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WORKING PAPER

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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	JHA Counsellors (Migration, Integration, Expulsion)
N° prev. doc.:	WK 14956/2020 INIT
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Subject:	Proposal for 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

Delegations will find in the annex to this note the latest 4CT on the abovementioned proposal.

Please note that changes compared to the previous version of the 4CT (WK 14956/2020 INIT) mainly concern (but are not limited to) the following lines:

- line 115
- line 116b
- line 127a
- line 143
- line 148a
- line 187a
- line 188a
- line 189

- line 189a
- line 243
- line 245
- line 245a
- line 254a
- line 264



01/02/21

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

	Commission Proposal (doc. 10012/16)	EP Position	Council's text (doc. 10552/17)	Comments / possible compromise suggestions
1.	2016/0176 (COD) 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	DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION 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 (COM(2016)0378 – C8-0213/2016 – 2016/0176(COD)) (Ordinary legislative procedure: first reading)	2016/0176 (COD) 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 [...] qualified employment	
2.	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,		THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	
3.	Having regard to the Treaty on the Functioning of the European Union, and in particular points (a) and (b) of Article 79(2) thereof,		Having regard to the Treaty on the Functioning of the European Union, and in particular points (a) and (b) of Article 79(2) thereof,	

4.	Having regard to the proposal from the European Commission,		Having regard to the proposal from the European Commission,	
5.	After transmission of the draft legislative act to the national parliaments,		After transmission of the draft legislative act to the national parliaments,	
6.	Having regard to the opinion of the European Economic and Social Committee ¹ ,		Having regard to the opinion of the European Economic and Social Committee,	
7.	Having regard to the opinion of the Committee of the Regions ² ,		Having regard to the opinion of the Committee of the Regions,	
8.	Acting in accordance with the ordinary legislative procedure,		Acting in accordance with the ordinary legislative procedure,	
9.	Whereas:		Whereas:	
10.	(1) The Commission's Communication of 3 March 2010 entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth' ³ sets the objective of the Union becoming an economy based on knowledge and innovation, reducing the administrative burden on companies and better matching labour supply with demand. Measures to facilitate the admission of third-country national highly skilled workers have to be seen in that broader context.	Amendment 1 (1) The Commission's Communication of 3 March 2010 entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth' ³ sets the objective of the Union becoming an economy based on knowledge and innovation, reducing the administrative burden on companies and better	(1) The Commission's Communication of 3 March 2010 entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth' sets the objective of the Union becoming an economy based on knowledge and innovation, reducing the administrative burden on companies and better matching labour supply	

¹ OJ C , , p. .

² OJ C , , p. .

³ COM(2010) 2020 final

		matching labour supply with demand <i>and identifies the need for a comprehensive labour migration policy and for better integration of migrants</i> . Measures to facilitate the admission of third-country national highly skilled workers have to be seen in that broader context.	with demand. Measures to facilitate the admission of third-country national highly [...] qualified workers have to be seen in that broader context.	
11.	(2) The conclusions of the European Council of 26 and 27 June 2014 state that in order to remain an attractive destination for talents and skills, Europe must compete in the global race for talent. Strategies to maximise the opportunities of legal migration should therefore be developed, including the streamlining of existing rules.		(2) The conclusions of the European Council of 26 and 27 June 2014 state that in order to remain an attractive destination for talents and skills, Europe must compete in the global race for talent. Strategies to maximise the opportunities of legal migration should therefore be developed, including the streamlining of existing rules.	
12.	(3) The European Agenda on Migration adopted on 13 May 2015 calls for an attractive EU-wide scheme for highly qualified third-country nationals, and specifies that a review of Council Directive 2009/50/EC ⁴ is needed to make it more	Amendment 2 (3) The European Agenda on Migration adopted on 13 May 2015 calls for an attractive EU-wide scheme for highly qualified third-country nationals, and	(3) The European Agenda on Migration adopted on 13 May 2015 calls for an attractive EU-wide scheme for highly qualified third-country nationals, and specifies that a	

⁴ Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (OJ L 155, 18.6.2009, p.17).

	effective in attracting talents to the Union and thereby address both the demographic challenges faced by the Union and labour and skills shortages in key sectors of the Union economy.	specifies that a review of Council Directive 2009/50/EC ⁴ is needed to make it more effective in attracting talents to the Union and thereby address both the demographic challenges faced by the Union and labour and skills shortages in key sectors of the Union economy, with a view to economic growth and a more competitive Union economy.	review of Council Directive 2009/50/EC is needed to make it more effective in attracting talents to the Union and thereby address both the demographic challenges faced by the Union and labour and skills shortages in key sectors of the Union economy.	
12a		Amendment 3 <i>(3a) The European Parliament, in its resolution of 12 April 2016 on the situation in the Mediterranean and the need for a holistic EU approach to migration, noted the flaws in the current EU Blue Card Directive, including the very limited level of harmonisation it has brought about. It called for an ambitious and targeted review of the Directive, including on the issue of the scope. Moreover, having noted</i>		

		<i>that the current fragmented Union legislative framework regulating the access of third-country nationals to employment in the Union can only contribute to meeting short-term, specific needs, it also called on the Union to establish, in the medium and long term, more general rules governing the entry and residence for third-country nationals seeking employment in the Union, including in low and medium-wage sectors.</i>		
12b		Amendment 4 <i>(3b) The working-age population in the Union is projected to decline by 7,5 million by 2020⁵ and projections on the development of labour market needs in the Union point to emerging and future shortages in specific fields.</i>		
13.		Amendment 5		

⁵ See Joint EU-OECD Policy Brief “Matching Economic Migration with Labour Market Needs in Europe”, September 2014, p. 5.

	(4) It is necessary to respond to the challenges identified in the implementation report on Directive 2009/50/EC. The Union should aim at establishing a more attractive and effective EU-wide scheme for highly skilled workers. The Union approach on attracting highly skilled workers should be further harmonised and the EU Blue Card should be made the primary tool in that regard with faster procedures, more flexible and inclusive admission criteria, and more extensive rights including more facilitated intra-EU mobility. As this would entail substantial changes to Directive 2009/50/EC, that Directive should therefore be repealed and replaced by a new Directive.	(4) It is necessary to respond to the challenges identified in the implementation report on Directive 2009/50/EC. The Union should aim at establishing a more attractive and effective EU-wide scheme for highly skilled workers. <i>The revision of Directive 2009/50/EC also provides an opportunity to improve legal migration into Europe.</i> The Union approach on attracting highly skilled workers should be further harmonised and the EU Blue Card should be made the primary tool in that regard with faster procedures, more flexible and inclusive admission criteria, and more extensive rights including more facilitated intra-EU mobility. As this would entail substantial changes to Directive 2009/50/EC, that Directive should therefore be repealed and replaced by a new Directive.	(4) It is necessary to respond to the challenges identified in the implementation report on Directive 2009/50/EC. The Union should aim at establishing a more attractive and effective EU-wide scheme for highly [...] qualified workers. The Union approach on attracting highly [...] qualified workers should be further harmonised and the EU Blue Card should be made the primary tool in that regard with faster procedures, more flexible and inclusive admission criteria, and more extensive rights including more facilitated intra-EU mobility. As this would entail substantial changes to Directive 2009/50/EC, that Directive should therefore be repealed and replaced by a new Directive.	
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13a		Amendment 6 <i>(4a) In order to reinforce and promote the EU Blue Card scheme and attract highly skilled workers and facilitate their economic prospects, the embassies and delegations of the Union and Member States in third countries should strengthen advertisement activities and information campaigns concerning the EU Blue Card. They should dispose of sufficient human and financial resources to provide information about the EU Blue Card to third-country nationals on the ground.</i>		
13b		Amendment 7 <i>(4b) According to the Communication of the Commission on the Implementation of Directive 2009/50/EC in 2014, only 2,1% of the beneficiaries of the EU Blue Card during the first phase of the implementation in 2012</i>		

