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WORKING PAPER

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From:	Presidency
To:	JHA Counsellors (Migration, Integration, Expulsion)
N° prev. doc.:	WK 13179 2020 INIT
N° Cion doc.:	10012/16 + ADD 1 - 7
Subject:	Proposal for a Directive of the European Parliament and the Council on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment - Reform of the Blue Card Directive: Drafting suggestions on Articles 5 (7), 6, 7 and 19 to 22

As laid out in the JHA counsellors meeting on 20 November, in the previous technical meetings on the Blue Card the Presidency inter alia discussed the Articles 5, 6, 7 and 19 to 22 of the draft Blue Card Directive in more detail with the EP. Following these discussions, the Presidency took a closer look at some of the more technical aspects in these Articles with a view of finding possible compromises.

Delegations are invited to examine the Presidency's compromise suggestions in the fourth column in the Annex, indicated in green. As a reference paper, you also receive the latest 4-column-table of 25 November 2020 (WK 13179 2020 INIT).

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In the upcoming Counsellor's meeting on 30 November 2020, we will have the opportunity to discuss these suggestions and to answer any question you might have.

In order to being able to present these suggestions also to the EP, we would ask delegations to raise any concerns on these suggestions in writing until Tuesday, 1 December 2020 COB.

It would be helpful if you could indicate by that deadline also any concerns you might have on the already existing compromise suggestions on these provisions in the 4th column in the reference paper (WK 13179 2020 INIT).

Please address your possible written feedback to pol-in1-5-eu@brue.auswaertiges-amt.de and to sebastian.riger-brown@consilium.europa.eu.

ANNEX**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**

Presidency's suggestions in the fourth column are indicated in green.

	Commission Proposal (doc. 10012/16)	EP Position	Council's text (doc. 10552/17)	Comments / possible compromise suggestions
[...]	[...]	[...]	[...]	[...]
31.	(22) Any decision to reject an application for an EU Blue Card or to withdraw or refuse to renew an EU Blue Card should take into consideration the specific circumstances of the case and respect the principle of proportionality. In particular, where the ground for rejection is related to the activity of the employer, a minor misconduct should not in any case constitute the sole ground for rejecting an application or withdrawing or refusing to renew the permit.	Amendment 26 (22) Any decision to reject an application for an EU Blue Card or to withdraw or refuse to renew an EU Blue Card should take into consideration the specific circumstances of the case and [...] <i>be proportionate.</i> In particular, where the ground for rejection, <i>withdrawal or refusal to renew</i> is related to the [...] <i>conduct</i> of the employer, [...] minor misconduct <i>of the employer</i> should not in any case constitute the sole ground for rejecting an application or withdrawing or refusing to renew the permit.	(22) Any decision to reject an application for an EU Blue Card or to withdraw or refuse to renew an EU Blue Card should take into consideration the specific circumstances of the case and respect the principle of proportionality. In particular, where the ground for rejection is related to the activity of the employer, [...] minor misconduct should not in any case constitute the sole ground for rejecting an application or withdrawing or refusing to renew the permit.	(22) Any decision to reject an application for an EU Blue Card or to withdraw or refuse to renew an EU Blue Card should take into consideration the specific circumstances of the case and respect the principle of proportionality. In particular, where the ground for rejection, <u>withdrawal or refusal to renew</u> is related to the activity of the employer, [...] minor misconduct <u>of the employer</u> should not in any case constitute the sole ground for rejecting an application or withdrawing or refusing to renew the permit. Where such misconduct concerns the failure of the employer to meet its legal obligations regarding social security, taxation, labour rights or working conditions, it should constitute a ground for

				rejection, withdrawal or refusal to renew only when it was a serious breach of its obligations <u>or</u> was committed repeatedly prior to the date of the application.
[...]	[...]	[...]	[...]	[...]
107.	Chapter II CRITERIA FOR ADMISSION, REFUSAL AND WITHDRAWAL		Chapter II CRITERIA FOR ADMISSION, REFUSAL AND WITHDRAWAL	
108.	<i>Article 5 Criteria for admission</i>		<i>Article 5 Criteria for admission</i>	
[...]	[...]	[...]	[...]	[...]
121.	7. Member States shall reject applications of third-country nationals who are considered to pose a threat to public policy, public security or public health.	Amendment 74 <i>deleted</i>	7. [...] Third-country nationals who are considered to pose a threat to public policy, public security or public health shall not be admitted.	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL Presidency suggestion: Accept EP Amendment 74 if – as also proposed by EP – this ground for refusal is shifted to Article 6 para 1.
[...]	[...]	[...]	[...]	[...]
124.	<i>Article 6 Grounds for refusal</i>		<i>Article 6 Grounds for refusal</i>	
125.	1. Member States shall reject an application for an EU Blue Card in any of the following cases:	Amendment 76 1. Member States shall reject an application for an EU Blue Card [...]:	1. Member States shall reject an application for an EU Blue Card in any of the following cases:	<i>Agreement confirmed at trilogue on 18.10.17:</i> Member States shall reject an application for an EU Blue Card [...]:
126.		Amendment 77		<i>Agreement confirmed at trilogue on 18.10.17:</i>

