EU Blue Card Directive

2016/0176(COD) - 28/06/2017 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Claude MORAES (S&D, UK) on the proposal for a directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment.

The Committee on Employment and Social Affairs, exercising its prerogative as an associated committee in accordance with Article 54 of the Rules of Procedure, also gave its opinion on the report.

The proposal seeks to improve the attractiveness of the European Blue Card by trying to increase its use across the Union and ensuring that it works for high skilled third-country nationals, for potential employers within the EU and for the administrations.

The committee recommended that the position of the European Parliament adopted at first reading in accordance with the ordinary legislative procedure should amend the Commission proposal as follows:

Scope: Members propose to extend the scope to include third-country nationals who already hold a residence permit in a Member State under Directive (EU) 2016/801 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.

Where they fall within the scope of the Directive, persons applying for **international protection** should be subject to the same rules as any other third-country national falling within the scope of the Directive.

Admission criteria: a third-country national applying for a European Blue Card should have a valid work contract or a binding job offer of **at least nine months**. For unregulated professions, present written evidence should be provided attesting **higher education qualifications** or higher professional skills.

The third-country national should also be able to present evidence that an application for international protection or protection under national law is pending.

Member States should facilitate the rapid validation and recognition of documents attesting to the possession of a diploma in higher education and high professional skills. In addition, a **simplified procedure** for approved employers should be provided for.

Salary threshold: when transposing it, Member States should establish a salary threshold **in agreement with the social partners**. That salary threshold should be at least 1.0 times but **not higher than 1.4 times** the average gross annual salary in the Member State concerned.

Member States could, in agreement with the social partners, decide **not to establish a salary threshold** in certain occupational branches, for example when a collective agreement governs the wages applicable in that occupational branch.

Grounds for refusal: the application for a European Blue Card would be rejected if the third-country national is considered to constitute a threat to public policy, public security or public health.

In circumstances where the domestic labour market suffers a high level of unemployment in a given occupation or sector, which may be limited to particular regions or other parts of the territory, **a Member State should, after consulting with social partners, be able to take into account the situation of its labour market** before issuing an EU Blue Card.

In the event that a Member State decides to make use of this possibility for a given occupation or sector, possibly in a particular part of their territory, it should send a **notification to the Commission** hereof, explaining the economic, social and other reasons justifying the decision to introduce such labour market test for the next six months and do so again for every subsequent six month period.

Withdrawal and non-renewal: Member States shall withdraw an EU Blue Card where the third-country national **no longer holds a valid work contract** for highly skilled employment or the qualifications required. Member States shall refuse to renew it where the third-country national is considered to pose a **threat to public policy**, public security or public health.

Member States may refuse renewal, for example where the third-country national has been unemployed for more than **six consecutive months** or no longer holds a valid travel document.

Any decision to reject an application for a European Blue Card or to withdraw or refuse to renew the card shall **take account of the specific circumstances of the case and shall be proportionate**.

Standard validity period: Member States shall set a standard period of validity for the European Blue Card, which is at least **36 months** (instead of 24 months).

When the applicant for international protection receives a European Blue Card, his application for international protection would be considered suspended for the period of validity of the card.

Mobility for blue card holders: Members introduced a series of amendments aimed at simplifying the intra-EU mobility procedure. The proposed amendments aim to replace additional applications with notifications and allow the Blue Card holder to work in a second Member State once he/she has notified the Member State concerned.