		<i>came from Sub-Saharan Africa. This may indicate implicit racial bias applied preventing certain types of workers to access to some more favourable statuses and therefore enjoying equal treatment with other workers or other family members. The lack of diversity among the EU Blue Card holders may reflect national policies and practices which can perpetuate forms of direct, indirect or institutional discrimination towards new candidates.</i>		
14.	(5) An EU-wide admission system to attract and retain highly skilled workers into the Union should be created. Member States should issue an EU Blue Card instead of a national permit to all applicants falling within the scope of this Directive. Member States should retain the right to issue permits other than EU Blue Card for any purpose of employment to third-country nationals who fall outside of the scope of this Directive, subject to the limitations following from other directives in the area of labour migration.	Amendment 8 <i>(5) A clear and transparent EU-wide admission system to attract and retain highly skilled workers into the Union and promote mobility should be created. Member States should issue an EU Blue Card to all applicants falling within the scope of this Directive. Member States should retain the right to issue permits other than EU Blue Card for any</i>	(5) An EU-wide admission system to attract and retain highly [...] qualified workers into the Union should be created. This Directive should be applicable regardless of whether the initial purpose of residence of the third-country national is highly qualified employment or if he or she resides first on other grounds and changes status towards this purpose	

		purpose of employment to third-country nationals who fall outside of the scope of this Directive, subject to the limitations following from other directives in the area of labour migration.	subsequently. It is necessary to take into account the priorities, labour market needs and reception capacities of the Member States. This Directive should be without prejudice to the competence of the Member States to maintain or to introduce new national residence permits for the purpose of highly qualified employment. The third-country nationals concerned should have the possibility to apply for an EU Blue Card or for a national residence permit. Moreover, this Directive should not affect the possibility for an EU Blue Card holder to enjoy additional rights and benefits which may be provided by national law, and which are compatible with this Directive.	
14a		Amendment 9 <i>(5a) In so far as it does not undermine the spirit of this Directive, Member States are encouraged to</i>		

		<i>apply best practices and more favourable provisions in respect of this Directive and in particular in respect of procedural safeguards, fees, temporary unemployment, equal treatment, provisions on family members and long-term residence status for EU Blue Card holders.</i>		
14b		Amendment 10 <i>(5b) In that context, consideration should be given to expanding access to the European network of employment services (EURES) so that all the job opportunities in the Member States are also accessible to third-country nationals, since in order to get the “EU Blue Card” permit, those third-country nationals must first have a job offer. Expanding access to EURES would allow third-country nationals to avail themselves of the necessary assistance and</i>		

		<i>support when using the platform.</i>		
15.	(6) The concept of highly <i>skilled</i> worker should replace the concept of highly <i>qualified</i> worker in order to emphasise that both formal educational qualifications and equivalent professional experience should be taken equally into account as criteria for admission. According to a Council Recommendation of 20 December 2012⁶, the validation of learning outcomes, namely competences (knowledge, skills and attitudes)⁷ acquired through non-formal and informal learning can play an important role in enhancing employability and mobility. It recommends Member States to have in place, no later than 2018, arrangements for the validation of non-formal and informal learning. As mechanisms and arrangements for the evaluation and validation of professional experience are not readily available in all Member States, an additional transposition period of two years after the entry into force of this Directive should be provided for the provisions related to recognising professional experience in order to enable Member States, where necessary, to develop such mechanisms and arrangements. Member States' National	Amendment 11 (shared competence) (6) The concept of highly <i>skilled</i> worker should replace the concept of highly <i>qualified</i> worker in order to emphasise that both formal educational qualifications and equivalent professional experience should be taken equally into account as criteria for admission. According to a Council Recommendation of 20 December 2012⁶, the validation of learning outcomes, namely competences (knowledge, skills and attitudes)⁷ acquired through non-formal and informal learning can play an important role in enhancing employability and mobility. It recommends Member States to have in place, no later than 2018, arrangements for the	deleted	

⁶ Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning ([2012/C 398/01](#)) (OJ C 398, 22.12.2012, p. 1).

⁷ Recommendation of the European Parliament and of the Council of 18 December 2006 on key competences for lifelong learning (OJ L 394, 30.12.2006, p. 10).

	Contact Points on the EU Blue Card should be involved in effective cooperation with stakeholders and networks in the education, training, employment and youth sectors, as well as other relevant policy areas, for the purpose of recognising professional experience under this Directive.	validation of non-formal and informal learning. As mechanisms and arrangements for the evaluation and validation of professional experience are not readily available in all Member States, <i>the transposition period for this Directive should take account of that factor to enable Member States, where necessary, to develop such mechanisms and arrangements. Member States should consult the social partners when developing [...] such mechanisms and arrangements.</i> Member States' National Contact Points on the EU Blue Card should be involved in effective cooperation with stakeholders and networks in the education, training, employment and youth sectors, as well as other relevant policy areas, for the purpose of recognising professional experience under this Directive.		
15a		Amendment 12		<i>See remarks under Art. 2(b)</i>

		<i>(6a) At least until the establishment of such arrangements for the validation of non-formal and informal learning, every applicant should be required to present evidence of professional experience of at least three years such as recommendations of former employees, former working contracts, job references or certificates of employment.</i>	(6a) The concept of highly qualified employment should entail that the person employed not only has a high level of competence, as proven by higher professional qualifications, but also that the job is inherently regarded as demanding such competence. While in the modern labour market a direct link between the qualifications and the job is not always and necessarily required, the tasks and duties related to the highly qualified job should be so specialised and complex that the required level of competence to perform those duties is usually associated with completion of education programmes and resulting qualifications at ISCED 2011 level 6 (International Standard Classification of Education).	
15b		Amendment 13 <i>(6b) When transposing this Directive and in order to better respond to the</i>		

		<i>needs of the Union labour market, Member States and the Commission should gather data and list the sectors of employment or geographical areas where there are employment shortages or where vacancies are hard to fill and communicate this information publicly.</i>		
15c		Amendment 14 <i>(6c) In respect of the higher education qualifications and higher professional skills of applicants for, or beneficiaries of, international protection residing in the territory of the Union who do not have the necessary documents to prove their qualifications and or professional skills, Member States should be encouraged to establish appropriate skills and knowledge-based assessments that would allow for a determination of their level of</i>		