	(a) where the applicant does not meet the conditions set out in Article 5;	(a) where the applicant does not meet the [...] <i>criteria</i> set out in Article 5; <i>or</i>	(a) where the applicant does not meet the conditions set out in Article 5;	(a) where [...] Article 5 is not complied with ; or
127.	(b) where the documents presented have been fraudulently acquired, or falsified or tampered with.	Amendment 78 (b) where the [...] <i>third-country national is considered to pose a threat to public policy, public security or public health.</i>	(b) where the documents presented have been fraudulently acquired, or falsified or tampered with.	<i>Council wishes to maintain its text</i> <i>EP: to be discussed at political level</i> TO BE DISCUSSED AT TECHNICAL LEVEL (b) where the documents presented have been fraudulently acquired, or falsified or tampered with; or
New line				(c) where the third-country national is considered to pose a threat to public policy, public security or public health.
[...]	[...]	[...]	[...]	[...]
130.	3. Member States may reject an application for an EU Blue Card where:	Amendment 80 3. Member States may reject an application for an EU Blue Card [...]:	3. Member States may reject an application for an EU Blue Card where:	<i>Agreement confirmed at trilogue on 18.10.17:</i> 3. Member States may reject an application for an EU Blue Card [...]:
131.	(a) the employer has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;	Amendment 81 (shared competence) (a) <i>where</i> the employer has <i>repeatedly</i> failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions <i>during a period of five years</i>	(a) the employer has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;	<i>Council text (with the addition of "where"):</i> (a) <i>where</i> the employer has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions; -----

		<i>prior to the date of the application;</i>		<i>Still under discussion in EP</i> TO BE DISCUSSED AT TECHNICAL LEVEL The Presidency suggests to amend Recital 22 to meet the concerns of the EP and to have the following wording in Article 6(3)(a): (a) <i>where</i> the employer has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;
[...]	[...]	[...]	[...]	[...]
136.	<i>Article 7</i> <i>Withdrawal or non-renewal of the EU Blue Card</i>	Amendment 90 <i>Article 7</i> <i>Withdrawal of the EU Blue Card</i>	<i>Article 7</i> <i>Withdrawal or non-renewal of the EU Blue Card</i>	THE WHOLE ARTICLE SHOULD BE DISCUSSED FIRST AT A TECHNICAL LEVEL
[...]	[...]	[...]	[...]	[...]
139a			(c) the reasons of public policy, public security or public health so require.	<i>Council text, wording of Recital 20 to be amended to reflect the text of the Article.</i> ----- <i>EP: to be discussed at political level; EP would appreciate further explanation as to why this should be 'shall' provision in the light of the contents of Recital 20</i>

				<i>For reasons of coherence with the current Blue Card Directive (Art. 9(3)(a)), the ICT-Directive (Art. 8(5)(a) in connection with Art. 5(8)) and the S&R-Directive (Art. 21(4)), the Presidency suggests to shift this ground for withdrawal (and non-renewal) to the “may”-clause in Art. 7(2)(a) [see line 141].</i>
[...]	[...]	[...]	[...]	[...]
141.	(a) for reasons of public policy, public security or public health;		<i>Deleted</i>	<i>Council wishes to maintain its text</i> <i>Presidency suggests to Member States to accept Commission and EP version:</i> (a) for reasons of public policy, public security or public health;
[...]	[...]	[...]	[...]	[...]
241.	Article 19 <i>Business activity in a second Member State</i>	Amendment 137 Short-term mobility for EU Blue Card holders	Article 19 Short-term mobility in a second Member State	Agreement confirmed at trilogue on 27.11.17: Article 19 Short-term mobility
243.	2. A third-country national who holds a valid EU Blue Card issued by a Member State not applying the Schengen acquis in full shall be entitled to enter and stay for the purpose of carrying out a business activity in one or several	Amendment 138 2. A third-country national who holds a valid EU Blue Card issued by a Member State not applying the Schengen acquis in full shall be entitled to enter and stay for the purpose of carrying out a business activity in one or	2. A third-country national who holds a valid EU Blue Card issued by a Member State not applying the Schengen acquis in full shall be entitled to enter and stay for the purpose of carrying out a business activity in one or	<i>Compromise suggestion to move the provision in Article 22 (1) here with slightly different wording:</i> 2. A third-country national who holds a valid EU Blue Card issued by a Member State not applying the Schengen acquis in

