text proposed by the Commission	*Amendment*
3. By way of derogation from Article 5(4), first subparagraph, of Directive 2003/86/EC, residence permits for ***family members*** shall be granted ***at the latest within six months from the date on which the application was lodged.***	3. By way of derogation from Article 5(4), first subparagraph, of Directive 2003/86/EC, residence permits for ***the holder of an EU Blue Card and his or her family members*** shall be granted ***at the same time.***

Or. en

Amendment 144
Ioannis Varvitsiotis

Proposal for a directive
Article 17 - paragraph 2 - point b

Text proposed by the Commission	*Amendment*
(b) legal and continuous residence as holder of an EU Blue Card within the territory of the Member State where the application for the long-term resident's EC residence permit is lodged for ***two*** years immediately prior to the submission of the relevant application.	(b) legal and continuous residence as holder of an EU Blue Card within the territory of the Member State where the application for the long-term resident's EC residence permit is lodged for ***three*** years immediately prior to the submission of the relevant application.

Or. en

Justification

It might be considered advisable to increase the term for acquiring long-term resident status to three years.

Amendment 145
Javier Moreno Sánchez

Proposal for a directive
Article 17 - paragraph 4

Text proposed by the Commission	*Amendment*
4. By way of derogation from Article 9(1)(c) of Directive 2003/109/EC, Member States ***shall*** extend the period of absence allowed to an EU Blue Card holder and of his/her family members having been granted the EC long-term residence status from the territory of the Community to 24 consecutive months.	4. By way of derogation from Article 9(1)(c) of Directive 2003/109/EC, Member States ***may*** extend the period of absence allowed to an EU Blue Card holder and of his/her family members having been granted the EC long-term residence status from the territory of the Community to 24 consecutive months.

Or. es

Amendment 146
Javier Moreno Sánchez

Proposal for a directive
Article 17 - paragraph 5

Text proposed by the Commission	*Amendment*
5. The derogations to Directive 2003/109/EC set out in paragraphs 3 and 4 shall apply only in cases where the third-country national concerned can present evidence that he/she has been absent from the territory of the Community to exercise an economic activity in an employed or self-employed capacity, or to perform a voluntary service, or to study ***in his/her own country of origin***.	5. The derogations to Directive 2003/109/EC set out in paragraphs 3 and 4 shall apply only in cases where the third-country national concerned can present evidence that he/she has been absent from the territory of the Community to exercise***, in his/her country of origin,*** an economic activity in an employed or self-employed capacity, or to perform a voluntary service, or to study. ***This will encourage the circular mobility of these professionals, as well as the subsequent involvement of the same migrant workers in training, research and technical activities in their countries of origin***.

Or. es

Amendment 147
Ona Juknevičienė

Proposal for a directive
Article 19 - paragraph 1

Text proposed by the Commission	*Amendment*
1***. After two years of legal residence in the first Member State*** as holder of an EU Blue Card, the person concerned and his/her family members shall be allowed to move to a Member State other than the first Member State for the purpose of highly qualified employment under the conditions set out in this Article.	1. As holder of an EU Blue Card, the person concerned and his/her family members shall be allowed to move to a Member State other than the first Member State for the purpose of highly qualified employment under the conditions set out in this Article.

Or. en

Amendment 148
Jean Lambert

Proposal for a directive
Article 19 - paragraph 1

Text proposed by the Commission	*Amendment*
1. After two years of legal residence in the first Member State as holder of an EU Blue Card, the person concerned and his/her family members shall be allowed to move to a Member State other than the first Member State for the purpose of ***highly qualified*** employment under the conditions set out in this Article.	1. After two years of legal residence in the first Member State as holder of an EU Blue Card, the person concerned and his/her family members shall be allowed to move to a Member State other than the first Member State for the purpose of employment under the conditions set out in this Article.

Or. en

Amendment 149
Jeanine Hennis-Plasschaert

Proposal for a directive
Article 19 - paragraph 1

Text proposed by the Commission	*Amendment*
1. After two years of legal residence in the first Member State as holder of an EU Blue Card, the person concerned and his/her family members shall be allowed to move to a Member State other than the first Member State for the purpose of highly qualified employment under the conditions set out in this Article.	1. As holder of an EU Blue Card, the person concerned and his/her family members shall be allowed to move to a Member State other than the first Member State for the purpose of highly qualified employment under the conditions set out in this Article.

Or. en

Justification

A two-years waiting period for intra-EU mobility is not in any way of help while trying to make the EU more attractive for highly qualified workers.

Amendment 150
Marian-Jean Marinescu

Proposal for a directive
Article 19 - paragraph 2

Text proposed by the Commission	*Amendment*
2. No later than one month after entering the territory of the second Member State, the holder of the EU Blue Card shall notify his/her presence to the competent authorities of that Member State and present all the documents proving that he/she fulfils the conditions set out in ***Articles 5 and 6*** for the second Member State.	2. No later than one month after entering the territory of the second Member State, the holder of the EU Blue Card shall notify his/her presence to the competent authorities of that Member State and present all the documents proving that he/she fulfils the conditions set out in ***Article 5*** for the second Member State.