		<i>qualification and/or professional skills.</i>		
16.	(7) This Directive should not affect the right of the Member States to determine the volumes of admission of third-country nationals coming from third countries to their territory in order to seek work in accordance with Article 79(5) of the Treaty. On that basis, Member States should be able to either consider an application for an EU Blue Card inadmissible or reject it. As Article 79(5) TFEU only refers to third-country nationals coming from third countries, the right to determine volumes of admission does not apply in situations where a third-country national has already been admitted in the territory of Member States under this Directive and is seeking to continue the period of residence in the same or a second Member State.	Amendment 15 (7) This Directive should not affect the right of the Member States to determine the volumes of admission of third-country nationals coming from third countries to their territory in order to seek work in accordance with Article 79(5) of the Treaty. [...] As Article 79(5) TFEU only refers to third-country nationals coming from third countries, the right to determine volumes of admission does not apply in situations where a third-country national has already been admitted in the territory of Member States under this Directive and is seeking to continue the period of residence in the same or a second Member State.	(7) This Directive should not affect the right of the Member States to determine the volumes of admission of third-country nationals coming from third countries to their territory in order to seek work in accordance with Article 79(5) of the Treaty on the Functioning of the European Union (TFEU). On that basis, Member States should be able to either consider an application for an EU Blue Card inadmissible or reject it. [...]	
17.	(8) Beneficiaries of international protection as defined in Article 2(a) of Directive 2011/95/EU of the European Parliament	Amendment 16 (8) Beneficiaries of international protection [...] and certain categories of	(8) Beneficiaries of international protection as defined in Article 2(a) of	

	and of the Council⁸ have a wide set of rights including labour market access in the Member State having granted them protection. In order to further promote social inclusion of these persons and enhance their labour market opportunities across the Union, those who are highly skilled should be entitled to apply for an EU Blue Card. They should be subject to the same rules as any other third-country national falling within the scope of this Directive, while holding the statuses of beneficiary of international protection and EU Blue Card holder in parallel. However, for reasons of legal clarity and coherence, the provisions on equal treatment and family reunification of this Directive should not apply to this group of EU Blue Card holders in the Member State which granted them international protection. Those rights should remain regulated under the asylum acquis and, where applicable, Council Directive 2003/86/EC⁹.	<i>applicants for international protection</i> have a [...] set of rights including labour market access in the Member State having granted them protection <i>or responsible for their application for international protection</i>. In order to further promote social inclusion of these persons and enhance their labour market opportunities across the Union, those who are highly skilled should be entitled to apply for an EU Blue Card. They should be subject to the same rules as any other third-country national falling within the scope of this Directive, while holding the statuses of beneficiary of international protection, <i>or applicant for international protection</i>, and EU Blue Card holder in parallel. However, for reasons of legal clarity and coherence, the provisions	Directive 2011/95/EU of the European Parliament and of the Council have a wide set of rights including labour market access in the Member State having granted them protection. In order to [...] enhance their labour market opportunities across the Union, those who are highly [...] qualified should be entitled to apply for an EU Blue Card in Member States other than the one which granted them protection. In those Member States, they should be subject to the same rules as any other third-country national falling within the scope of this Directive, while this Directive should have no impact on their status in the Member State having granted them international protection. In order to support the successful integration of the third-country nationals concerned, a residence	
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⁸ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) (OJ L 337, 20.12.2011, p. 9).

⁹ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251, 3.10.2003, p. 12).

		on equal treatment and family reunification of this Directive should not apply to [...] <i>refugees who are</i> EU Blue Card holders in the Member State which granted them international protection. Those rights should remain regulated under the asylum acquis and, where applicable, Council Directive 2003/86/EC ⁹ .	period of at least 12 months as a [...] beneficiary of international protection should be required before this Directive becomes applicable to these persons in other Member States. Member States may also decide to apply the provisions of this Directive to beneficiaries of international protection to whom they granted international protection after the same period of 12 months. In such a case, for reasons of legal clarity and coherence, the provisions on equal treatment and family reunification of this Directive should not apply to [...] them. Those rights should remain regulated under the asylum acquis and, where applicable, Council Directive 2003/86/EC.	
17a		Amendment 17 <i>(8a) Where they fall within the scope of this Directive, applicants for international protection should be subject to the same rules as any other</i>		

		<i>third-country national falling within the scope of this Directive. Where an application for international protection is suspended as a result of the granting of an EU Blue Card, the Member State responsible for that application should not consider the application to be implicitly withdrawn.</i>		
18.	(9) The transfer of responsibility for protection of beneficiaries of international protection is outside the scope of this Directive: the protection status and the rights associated with it should not be transferred to another Member State on the basis of the issuance of an EU Blue Card.	Amendment 18 (9) The transfer of responsibility for protection of beneficiaries of international protection or responsibility for applications for international protection is outside the scope of this Directive: [...] those statuses and the rights associated with [...] them should not be transferred to another Member State on the basis of the issuance of an EU Blue Card.	(9) The transfer of responsibility for protection of beneficiaries of international protection is outside the scope of this Directive: the protection status and the rights associated with it should not be transferred to another Member State on the basis of the issuance of an EU Blue Card.	
19.	(10) In order to facilitate the independent intra-EU mobility and business activities of those highly skilled third-country nationals who are beneficiaries of the right to free movement, they should be given access to		(10) In order to facilitate the independent intra-EU mobility and business activities of those highly [...] qualified third-country	

	the EU Blue Card according to the same rules as any other third-country national falling within the scope of this Directive. This should apply regardless of whether or not the Union citizen of reference has exercised the fundamental right to move and reside freely under Article 21 TFEU and regardless of whether the third-country national concerned was first an EU Blue Card holder or a beneficiary of the right to free movement. The rights that these third-country nationals acquire as EU Blue Card holders should be without prejudice to rights they may enjoy under Directive 2004/38/EC of the European Parliament and of the Council¹⁰. For reasons of legal clarity and coherence, in terms of family reunification and equal treatment the rules under Directive 2004/38/EC should prevail. All provisions regarding the beneficiaries of the right to free movement in this Directive should also apply where that right is derived from those third-country nationals who enjoy rights of free movement equivalent to those of Union citizens under agreements either between the Union and its Member States and third countries or between the Union and third countries.		nationals who are beneficiaries of the right to free movement, they should be given access to the EU Blue Card [...] in accordance with the same rules as any other third-country national falling within the scope of this Directive. This entitlement concerns persons enjoying free movement rights based on family ties to a Union citizen in accordance with relevant legislation and it [...] should apply regardless of whether or not the Union citizen of reference has exercised the fundamental right to move and reside freely under Article 21 TFEU and regardless of whether the third-country national concerned was first an EU Blue Card holder or a beneficiary of the right to free movement. Those highly qualified third-country nationals who are beneficiaries of the right to free movement should thus be entitled to engage in	
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¹⁰ Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (OJ L 158, 30.4.2004, p. 77).