	second Member States for up to 90 days in any 180-day period on the basis of the EU Blue Card issued by the first Member State. The second Member State shall not require any authorisation for exercising the business activity other than the EU Blue Card issued by the first Member State.	several second Member States for up to 90 days in any 180-day period on the basis of the EU Blue Card issued by the first Member State and a valid travel document . The second Member State shall not require any authorisation for exercising the business activity other than the EU Blue Card issued by the first Member State. <i>However, where the second Member State applies the Schengen acquis in full, it may require the EU Blue Card holder, when crossing an external border, to provide evidence of the business purpose of his or her stay in that Member State.</i>	several second Member States for up to 90 days in any 180-day period on the basis of the EU Blue Card issued by the first Member State and a valid travel document . The second Member State shall not require any authorisation for exercising the business activity other than the EU Blue Card issued by the first Member State.	full shall be entitled to enter and stay for the purpose of carrying out a business activity in one or several second Member States for up to 90 days in any 180-day period on the basis of the EU Blue Card issued by the first Member State and a valid travel document . Where the EU Blue Card holder crosses an internal border where controls have not yet been lifted, the second Member State applying the Schengen Acquis in full may require the EU Blue Card holder to provide evidence of the business purpose of the stay. However, the second Member State shall not require any authorisation for exercising the business activity other than the EU Blue Card issued by the first Member State. TO BE DISCUSSED AT TECHNICAL LEVEL
244.	<i>Article 20</i> <i>Application for an EU Blue Card in a second Member State</i>	Amendment 139 [...] Long-term mobility for EU Blue Card holders [...]	<i>Article 20</i> Long-term mobility in a second Member State	<i>Agreement confirmed at trilogue on 27.11.17:</i> Article 20 Long-term mobility
245.	1. After twelve months of legal residence in the first Member	Amendment 140 1. After twelve months of legal residence in the first Member	1. After twelve months of legal residence in the first Member	<i>Compromise suggestion</i> 1. After twelve months of legal residence in the first Member

	State as an EU Blue Card holder, the third-country national shall be entitled to enter a second Member State for the purpose of highly skilled employment on the basis of the EU Blue Card and a valid travel document under the conditions set out in this Article.	State as an EU Blue Card holder, the third-country national shall be entitled to enter, <i>stay and work in one or several</i> [...] Member <i>States</i> for the purpose of highly skilled employment on the basis of the EU Blue Card and a valid travel document under the conditions set out in this Article.	State as an EU Blue Card holder, the third-country national shall be entitled to enter a second Member State for the purpose of highly [...] qualified employment on the basis of the EU Blue Card and a valid travel document under the conditions set out in this Article.	State as an EU Blue Card holder, the third-country national shall be entitled to enter, reside and work in a second Member State for the purpose of highly [...] [qualified] employment on the basis of the EU Blue Card and a valid travel document under the conditions set out in this Article. Recital 41 of the Council (41) EU Blue Card holders should be allowed to move to a second Member State under simplified conditions where they intend to apply for a new EU Blue Card based on an existing work contract or binding job offer. The Ssecond Member States should not be allowed to require from EU Blue Card holders any other authorisation than the EU Blue Card issued by the first Member State. As soon as they submit an [application] for an EU Blue Card within the deadline provided for in this Directive, [...] it should be possible for [the second Member State to allow] them to begin employment before a decision on the application is adopted. Mobility should be demand-driven and therefore a work
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				contract should always be required in the second Member State, and the salary should meet the threshold set by the second Member State in accordance with this Directive. The Blue Card holder should be allowed to make use of the possibility to move to another Member State more than once under the terms of Chapter V. TO BE DISCUSSED AT TECHNICAL LEVEL
New line			The Member States which apply the Schengen acquis in full shall introduce the EES at their internal borders with Member States which do not yet apply the Schengen acquis in full but operate the EES	<i>Council compromise suggestion to move § 3a-EP / Art. 22 (1) here with slightly different wording:</i> New para 1a Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full and the EU Blue Card holder crosses, for the purpose of long-term-mobility, an internal border where controls have not yet been lifted, the second Member State applying the Schengen Acquis in full may require the EU Blue Card holder to provide the valid EU Blue Card issued by the first Member State and a work contract or a binding job offer

