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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council

Subject: Draft DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC (**first reading**)
- Adoption of the legislative act
= Statements

Statement by Austria

Austria welcomes that the compromise achieved allows to maintain national schemes for qualified migration parallel to the Blue Card. The Austrian "Red-White-Red" card is an effective instrument of the Austrian migration law which allows to manage qualified migration effectively and which can be flexibly adapted to the needs of the labor market.

Furthermore, Austria welcomes that the scope of the Blue Card has not been extended to applicants for international protection. However, concerns remain that the Blue Card does not clearly distinguish between migration of persons in need of protection and labor migration. Without such a distinction misleading signals are sent.

Austria could have supported the inclusion of beneficiaries of international protection into the scope of the Blue Card under specific conditions, as set out in the Council mandate of 26 July 2017, in order to mitigate incentives for secondary movements.

Concerning the provisions related to acquiring long-term residence status, Austria welcomes that the long-term residence status can be acquired after 5 years of legal residence, as set out in the Long-Term Residents Directive (2003/109/EC), instead of 3 years as foreseen in the original Blue Card proposal by the Commission.

Moreover, concerns remain regarding the shortened 30-day procedural deadline in the cases of intra-EU mobility.

Finally, with regard to equal treatment, Austria supports the inclusion of the provision of the Council mandate laying down that Member States may restrict equal treatment of third-country nationals as regards family benefits in relation to family members who reside in a third country. Unfortunately, this is not reflected in the final text.

Against this backdrop, Austria abstains.

Statement by Hungary

Hungary would like to emphasize its appreciation to the Presidency's efforts to preserve the core elements of the general approach, however, there are still elements in the proposal that are not in line with our position, especially concerning the protection of the labour market.

Hungary opposes any restriction on the application of labour market test beyond the provisions currently in force. We also oppose increasing the minimum period of validity of the Blue Card. Furthermore we would like to stress our strong position according to which Hungary does not consider either necessary or appropriate the further harmonisation of the relevant rules in the field of legal migration, and in this regard we would like to reiterate our position on legal migration in general.

We acknowledge that the reached compromise is the result of long lasting negotiations, however Hungary is not in a position to accept the final compromise, due to the aforementioned reasons.