			highly qualified employment, perform business trips and take up residence in different Member States regardless of whether or not the third-country national accompanies the Union citizen of reference. The rights that these third-country nationals acquire as EU Blue Card holders should be without prejudice to rights they may enjoy under Directive 2004/38/EC of the European Parliament and of the Council. For reasons of legal clarity and coherence, in terms of family reunification and equal treatment the rules under Directive 2004/38/EC should prevail. All provisions regarding the beneficiaries of the right to free movement in this Directive should also apply where that right is derived from those third-country nationals who enjoy rights of free movement equivalent to those of Union citizens under agreements either between the Union and its Member States and third	
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			countries or between the Union and third countries.	
20.	(11) This Directive should not apply to categories of third-country nationals to whom a particular scheme under Union law, with specific entry conditions and sets of rights, applies when the inclusion of those categories in this Directive would go against the rationale of the particular scheme, create unnecessary legal complexity or entail a risk of abuses. This Directive should not apply to third-country nationals who apply to reside in a Member State as researchers in order to carry out a research project, as they fall within the scope of Directive (EU) 2016/801 of the European Parliament and of the Council¹¹ which introduces a specific procedure for admitting third-country nationals for the purposes of scientific research. However, once admitted under Directive (EU) 2016/801, legally residing researchers should be entitled to apply for an EU Blue Card under this Directive for other purposes than those covered under Directive (EU) 2016/801.	Amendment 19 (11) [...] This Directive should not apply to third-country nationals who apply to reside in a Member State as researchers in order to carry out a research project, as they fall within the scope of Directive (EU) 2016/801 of the European Parliament and of the Council¹¹ which introduces a specific procedure for admitting third-country nationals for the purposes of scientific research. However, once admitted under Directive (EU) 2016/801, legally residing researchers should be entitled to apply for an EU Blue Card under this Directive for other purposes than those covered under Directive (EU) 2016/801. Equally, legally residing EU Blue Card holders should be	(11) This Directive should not apply to categories of third-country nationals to whom a particular scheme under Union law, with specific entry conditions and sets of rights, applies when the inclusion of those categories in this Directive would go against the rationale of the particular scheme, create unnecessary legal complexity or entail a risk of abuses. This Directive should not apply to third-country nationals who apply to reside in a Member State as researchers in order to carry out a research project, as they fall within the scope of Directive (EU) 2016/801 of the European Parliament and of the Council which introduces a specific procedure for admitting third-country nationals for the purposes of scientific research. However, once	<i>Agreement confirmed at trilogue on 27.11.17:</i> (11) This Directive should not apply to categories of third-country nationals to whom a particular scheme under Union law, with specific entry conditions and sets of rights, applies when the inclusion of those categories in this Directive would go against the rationale of the particular scheme, create unnecessary legal complexity or entail a risk of abuses. This Directive should not apply to third-country nationals who apply to reside in a Member State as researchers in order to carry out a research project, as they fall within the scope of Directive (EU) 2016/801 of the European Parliament and of the Council which introduces a specific procedure for admitting third-country nationals for the purposes of scientific research. However, legally

¹¹ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 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 (OJ L 132, 21.05.2016, p. 21).

		<i>entitled to apply to reside as researchers under Directive (EU) 2016/801. The provisions of that Directive should be clarified so as to ensure such a possibility.</i>	admitted under Directive (EU) 2016/801, legally residing researchers should be entitled to apply for an EU Blue Card under this Directive for other purposes than those covered under Directive (EU) 2016/801. While persons who apply to be admitted to the EU as intra-corporate transferees cannot apply for an EU Blue Card, intra-corporate transferees legally residing in the EU should be entitled to apply for an EU Blue Card under this Directive for other purposes than those covered under Directive 2014/66/EU.	residing third-country nationals admitted under Directive EU 2016/801 should be entitled to apply for an EU Blue Card under this Directive. Equally, legally residing EU Blue Card holders should be entitled to apply to reside as researchers under Directive 2016/801. In order to ensure such a possibility, Directive 2016/801 should be amended accordingly. once admitted under Directive (EU) 2016/801, legally residing researchers should be entitled to apply for an EU Blue Card under this Directive for other purposes than those covered under Directive (EU) 2016/801.
20a				<i>Agreement confirmed at trilogue on 13.12.17:</i> (11a) While this Directive should not apply to third-country nationals who apply to be admitted to the EU as intra-corporate transferees pursuant to Directive 2014/66/EU, intra-corporate transferees legally residing in the EU should be entitled

				to apply for an EU Blue Card under this Directive for other purposes than those covered under Directive 2014/66/EU.
21.	12) This Directive should not affect the possibility for an EU Blue Card holder to enjoy additional rights and benefits which may be provided by national law, and which are compatible with this Directive.		(12) This Directive should not affect the possibility for an EU Blue Card holder to enjoy additional rights and benefits which may be provided by national law, and which are compatible with this Directive.	
22.	(13) It is necessary to provide for a flexible demand-driven admission system based on objective criteria, such as a work contract or a binding job offer of at least 6 months, a salary threshold adaptable by the Member States to the situation in its labour market and higher professional qualifications.	Amendment 20 (13) It is necessary to provide for a flexible [...], clear and balanced admission system based on objective criteria, such as a work contract or a binding job offer of at least [...] nine months, compliance with the applicable laws, collective agreements or national practices in the relevant occupational branches, a salary threshold adaptable by the Member States to the situation in its labour market and higher	(13) It is necessary to provide for a flexible demand-driven admission system based on objective criteria, such as a work contract or a binding job offer of at least 6 months, a salary threshold adaptable by the Member States to the situation in its labour market and higher professional qualifications.	

		<i>education qualifications or higher professional skills.</i>		
23.	(14) This Directive is without prejudice to national procedures on the recognition of diplomas. In order to evaluate if the third-country national concerned possesses higher education or equivalent qualifications, reference should be made either to ISCED (International Standard Classification of Education) 2011 levels 6, 7 and 8, or to the broadly equivalent EQF (European Qualifications Framework) levels 6, 7 and 8, according to the choice of the Member State concerned.	(shared competence)	(14) This Directive is without prejudice to national procedures on the recognition of diplomas. In order to evaluate if the third-country national concerned possesses higher education or equivalent qualifications, reference should be made to ISCED [...]. Member States are encouraged to facilitate the recognition of documents attesting the relevant higher education qualifications.	
24.	(15) In order to ensure a sufficient level of harmonisation in the admission conditions throughout the Union, both minimum and maximum factors for calculating the salary threshold should be determined. Member States should fix their threshold in accordance with the situation and organisation of their respective labour markets and their general immigration policies.	Amendment 21 (shared competence) (15) <i>In addition to the [...]</i> conditions [...] <i>laid down in this Directive, 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.</i> Member States	(15) In order to ensure a sufficient level of harmonisation in the admission conditions throughout the Union, both a [...] lower and [...] upper factors for [...] the salary threshold should be determined. The lower and upper limit for setting the national salary threshold should be determined by multiplying these factors with the average gross annual salary in the	

		<i>[...] could, in agreement with the social partners, decide not to establish a salary threshold in [...] certain occupational branches where it is agreed that such a threshold is unnecessary. Such may be the case, where a collective agreement governs the wages which apply in that occupational branch. The principle of equal treatment with workers who are nationals of the host Member State should be respected.</i>	Member State concerned. A salary threshold should be chosen within the range of the lower and upper limit. This salary threshold should set out the minimum salary which a Blue Card holder should earn. Therefore, in order to be admitted under this Directive, applicants should earn a salary which is equal to or greater than the salary threshold chosen by the Member State concerned.	
25.	(16) A lower salary threshold should be laid down for specific professions where it is considered by the Member State concerned that there is a particular lack of available workforce and where such professions belong to major group 1 or 2 of the ISCO ("International Standard Classification of Occupation") classification.	Amendment 22 (shared competence) deleted	(16) [...] Member States should be able to provide a lower salary threshold for specific professions where it is considered by the Member State concerned that there is a particular lack of available workforce and where such professions belong to major group 1 or 2 of the ISCO ("International Standard Classification of Occupation") classification.	
26.		Amendment 23		