				for highly [qualified] employment of at least six months in the second Member State.
249.	3. For the purposes of the application referred to in paragraph 2, the EU Blue Card holder shall present:	Amendment 144 3. For the purposes of the [...] notification referred to in paragraph 2, the EU Blue Card holder shall present:	3. For the purposes of the application referred to in paragraph 2, the EU Blue Card holder shall [...]:	<i>Council wishes to maintain its text</i> LINKED TO ABOVE TO BE DISCUSSED AT TECHNICAL LEVEL 3. For the purposes of the application referred to in paragraph 2, the EU Blue Card holder shall present:
250.	(a) the valid EU Blue Card issued by the first Member State;		(a) present the valid EU Blue Card issued by the first Member State;	a) present the valid EU Blue Card issued by the first Member State
251.	(b) a valid work contract or, as provided for in national law, a binding job offer for highly skilled employment, of at least six months in the second Member State;		(b) present a valid work contract or, as provided for in national law, a binding job offer for highly [...] qualified employment, of at least six months in the second Member State;	LINKED TO A MAJOR POLITICAL ISSUE: QUALIFICATIONS VS SKILLS (b) present a valid work contract or, as provided for in national law, a binding job offer for highly [...] [qualified] employment, of at least six months in the second Member State;

252.	(c) for regulated professions, a document attesting fulfilment of the conditions set out under national law for the exercise by Union citizens of the regulated profession specified in the work contract or binding job offer as provided for in national law;		(c) for regulated professions, present a document attesting fulfilment of the conditions set out under national law for the exercise by Union citizens of the regulated profession specified in the work contract or binding job offer as provided for in national law;	(c) for regulated professions, present a document attesting fulfilment of the conditions set out under national law for the exercise by Union citizens of the regulated profession specified in the work contract or binding job offer as provided for in national law;
252a			(ca) if requested by the Member State concerned, present the documents attesting higher professional qualifications in relation to the work to be carried out as provided for in national law;	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL (ca) if requested by the Member State concerned, present the documents attesting higher professional qualifications in relation to the work to be carried out as provided for in national law;
253.	(d) a valid travel document, as determined by national law;		(d) present a valid travel document, as determined by national law;	(d) present a valid travel document, as determined by national law;
254.	(e) evidence of meeting the salary threshold set in the second Member State in application of paragraph 2 or, where applicable, of paragraphs 4 or 5 of Article 5.	Amendment 145 (e) <i>where necessary</i> , evidence of meeting the salary threshold set in the second Member State in application of Article 5(2) or, where applicable, of Article 5(4) or (5) .	(e) present evidence of meeting the salary threshold set in the second Member State in application of paragraph 2 or, where applicable, of paragraphs 4 or 5 of Article 5;	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL (e) present evidence of meeting the salary threshold set in the second Member State in application of paragraph 2 or,

				where applicable, of paragraphs 4 or 5 of Article 5;
254a			(f) provide evidence of having, or if provided for by national law, applied for a sickness insurance for all the risks normally covered for nationals of the Member States concerned for periods where no such insurance coverage and corresponding entitlement to benefits are provided in connection with, or resulting from, the work contract.	<i>Council wishes to maintain its text</i> POLITICAL ISSUE: MOBILITY - SICKNESS INSURANCE (f) provide evidence of having, or if provided for by national law, having applied for a sickness insurance cover for all the risks normally covered for nationals of the Member States concerned for periods where no such insurance coverage and corresponding entitlement to benefits are provided in connection with, or resulting from, the work contract.
254b		Amendment 146 <i>3a. Where the EU Blue Card was issued by a Member State not applying the Schengen acquis in full and the holder crosses an external border for the purpose of long-term mobility, the second Member State may require, as evidence for the mobility, a work contract or a binding job offer for highly skilled employment</i>		TO BE DISCUSSED AT TECHNICAL LEVEL <i>Compromise suggestion: move to new para 1a and formulate slightly different</i>

