



# Position Paper

January 2017

## EC proposal to revise the EU Blue Card Directive - COM(2016) 378

### In summary, EUROCHAMBRES:

- Welcomes the aim of the revised EU Blue Card scheme to improve Europe's attractiveness for highly-skilled workers, as well as the overall more transparent application process.
- Supports the inclusion of refugees in the scope of the proposed revision of the EU Blue Card scheme.
- Endorses the proposal to reduce the salary threshold.
- Welcomes the enhanced mobility of highly-skilled workers between Member States.
- Recommends the creation of an EU-wide platform for highly-skilled workers.
- Requests the inclusion of skilled workers who completed an apprenticeship in the revised Blue Card scheme.
- Welcomes the labour market tests, but stresses the importance to involve business organisations while carrying out the tests and recommends to not carrying them out for family members.
- Discourages the notion that seeking to capitalize on the scheme's facilitation of mobility should be constituted as using it in an "abusive manner".
- Regrets that the proposed single EU-wide scheme which will replace parallel national immigration schemes may lead in some EU Member States to more restrictive labour migration system.
- Argues the requirement to indicate the permanent residence at the issuing date of the Blue Card.
- Considers that employers should not be responsible for any failures of Blue Card holders to comply with the conditions of mobility.

## Introduction

EUROCHAMBRES – The Association of European Chambers of Commerce and Industry represents over 20 million enterprises in Europe – 98% of which are SMEs – through members in 43 countries and a European network of 1700 regional and local Chambers.

The existing EU framework for the immigration of highly skilled workers (current EU Blue Card scheme and Member States' national schemes) have proven insufficient so far to fill the EU labour market specific needs of high-skills in certain sectors. Currently of all non-EU migrants coming to OECD countries, only 31% of the high-skilled migrants choose an EU destination.

Against this background and with a view to enhance EU's ability to attract and retain highly skilled workers, EUROCHAMBRES broadly welcomes the European Commission proposal of June 2016 to review the Blue Card Directive adopted in 2009. This will help in enhancing EU competitiveness and coping with demographic challenges. However in its proposal, the European Commission suggested several worrying elements for the business community.

Specific comments on the European Commission proposal can be found on the following pages.

### More transparent application process

EUROCHAMBRES welcomes the proposal which will allow for a more transparent application process for applicants as well as employers.

### Refugees included in the revised Blue Card Scheme

EUROCHAMBRES welcomes that **the scope of the Blue Card directive is extended to beneficiaries of international protection**, if they fulfil the regular conditions. It is essential that refugees, benefiting from international protection residing in the EU, can have access to the Blue Card Scheme.

### Salary threshold reduced

EUROCHAMBRES welcomes the **reduction of the salary threshold to a maximum amount of 1.4 times the average gross salary of the Member State concerned**, as this reflects the labour market now rather realistically. Moreover, employers have to comply with collective wage agreements in any case, which means that there is no risk of wage dumping.

### An opportunity to create an EU-wide platform for talents

The EU Blue Card has the potential to attract more international talents. In the context of its revision, EUROCHAMBRES recommends **the development of an EU-wide platform for highly-skilled workers, a so-called "talent-pool"**, to which potential Blue Card holders could qualify. By linking employers and international talents in a transparent way, a development towards a European labour market shall be facilitated. This platform should operate with less bureaucracy possible and could be part of already existing platform such as EURES.

### Highly-skilled workers with the relevant work experience eligible for the revised Blue Card Scheme

EUROCHAMBRES welcomes that the definition of "higher education qualifications" shall now include a Bachelor degree with a post-graduate education of 3 years as well as people with "higher professional skills", who have worked for a minimum of 3 years in the relevant domain. **Skilled workers with relevant work**

**experience** - of a level comparable to higher education qualifications and being pertinent in the profession or sector specified in the work contract or binding job offer - **should be eligible for the revised Blue Card Scheme**.

## Chambers to be consulted while labour market tests are carried out

EUROCHAMBRES welcomes the **labour market tests** carried out exclusively for professions that correspond to a high unemployment rate for 12 months as well as the obligation to notify such an intention to the Commission. However, this must not lead to any administrative burden or a loss of transparency for entrepreneurs and **business organizations such as Chambers should be consulted** when carrying out such tests.

## No labour market tests for family members

EUROCHAMBRES welcomes the possibility to apply for Blue Cards and **residence permits for family members** simultaneously. However, in this regard **labour market tests for family members should not be carried out**. Such a provision would water down the already existing law. Residence permits and access to labour market shall be merged in this case.

## The Blue Card, a tool to facilitate mobility of highly-skilled workers within the EU

EUROCHAMBRES welcomes that the revision of the Blue Card Directive will **facilitate mobility of highly-skilled workers between Member States**. In this regard any reference to an “**abusive manner**” of Blue Card holders repetitively making use of the possibility to enter and work in second Member States is unhelpful.

## National immigration schemes maintained in parallel to the EU-wide scheme

EUROCHAMBRES regrets that parallel national schemes for the same group that is eligible for the Blue Card would not be allowed anymore. Allowing Blue Cards only bears the risk of curtailing the quality of immigration rules. Adaptations on EU-level shall not lead to a more restrictive labour migration system than already existing. Consequently, EUROCHAMBRES recommends encouraging **positive competition between the Blue Card and national immigration regulations instead of agreeing on the lowest common denominator**.

## Permanent residence at the issuing date of the Blue Card not realistic

EUROCHAMBRES considers that **the requirement to indicate the permanent residence at the issuing date of the Blue Card is not realistic**, since only a few of the Blue Card applicants possess a permanent address right after entering the EU.

## Employers not responsible for any failures of Blue Card holders to comply with the conditions of mobility

EUROCHAMBRES considers that the provisions that indicate Member States may hold employers responsible, e.g. for paying costs related to the re-entry of Blue Card holders or their family members into the first EU-Member State are regarded as disproportionate and should be deleted.

*EUROCHAMBRES will follow closely the discussions on the European Commission proposal for the revised Blue Card Directive in the Council and the European Parliament.*

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