	(17) A lower salary threshold should also be laid down to benefit third-country nationals during a certain period after their graduation. This period should be granted each time that the third-country national reaches a level of education relevant for the purposes of this Directive, namely levels 6, 7 or 8 of ISCED 2011, or levels 6, 7 or 8 of EQF, according to the national law of the Member State concerned. It should apply whenever the third-country national applies for an initial or renewed EU Blue Card within three years from the date of obtaining the qualifications and in addition, when that third-country national applies for a first renewal of the EU Blue Card and the initial EU Blue Card was issued for a period shorter than 24 months. After these grace periods – which may run in parallel – have elapsed the young professionals can be reasonably expected to have gained sufficient professional experience in order to fulfil the regular salary threshold.	(shared competence) <i>deleted</i>	(17) Member States should be able to provide a lower salary threshold [...] to benefit third-country nationals during a certain period after their graduation. This period should be granted each time that the third-country national reaches a level of education relevant for the purposes of this Directive, namely levels 6, 7 or 8 of ISCED 2011 [...] according to the national law of the Member State concerned. It should apply whenever the third-country national applies for an initial or renewed EU Blue Card within three years from the date of obtaining the qualifications and in addition, when that third-country national applies for a renewal of the EU Blue Card and a period of 24 months has not elapsed since the issuance of the initial EU Blue Card [...]. After these grace periods – which may run in parallel – have elapsed the young professionals can be reasonably expected to have	
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			gained sufficient professional experience in order to fulfil the regular salary threshold.	
27.	(18) The conditions of entry and residence of third-country nationals for the purposes of highly skilled employment, including the eligibility criteria related to a salary threshold should be defined. It should not aim to determine salaries and therefore should not derogate from the rules or practices at Member State level or from collective agreements, and should not be used to constitute any harmonisation in this field. This Directive should fully respect the competences of Member States, particularly on employment, labour and social matters.	(EMPL)	(18) The conditions of entry and residence of third-country nationals for the purposes of highly [...] qualified employment, including the eligibility criteria related to a salary threshold should be defined. The salary threshold set by the Member State [...] should not aim to determine salaries and therefore should not derogate from the rules or practices at Member State level or from collective agreements, and should not be used to constitute any harmonisation in this field. The salary offered for a specific job should be freely determined between the employer and the applicant while respecting the applicable salary threshold and the applicable labour laws, collective agreements and practices in the Member States concerned. The salary paid should not be lower than the applicable threshold and it	

			should be in line with the applicable labour laws, collective agreements and practices in the Member State concerned, but it may be higher, in line with market conditions. This Directive should fully respect the competences of Member States, particularly on employment, labour and social matters.	
27a				<i>Agreement confirmed at trilogue on 13.12.17:</i> (18a) Member States should be able to require the third-country national to provide for his or her address at the time of application. In case the third-country national does not yet know his or her future address, Member States should accept a temporary address, which could be the address of the employer.
28.	(19) It should not be necessary for a third-country national to hold a travel document whose validity covers the whole duration of the initial EU Blue Card. Third-country nationals should be allowed to renew their travel document while holding an EU Blue Card.		<i>deleted</i>	

29.	(20) Member States should reject applications for an EU Blue Card and be allowed to withdraw or refuse to renew an EU Blue Card if there is a threat to public policy, public security or public health. Any rejection on grounds of public policy or public security should be based on the individual behaviour of the person concerned, in accordance with the principle of proportionality. Illness or disability suffered after the third-country national was admitted to the territory of the first Member State should not constitute the sole ground for withdrawing or refusing to renew an EU Blue Card or for not issuing an EU Blue Card in a second Member State.	Amendment 24 (20) Member States should <i>be entitled to</i> reject applications for an EU Blue Card and be allowed to withdraw or refuse to renew an EU Blue Card [...] <i>where</i> there is a <i>proven</i> threat to public policy, public security or public health. Any rejection on grounds of public policy or public security should be based on the individual behaviour of the person concerned, in accordance with the principle of proportionality. Illness or disability suffered [...] <i>while</i> the third-country national [...] <i>is an EU Blue Card holder</i> should not constitute [...] <i>a</i> ground for withdrawing an EU Blue Card. [...]	(20) Member States should reject applications for an EU Blue Card and be allowed to withdraw or refuse to renew an EU Blue Card if there is a threat to public policy, public security or public health. Any rejection on grounds of public policy or public security should be based on the individual behaviour of the person concerned, in accordance with the principle of proportionality. Member States should ensure that checks conducted on EU Blue Card holder and on his employer in relation to withdrawal or non-renewal of the EU Blue Card should not be disproportionate. Illness or disability suffered after the third-country national was admitted to the territory of the first Member State should not constitute the sole ground for withdrawing or refusing to renew an EU Blue Card or for not issuing an EU Blue Card in a second Member State. Moreover, Member	<i>Council: By way of a compromise, Article 7(5) would be deleted and Recital 20 amended as follows:</i> (20) Member States should reject applications for an EU Blue Card and be allowed to withdraw or refuse to renew an EU Blue Card if there is a threat to public policy, public security or public health. A threat to public health is to be understood in line with Regulation (EU) 2016/399. Any rejection on grounds of public policy or public security should be based on the individual behaviour of the person concerned, in accordance with the principle of proportionality. Member States should retain the right to verify that the grounds for withdrawal or non-renewal set out in Article 7(1) and (2) do not apply. Member States should ensure that checks conducted on EU Blue Card holder and on his employer in relation to withdrawal or non-renewal of the EU Blue Card should not be
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			States should have the possibility not to withdraw or not to refuse to renew an EU Blue Card, where the applicable salary threshold is temporarily not attained due to illness, disability or parental leave.	disproportionate. Illness or disability suffered after the third-country national was admitted to the territory of the first Member State should not constitute the sole ground for withdrawing or refusing to renew an EU Blue Card or for not issuing an EU Blue Card in a second Member State. Moreover, Member States should have the possibility not to withdraw or not to refuse to renew an EU Blue Card, where the applicable salary threshold is temporarily not attained due to illness, disability or parental leave. <i>The last sentence of the recital has been agreed between the EP and the Council.</i>
30.	(21) Member States should be allowed to withdraw or refuse to renew an EU Blue Card where the EU Blue Card holder has either failed to comply with the conditions for mobility under this Directive or has repetitively exercised the mobility rights in an abusive manner, for example by applying for EU Blue Cards in second	Amendment 25 (21) Member States should be allowed to withdraw or refuse to renew an EU Blue Card where the EU Blue Card holder has failed to comply with the conditions for mobility under this Directive [...].	(21) Member States should be allowed to withdraw or refuse to renew an EU Blue Card where the EU Blue Card holder has either failed to comply with the conditions for mobility under this Directive or has [...]	<i>Linked to Art. 7(2)(f), line 146</i> <i>Drafting suggestion (COM) of 9 December 2020:</i> (21) Member States should be allowed to withdraw or refuse to renew an EU Blue Card where the EU Blue Card holder has either failed to