		<i>for at least six months in the second Member State.</i>		
258c		Amendment 151 <i>4a. Any decision to object to mobility, taken under this paragraph, shall take account of the specific circumstances of the case and shall be proportionate. In respect of any decision to object to mobility, Article 10(3) and (4) shall apply, mutatis mutandis.</i>		<i>Council wishes to maintain its text</i> POLITICAL ISSUE: PROPORTIONALITY IN DECISION MAKING <i>Compromise suggestion</i> 4a. In respect of any [application/notification] procedure for the purpose of long-term mobility, the procedural safeguards set out in Article 10 (3) and (4) shall apply accordingly.
264.	(b) where the conditions laid down in this Article are not fulfilled, refuse to issue an EU Blue Card and oblige the applicant and his family members, in accordance with the procedures provided for in national law, to leave its territory.	Amendment 157 (b) where the conditions laid down in this Article are not fulfilled, [...] to object to the mobility and oblige the applicant and his family members, in accordance with the procedures provided for in national law, to leave its territory.	(b) where the conditions laid down in this Article are not fulfilled, refuse to issue an EU Blue Card [...].	TO BE DISCUSSED AT TECHNICAL LEVEL <i>Pres. suggestion: Council could agree to go back to the wording proposed by the Commission if Recital 44a and Art. 22 para 3 are kept:</i> (b) where the conditions laid down in this Article are not fulfilled, [refuse to issue an EU Blue Card] and oblige the applicant and his family members, in accordance with the procedures provided for in national law, to leave its territory.

267.	<i>Article 21 Residence in the second Member State for family members</i>		<i>Article 21 Residence in the second Member State for family members</i>	
268.	1. Where the EU Blue Card holder moves to a second Member State in accordance with Article 20 and where the family was already constituted in the first Member State, the members of his or her family shall be authorised to accompany him or her and to enter and stay in the second Member State based on the valid residence permits obtained as family members of an EU Blue Card holder in the first Member State.	Amendment 159 1. Where the EU Blue Card holder moves to a second Member State in accordance with Article 20 and where the family [...] <i>has joined the EU Blue Card holder or where the family has been</i> constituted in the first Member State, the members of [...] <i>the EU Blue Card holder's</i> family shall be [...] <i>entitled</i> to accompany him or her and to enter and stay in the second Member State based on valid residence permits obtained as family members of [...] <i>the</i> EU Blue Card holder in the first Member State. <i>Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full and the family members of an EU Blue Card holder join him or her when crossing an external border for the purpose of moving to a second Member State, the second Member State shall be entitled to require that family members present their residence permits in the first Member State as family members of the EU Blue Card holder.</i>	1. Where the EU Blue Card holder moves to a second Member State in accordance with Article 20 and where the family was already constituted in the first Member State, the members of his or her family shall be [...] <i>entitled</i> to accompany <i>or join</i> him or her and to enter and stay in the second Member State based on the valid residence permits obtained as family members of an EU Blue Card holder in the first Member State <i>and a valid travel document under the conditions set out in Article 16 and paragraphs 2 to 8 of this Article.</i>	<i>Possible compromise suggestion:</i> 1. Where the EU Blue Card holder moves to a second Member State in accordance with Article 20 and where the family was already constituted in the first Member State, [...] <i>Article 16 shall apply with the derogations provided for in paragraphs 1a to 8. Where the family was not already constituted in the first Member State, Article 16 shall apply.</i> 1a. <i>By way of derogation from 13(1) of Directive 2003/86/EC, the members of the EU Blue Card holder's family shall be [...] entitled to accompany or join him or her and to enter and stay in the second Member State based on the valid residence permits obtained as family members of an EU Blue Card holder in the first Member State [...].</i> <i>Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full and the family members of an EU Blue Card</i>

				holder join him or her, when crossing an internal border where controls have not yet been lifted for the purpose of moving to a second Member State, the second Member State applying the Schengen Acquis in full may require that family members present their residence permits in the first Member State as family members of the EU Blue Card holder. TO BE DISCUSSED AT TECHNICAL LEVEL
278.	8. This Article shall not apply to EU Blue Card holders who are beneficiaries of the right to free movement under Union law in the second Member State.		8. This Article shall not apply to family members of those EU Blue Card holders who are beneficiaries of the right to free movement under Union law in the second Member State.	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL <i>Agreed in technical trilogue on 5/11:</i> 8. This Article shall not apply to family members of those EU Blue Card holders who are beneficiaries of the right to free movement under Union law in the second Member State.
279.	<i>Article 22 Safeguards and sanctions</i>		<i>Article 22 Safeguards and sanctions in cases of mobility</i>	TO BE DISCUSSED AT TECHNICAL LEVEL