Or. en

Amendment 151
Marian-Jean Marinescu

Proposal for a directive
Article 19 - paragraph 3 - point a

Text proposed by the Commission	*Amendment*
(a) ***issue*** an EU Blue Card and allow the applicant to reside on its territory for highly qualified employment if the conditions set in this Article are fulfilled and under the conditions set out in Articles 8-15;	(a) ***renew*** an EU Blue Card and allow the applicant to reside on its territory for highly qualified employment if the conditions set in this Article are fulfilled and under the conditions set out in Articles 8-15;

Or. en

Amendment 152
Marian-Jean Marinescu

Proposal for a directive
Article 19 - paragraph 3 - point b

Text proposed by the Commission	*Amendment*
(b) refuse to ***issue*** an EU Blue Card and oblige the applicant and his/her family members, in accordance with the procedures provided for by national law, including removal procedures, to leave its territory if the conditions set out in this Article are not fulfilled. The first Member State shall immediately readmit without formalities the holder of the EU Blue Card and his/her family members. The provisions of Article 14 shall apply after readmission.	(b) refuse to ***renew*** an EU Blue Card and oblige the applicant and his/her family members, in accordance with the procedures provided for by national law, including removal procedures, to leave its territory if the conditions set out in this Article are not fulfilled. The first Member State shall immediately readmit without formalities the holder of the EU Blue Card and his/her family members. The provisions of Article 14 shall apply after readmission.

Or. en

Amendment 153
Jean Lambert

Proposal for a directive
Article 19 - paragraph 4

Text proposed by the Commission	*Amendment*
4. The applicant shall be responsible for the costs related to the return and admission of him/her self and his/her family members, including by reimbursing costs incurred by public funds where applicable, pursuant to paragraph 3(b).	***deleted***

Or. en

Amendment 154
Inger Segelström

Proposal for a directive
Article 19 - paragraph 4

Text proposed by the Commission	*Amendment*
4. The applicant shall be responsible for the costs related to the return and readmission of him/her self and his/her family members, including by reimbursing costs incurred by public funds where applicable, pursuant to paragraph 3(b).	***deleted***

Or. sv

Amendment 155
Jeanine Hennis-Plasschaert

Proposal for a directive
Article 19 - paragraph 5

Text proposed by the Commission	*Amendment*
5. In application of this Article, Member States may continue to apply volumes of admission as specified in Article 7.	***deleted***

Or. en

Justification

Measures restraining or eliminating the possibility for an EU Blue Card holder to work in another MS would undermine the objective of this proposal.

Amendment 156
Emine Bozkurt, Esther De Lange

Proposal for a directive
Article 19 a (new)

Text proposed by the Commission	*Amendment*
	Article 19a
	1. After 24 months of legal residence in the first Member State as holder of an EU Blue Card, the person concerned shall be allowed to perform highly qualified employment in a second Member State while residing in the first Member State. Employment in the second Member State shall be subject to prior authorisation in writing by the competent authorities of the second Member State.
	2. In accordance with the procedures set out in Article 12, the second Member State shall process the application for authorisation for cross-border highly qualified employment, and shall inform the applicant in writing of its decision to:
	(a) either issue the authorisation and allow the applicant to perform highly qualified employment within its territory if the conditions set out in Article 5, with the exception of paragraph 1(d), are fulfilled and the applicant has presented a valid travel document, as determined by national law, and a valid EU Blue Card issued by the first Member State, or,
	(b)refuse the authorisation if:
	- the conditions set out in paragraph 2(a) are not fulfilled, or,
	- the documents presented have been fraudulently acquired, or falsified, or tampered with, or,
	- the volumes of admission of third-country nationals seeking highly qualified employment, determined by Member States in accordance with Article 7, have been exceeded, or,
	- if the grounds for refusal set out in Article 9(2) are applicable, or,

- if the conditions set out in Article 13(4), (5) or (6) are applicable.
3. The period of validity of the authorisation may be limited to that of the EU Blue Card issued by the first Member State.
4. Member States shall withdraw or refuse to renew an authorisation issued on the basis of paragraph 2(a) in the following cases:
(a) when it has been fraudulently acquired, falsified or tampered with, or,
(b) when it appears that the holder did not meet or no longer meets the conditions set out in paragraph 2(a) of this Article.
5. EU Blue Card commuters shall enjoy treatment equal to that of nationals of the first Member State who commute to the second Member State with regard to the subjects mentioned in Article 15.

Or. en

Justification

This amendment draws the attention to the option for cross-border commuting. After two years of legal residence in the first Member State, a Blue Card holder may prefer to work in a second Member State whilst remaining a resident of the first Member State. From a private perspective there could be several reasons why cross-border commuting is desirable, such as financial reasons, availability of housing and integration of the family into the local community. This situation could particularly occur in the border regions of the Member States

Amendment 157
Jeanine Hennis-Plasschaert

Proposal for a directive
Article 20 - paragraph 2

Text proposed by the Commission	*Amendment*
2. In cases where a Member State decides to apply the restrictions on access to the labour market provided for in Article 14(3) of Directive 2003/109/EC, it shall give preference to holders of the residence	2. In cases where a Member State decides to apply the restrictions on access to the labour market provided for in Article 14(3) of Directive 2003/109/EC, it shall give preference to holders of the residence

permit "long-term resident – EC / EU Blue Card holder" over other third-country nationals applying to reside there for the same purposes.	permit "long-term resident – EC / EU Blue Card holder" over other third-country nationals applying to reside there for the same purposes ***in situations where two or more candidates are equally well qualified for the job.***

Or. en

Amendment 158
Javier Moreno Sánchez

Proposal for a directive
Article 23

Text proposed by the Commission	*Amendment*
Every three years, and for the first time no later than [three years after the date of transposition of this Directive], the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose any amendments that are necessary.	Every three years, and for the first time no later than [three years after the date of transposition of this Directive], the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States and shall propose any amendments that are necessary***, also in relation to action to combat the exodus of talent***.

Or. es

Amendment 159
Esther De Lange and Emine Bozkurt

Proposal for a directive
Chapter V - title

Text proposed by the Commission	*Amendment*
Residence in other Member States	Residence ***and work*** in other Member States

Or. en