	Member States and beginning employment immediately while it is clear that the conditions will not be fulfilled and the application will be refused.		exercised [...] his or her mobility rights in an abusive manner, for example by applying for an EU Blue Cards in a second Member States and beginning employment immediately while it is clear that the conditions will not be fulfilled and the application will be refused.	comply with the conditions for mobility under this Directive, for example by not respecting the period allowed for carrying out a business activity or by not submitting an [application/notification] for long-term mobility within the requested time frame in second Member States, or has repetitively exercised the mobility rights in an abusive manner, for example by applying for EU Blue Cards in second Member States and beginning employment immediately while it is clear that the conditions will not be fulfilled and the application will be refused. <i>Slightly modified Presidency proposal of 11 December 2020:</i> (21) Member States should be allowed to withdraw or refuse to renew an EU Blue Card where the EU Blue Card holder has either failed to comply with the conditions for mobility under this Directive, for example by
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			not respecting the period allowed for carrying out a business activity or by not submitting an [application/notification] for long-term mobility within the requested time frame in second Member States, or has repetitively exercised his or her mobility rights in an abusive manner, for example by applying for an EU Blue Card in a second Member State and beginning employment immediately while it is clear that the conditions will not be fulfilled and the application will be refused <i>15/01/21: The Rapporteur could agree with including a reference to the example of the abusive manner included here in Recital (21) clarifying the concept of failure to comply with conditions of mobility, but would however, maintain the EP position in the Art. with deletion of the reference to abuse of mobility (see also line 146)</i>
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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.	<i>Council: By way of a compromise related to Art. 6(3)(a), recital 22 could be amended as follows:</i> (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 or refusal to renew is related to the activity of the employer, [...] minor misconduct of the employer 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 generally constitute a ground for rejection, or refusal to renew only when it was a serious breach of its
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			obligations or was committed repeatedly prior to the date of the application. <i>15/01/21 The Rapporteur proposes to accept this wording, for recital (22) in conjunction with Art. 6(3)(a) (line 131), however not with reference to withdrawal, only for refusal and non-renewal - see adjustments below.. See also lines 131, 142, 148b, 149c)</i> (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, withdrawal or refusal to renew is related to the activity of the employer, [...] minor misconduct of the employer should not in any case constitute the sole ground for rejecting an application or withdrawing or
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				refusing to renew the permit. <u>The misconduct of the employer should never constitute a ground for withdrawing the EU Blue Card.</u> 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 generally constitute a ground for rejection, or refusal to renew only when it was a serious breach of its obligations or was committed repeatedly prior to the date of the application.
32.	(23) Once all the conditions for admission are fulfilled, Member States should issue an EU Blue Card within specified time limits. If a Member State issues residence permits only on its territory and all the conditions of this Directive relating to admission are fulfilled, the Member State should grant the third-country national concerned the requisite visa. It should be ensured that the competent authorities effectively cooperate in order to issue the visa without delay.		(23) Once all the conditions for admission are fulfilled, Member States should issue an EU Blue Card within specified time limits. If a Member State issues residence permits only on its territory and all the conditions of this Directive relating to admission are fulfilled, the Member State should grant the third-country	

			national [...] every facility to obtain the requisite visa. It should be ensured that the competent authorities effectively cooperate for that purpose. In the event that the Member State does not [...] issue visas, it should grant the third-country national concerned an equivalent permit allowing entry.	
33.	(24) The rules on processing times for EU Blue Card applications should guarantee the swift issuance of permits in all cases. The processing time for examining the application for an EU Blue Card should not include the time required for the recognition of professional qualifications, where applicable, or the time required for issuing a visa, if required.	Amendment 27 (24) The rules on processing times for EU Blue Card applications should [...] reflect the objective of facilitating the admission of highly skilled third-country nationals. The processing time for examining the application for an EU Blue Card should not include the time required for the recognition of professional qualifications, where applicable, or the time required for issuing a visa, if required. To modernise and simplify the EU Blue Card application procedure, Member States	(24) The rules on processing times for EU Blue Card applications should guarantee the swift issuance of permits in all cases. The processing time for examining the application for an EU Blue Card should not include the time required for the recognition of professional qualifications, where applicable, or the time required for issuing a visa, if required.	<i>Agreement confirmed at trilogue on 13.12.17:</i> (24) The rules on processing times for EU Blue Card applications should guarantee the swift issuance of permits in all cases. The processing time for examining the application for an EU Blue Card should not include the time required for the recognition of professional qualifications, where applicable, or the time required for issuing a visa, if required. In case the validity of the EU Blue Card expires during the procedure for renewal, the third-country national should be entitled, until the decision on the

		<i>should consider accepting electronic applications.</i>		application is taken by the competent authorities, to stay, work and enjoy the rights provided for under this Directive in the territory of the Member State which issued the EU Blue Card, but not the right to mobility to a second Member State.
34.	(25) The format of the EU Blue Card should be in accordance with Regulation (EC) No 1030/2002 ¹² , thus enabling the Member States to refer in particular to the information on the conditions under which the person is permitted to work.		(25) The format of the EU Blue Card should be in accordance with Regulation (EC) No 1030/2002 ¹³ , thus enabling the Member States to refer in particular to the information on the conditions under which the person is permitted to work. Member States should be able to indicate additional information in paper format or store such information in electronic format, as referred to in Article 4 of that Regulation and point a(16) of the Annex thereto, in order to provide more precise information on the employment activity concerned. The provision of	

¹² Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157, 15.6.2002, p. 1).

¹³ Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 157, 15.6.2002, p. 1).

			this additional information should be optional for Member States and should not constitute an additional requirement that would compromise the single permit and the single application procedure.	
35.	(26) The Member State concerned should ensure that applicants have the right to challenge before a court or tribunal any decision rejecting an application for an EU Blue Card, or not renewing or withdrawing an EU Blue Card. This is without prejudice to the possibility to designate an administrative authority to carry out a prior administrative review of such decisions.	Amendment 28 (26) The Member State concerned should ensure that applicants have the right to challenge before a court or tribunal <i>a</i> decision rejecting an application for an EU Blue Card, or [...] <i>a decision not to renew or to withdraw</i> an EU Blue Card. [...] <i>Member States might also</i> designate an administrative authority to carry out a prior administrative review of such decisions.	(26) The Member State concerned should ensure that applicants have the right to challenge before a court or tribunal any decision rejecting an application for an EU Blue Card, or not renewing or withdrawing an EU Blue Card. This is without prejudice to the possibility to designate an administrative authority to carry out a prior administrative review of such decisions.	
36.	(27) Since EU Blue Card holders are highly skilled workers contributing to addressing labour and skills shortages in key sectors, the principle of access to the labour market should be the general rule. However, in circumstances where the domestic labour market undergoes serious disturbances such	Amendment 29 (27) Since EU Blue Card holders are highly skilled workers contributing to addressing labour and skills shortages in key sectors, the principle of access to the labour market	(27) Since the EU Blue Card [...] scheme is motivated by the need to address labour and skills shortages in key sectors [...] in the EU labour market [...], Member States should be able to check	