280.	1. Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full and the EU Blue Card holder crosses an external border for the purpose of mobility as referred to in Articles 19 and 20, the second Member State shall be entitled to require as evidence of the mobility of the EU Blue Card holder:	Amendment 164 <i>deleted</i>	1. Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full and the EU Blue Card holder crosses an external border for the purpose of mobility as referred to in Articles 19 and 20, the second Member State shall be entitled to require as evidence of the mobility of the EU Blue Card holder:	<i>Provisional agreement found to move this provision under Articles 19 and 20.</i>
281.	(a) the valid EU Blue Card issued by the first Member State;	<i>deleted</i>	(a) the valid EU Blue Card issued by the first Member State;	<i>Provisional agreement found to move this provision under Articles 19 and 20. (This note was included in the agreed 4CT post-trilogue of December 2017; on 16/10/20 Council Presidency indicated wish to re-open)</i> TO BE DISCUSSED AT TECHNICAL LEVEL
282.	(b) for the purpose of Article 19, evidence of the business purpose of the stay;	<i>deleted</i>	(b) for the purpose of Article 19, evidence of the business purpose of the stay;	<i>Provisional agreement found to move this provision under Articles 19 and 20. (This note was included in the agreed 4CT post-trilogue of December 2017; on 16/10/20 Council Presidency indicated wish to re-open)</i> TO BE DISCUSSED AT TECHNICAL LEVEL

283.	(c) for the purpose of Article 20, a work contract or a binding job offer for highly skilled employment of at least six months in the second Member State.	<i>deleted</i>	(c) for the purpose of Article 20, a work contract or a binding job offer for highly [...] qualified employment of at least six months in the second Member State.	<i>Provisional agreement found to move this provision under Articles 19 and 20. (This note was included in the agreed 4CT post trilogue of December 2017; on 16/10/20 Council Presidency indicated wish to re-open)</i> TO BE DISCUSSED AT TECHNICAL LEVEL
285.	2. Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full and the family members of an EU Blue Card holder join him or her when crossing an external border for the purpose of moving to a second Member State as referred to in Article 21(1), the second Member State shall be entitled, in addition to the evidence referred to in paragraph 1 of this Article, to require that family members present their residence permits in the first Member State as family members of the EU Blue Card holder.	Amendment 166 <i>deleted</i>	2. Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full and the family members of an EU Blue Card holder join him or her when crossing an external border for the purpose of moving to a second Member State as referred to in Article 21(1), the second Member State shall be entitled, in addition to the evidence referred to in paragraph 1 of this Article, to require that family members present their residence permits in the first Member State as family members of the EU Blue Card holder.	<i>Provisional agreement found to move this provision under Article 21 (1). (This note was included in the agreed 4CT post trilogue of December 2017; on 16/10/20 Council Presidency indicated its wish to re-open)</i>
293.	7. Where the EU Blue Card holder or his or her family members cross the external border of a Member State applying the	Amendment 174 7. Where the EU Blue Card holder or his or her family members cross the external border of a Member State	7. Where the EU Blue Card holder or his or her family members cross the external border of a Member State	TO BE DISCUSSED AT TECHNICAL LEVEL <i>Pres. suggestion:</i>

	Schengen acquis in full, that Member State shall consult the Schengen information system. That Member State shall refuse entry for persons for whom an alert for the purposes of refusing entry and stay has been issued in the Schengen information system.	applying the Schengen acquis in full, that Member State shall, <i>in accordance with the Schengen Borders Code</i>, consult the Schengen information system. That Member State shall refuse entry for persons for whom an alert for the purposes of refusing entry and stay has been issued in the Schengen information system.	applying the Schengen acquis in full, that Member State shall consult the Schengen information system. That Member State shall refuse entry for persons for whom an alert for the purposes of refusing entry and stay has been issued in the Schengen information system.	7. Where the EU Blue Card holder or his or her family members cross the external border of a Member State applying the Schengen acquis in full, that Member State shall, in accordance with Article 8 (3) of the Schengen Borders Code, consult the Schengen information system. That Member State shall refuse entry for persons for whom an alert for the purposes of refusing entry and stay has been issued in the Schengen information system.
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