	as 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 be able to take into account the situation of its labour market before issuing an EU Blue Card.	should be the general rule. [...] <i>In</i> circumstances where the domestic labour market [...] <i>suffers</i> 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, <i>after consulting with social partners</i>, be able to take into account the situation of its labour market before issuing an EU Blue Card.	whether a vacancy which a Blue Card applicant intends to fill could instead be filled by a member of the national or Union workforce, by third-country nationals lawfully resident in the Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for highly qualified employment in accordance with Chapter III of the Directive 2003/109/EC. In case Member States decide to make use of this possibility, they should communicate this in a clear, accessible and transparent way to applicants and employers, including online. For EU Blue Cards in a second Member State, taking into account the situation of the labour market should only be possible if that Member State has also introduced checks for first applications for third-country nationals	
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			coming from third countries.	
37.	(28) In case Member States decide to make use of this possibility for a given occupation or sector, possibly in a particular part of their territory, they 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 12 months and do so again for every subsequent 12 month period. Member States may involve social partners in the assessment of the circumstances related to the domestic labour market. This verification should not be possible when an EU Blue Card is renewed in the first Member State. For EU Blue Cards in a second Member State, taking into account the situation of the labour market should only be possible if that Member State has also introduced checks for first applications for third-country nationals coming from third countries and after a separate justified notification. In case Member States decide to make use of this possibility, they should communicate this in a clear, accessible and transparent way to applicants and employers, including online.	Amendment 30 (28) In [...] <i>the event that a Member [...] State decides</i> to make use of this possibility for a given occupation or sector, possibly in a particular part of their territory, <i>it</i> 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 <i>six</i> months and do so again for every subsequent <i>six</i> month period. Member States [...] <i>should</i> involve social partners in the assessment of the circumstances related to the domestic labour market. This [...] <i>labour market test</i> should not be possible [...] <i>where</i> an EU Blue Card [...] <i>holder seeks to renew his or her EU Blue Card</i> in the first Member State. [...] <i>Where a third-country national</i>	deleted	

		<i>notifies</i> a second Member State <i>of his or her intention to take up work in that Member State</i>, taking into account the situation of the labour market <i>when objecting to such a notification</i> should only be possible if that Member State has also introduced checks for first applications for third-country nationals coming from third countries and after a separate justified notification. In case Member States decide to make use of this possibility, they should communicate this in a clear, accessible and transparent way to applicants and employers, including online.		
38.	(29) In implementing this Directive, Member States should refrain from pursuing active recruitment in developing countries in sectors suffering from a lack of personnel. Ethical recruitment policies and principles applicable to public and private sector employers should be developed in key sectors, for example the health sector.	Amendment 31 (29) In implementing this Directive, Member States should refrain from pursuing active recruitment in developing countries in sectors suffering from a lack of personnel <i>in key sectors essential for</i>	(29) In implementing this Directive, Member States should refrain from pursuing active recruitment in developing countries in sectors suffering from a lack of personnel. Ethical recruitment policies and	

	This is consistent with EU's commitment to the 2010 WHO Global Code on the International Recruitment of Health Personnel¹⁴ in addition to 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) and the education sector, as appropriate. These principles and policies should be strengthened by the development and application of mechanisms, guidelines and other tools to facilitate, as appropriate, 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 order to turn "brain drain" into "brain gain".	<i>sustainable development.</i> Ethical recruitment policies and principles applicable to public and private sector employers should be developed in key sectors, for example the health sector. This is consistent with EU's commitment to the 2010 WHO Global Code on the International Recruitment of Health Personnel¹⁴ in addition to 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) and the education sector, as appropriate. These principles and policies should be strengthened by the development and application of mechanisms, guidelines and other tools to facilitate, as appropriate, circular and temporary migration, as well as other measures that would	principles applicable to public and private sector employers should be developed in key sectors, for example the health sector. This is consistent with EU's commitment to the 2010 WHO Global Code on the International Recruitment of Health Personnel¹⁴ in addition to 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) and the education sector, as appropriate. These principles and policies should be strengthened by the development and application of mechanisms, guidelines and other tools to facilitate, as appropriate, circular and temporary migration, as well as other measures that would minimise negative and maximise positive impacts of highly [...] qualified immigration on developing	
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The [WHO Global Code of Practice on the International Recruitment of Health Personnel](#), adopted on 21 May 2010 by the Sixty-third World Health Assembly in [resolution WHA63.16](#).

		minimise negative and maximise positive impacts of highly skilled immigration on developing countries in order to turn “brain drain” into “brain gain”.	countries in order to turn "brain drain" into "brain gain".	
38a			(29a) In accordance with the principle of proportionality, the level of fees required by Member States for the processing of EU Blue Card applications should not be disproportionate or excessive. The level at which these fees are set may take into account the services actually provided for the processing of applications and the issuance of permits, but the level which these fees are set must not have either the object or the effect of creating an obstacle to the obtaining of the status conferred by this Directive.	
39.	(30) A simplified procedure for employers which have been recognised for that purpose should be provided, optional for Member States. The status of recognised	Amendment 32 (30) A simplified procedure for employers which have been recognised for that purpose	(30) A simplified procedure for employers which have been recognised for that purpose should be provided,	

	employer should bring specific facilitation in terms of procedures and admission conditions – amounting to a <i>simplified procedure</i> – under this Directive and Member States should include sufficient safeguards against abuse. Where the status of recognised employer is withdrawn during the period of validity of an EU Blue Card issued under the simplified procedure, regular admission conditions should apply upon renewing that EU Blue Card, unless the third-country national concerned is employed by another recognised employer.	should be provided [...]. The status of recognised employer should bring specific facilitation in terms of procedures and admission conditions – amounting to a simplified procedure – under this Directive and Member States should include sufficient safeguards against abuse. Where the status of recognised employer is withdrawn during the period of validity of an EU Blue Card issued under the simplified procedure, regular admission conditions should apply upon renewing that EU Blue Card, unless the third-country national concerned is employed by another recognised employer.	optional for Member States. The status of recognised employer should bring specific facilitation in terms of procedures and admission conditions – amounting to a <i>simplified procedure</i> – under this Directive and Member States should include sufficient safeguards against abuse. In accordance with the principle of proportionality, these safeguards must take into account the gravity and nature of the misconduct. Where the status of recognised employer is withdrawn during the period of validity of an EU Blue Card issued under the simplified procedure, regular admission conditions should apply upon renewing that EU Blue Card, unless the third-country national concerned is employed by another recognised employer.	
40.	(31) In order to promote innovative entrepreneurship, third-country nationals admitted under this Directive should be given the right to exercise in parallel a self-	Amendment 33 (EMPL) (31) In order to promote innovative entrepreneurship, third-country nationals admitted	(31) In order to promote innovative entrepreneurship, third-country nationals admitted under this	

	employed activity without it affecting the right of residence as an EU Blue Card holder. This right should be without prejudice to the continuous obligation to meet the conditions for admission under this Directive, and the EU Blue Card holder should therefore remain in highly skilled employed activity.	under this Directive should be given the right to exercise in parallel a self-employed activity <i>under the same conditions as nationals and other Union citizens in the Member State which issued the EU Blue Card</i> , without it affecting the right of residence as an EU Blue Card holder. This right should be without prejudice to the continuous obligation to meet the conditions for admission under this Directive, and the EU Blue Card holder should therefore remain in highly skilled employed activity. <i>Any self-employed activity by EU Blue Card holders should be subsidiary to their employment under the EU Blue Card.</i>	Directive[...] may be given the [...] possibility to exercise in parallel a self-employed activity without it affecting the right of residence as an EU Blue Card holder. This should be without prejudice to the continuous obligation to meet the conditions for admission under this Directive, and the EU Blue Card holder should therefore remain in highly [...] qualified employed activity. Member States should have the possibility to lay down in their national law the conditions for access to self-employed activity. Member States should also be entitled to limit the scope of allowed self-employed activity. Any income derived from self-employment will not contribute towards meeting the salary threshold required to qualify as an EU Blue Card holder.	
40a			(31a) In order to enhance the contribution that the EU Blue Card holder may make through his higher professional qualifications,	

			Member States should also have the possibility to lay down in their national law provisions allowing EU Blue Card holders to engage in other professional activities which are complementary to their main activity as an EU Blue Card holder. Any income derived from these professional activities will not contribute towards meeting the salary threshold required to qualify as an EU Blue Card holder.	
41.	(32) Equal treatment as granted to EU Blue Card holders should include equal treatment in respect of those branches of social security listed in Article 3 of Regulation (EC) No 883/2004 of the European Parliament and of the Council ¹⁵ . This Directive does not harmonise the social security legislation of Member States. It is limited to applying the principle of equal treatment in the field of social security to the third-country nationals falling within its scope.	(EMPL)	(32) Equal treatment as granted to EU Blue Card holders should include equal treatment in respect of those branches of social security listed in Article 3 of Regulation (EC) No 883/2004 of the European Parliament and of the Council. This Directive does not harmonise the social security legislation of Member States. It is limited to applying the principle of equal treatment in the field of	

¹⁵ Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems (OJ L 166, 30.4.2004, p. 1).

			social security to the third-country nationals falling within its scope. This Directive should not grant rights in relation to situations which lie outside the scope of Union law and the situation of family members residing in a third country. That should not, however, affect the right of survivors who derive rights from EU Blue Card holders to receive pensions, under the same conditions as nationals of the Member State concerned, when residing in a third country.	
42.	(33) In the event of mobility between Member States, Regulation (EU) No 1231/2010 of the European Parliament and of the Council ¹⁶ applies. This Directive should not confer more rights to the mobile EU Blue Card holder than those already provided for in existing Union law in the field of social security for third-country nationals who have cross-border interests between Member States.	(EMPL)	(33) In the event of mobility between Member States, Regulation (EU) No 1231/2010 of the European Parliament and of the Council applies. This Directive should not confer more rights to the mobile EU Blue Card holder than those already provided for in existing Union law in the field of social security for third-country nationals who have cross-border interests between Member States.	

¹⁶ Regulation (EU) No 1231/2010 of the European Parliament and of the Council of 24 November 2010 extending Regulation (EC) No 883/2004 and Regulation (EC) No 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality (OJ L 344, 29.12.2010, p. 1).

43.	(34) Professional qualifications acquired by a third-country national in another Member State should be recognised in the same way as those of Union citizens. Qualifications acquired in a third country should be taken into account in accordance with Directive 2005/36/EC of the European Parliament and of the Council¹⁷. Where a third-country national is applying for an EU Blue Card to practice an unregulated profession, Member States should avoid excessive formal requirements and full recognition procedures regarding qualifications, wherever sufficient evidence can be otherwise obtained.	Amendment 34 (shared competence) (34) [...] <i>Education</i> qualifications, <i>professional skills and professional experience</i> acquired by a third-country national in another Member State should be recognised in the same way as those of Union citizens. Qualifications acquired in a third country should be taken into account in accordance with Directive 2005/36/EC of the European Parliament and of the Council¹⁶. Where a third-country national is applying for an EU Blue Card to practice an unregulated profession, Member States should avoid excessive formal requirements and full recognition procedures regarding qualifications, wherever sufficient evidence can be otherwise obtained.	(34) Professional qualifications acquired by a third-country national in another Member State should be recognised in the same way as those of Union citizens. Qualifications acquired in a third country should be taken into account in accordance with Directive 2005/36/EC of the European Parliament and of the Council¹⁷. [...] This Directive should be without prejudice to the conditions set out under national law for the exercise of regulated professions, existing national restrictions on access to employment which entails involvement in the exercise of public authority and the responsibility for safeguarding the general interest of the State, and existing national rules on activities reserved to nationals, Union citizens or EEA citizens, including in case of mobility to other Member States.	
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¹⁷ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

43a		Amendment 35 (shared competence) <i>(34a) Many third-country nationals have appropriate skills and qualifications, but they are usually acquired in different labour markets and education systems. Thus, Member States and employers need to focus on improving the procedures and methods for recognizing and accrediting training, skills and qualifications previously acquired by third-country nationals.</i>		
44.	(35) The rights acquired by a beneficiary of international protection as an EU Blue Card holder should be without prejudice to rights enjoyed by the person concerned under Directive 2011/95/EU and under the Geneva Convention in the Member State which granted the protection status. In that Member State, in order to avoid situations of conflicting rules, the provisions on equal treatment and family reunification of this Directive should not apply. Persons who are beneficiaries of international protection in one Member State and EU Blue Card holders in another should enjoy the same	Amendment 36 (35) The rights acquired by a beneficiary of international protection as an EU Blue Card holder should be without prejudice to rights enjoyed by the person concerned under Directive 2011/95/EU and under the Geneva Convention in the Member State which granted the protection status. In that Member State, [...] <i>more favourable</i>	(35) The rights acquired by a beneficiary of international protection as an EU Blue Card holder should be without prejudice to rights enjoyed by the person concerned under Directive 2011/95/EU and under the Geneva Convention in the Member State which granted the protection status. In that Member State, in order to avoid situations of conflicting rules, the provisions on equal	

	rights including equality of treatment with nationals of the Member State of residence as any other EU Blue Card holders in the latter Member State.	provisions on equal treatment and family reunification of this Directive should [...] apply. Persons who are beneficiaries of international protection in <i>a</i> Member State, and <i>who become</i> EU Blue Card holders in another should enjoy the same rights including equality of treatment with nationals of the Member State of residence <i>and family reunification rights</i> as any other EU Blue Card holders in [...] <i>that</i> Member State. <i>Applicants for international protection should enjoy the same rights, including equality of treatment with nationals of the Member State of residence and family reunification rights, as any other EU Blue Card holders in that Member State, irrespective of the Member State in which they have lodged their application for international protection. The status of a beneficiary</i>	treatment and family reunification of this Directive should not apply. Persons who are beneficiaries of international protection in one Member State and EU Blue Card holders in another should enjoy the same rights including equality of treatment with nationals of the Member State of residence as any other EU Blue Card holders in the latter Member State.	
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		<i>of international protection should not be affected by the fact of that person also being an EU Blue Card holder or by the fact of that EU Blue Card expiring.</i>		
45.	(36) Favourable conditions for family reunification and unhindered access to work for spouses should be a fundamental element of this Directive in order to facilitate the attraction of highly skilled workers. Specific derogations from Council Directive 2003/86/EC should be provided for in order to reach this aim. Conditions related to integration or waiting periods should not be applied before allowing family reunification, as highly skilled workers and their families are likely to have favourable starting point regarding integration in the host community. With the aim of facilitating the swift entry of highly skilled workers, residence permits to their family members should be issued at the same time as the EU Blue Card, where the relevant conditions are fulfilled and the applications were lodged simultaneously.	Amendment 37 (36) Favourable conditions for family reunification and unhindered access to work for spouses should be a fundamental element of this Directive in order to facilitate the attraction of highly skilled workers. Specific derogations from Council Directive 2003/86/EC should be provided for in order to reach this aim. <i>In order to increase the attractiveness of the EU Blue Card,</i> conditions related to integration or waiting periods should not be applied before allowing family reunification, [...] <i>bearing in mind that an EU Blue Card holder already has a work contract or binding job offer in highly-skilled</i>	(36) Favourable conditions for family reunification and [...] access to work for spouses should be a fundamental element of this Directive in order to facilitate the attraction of highly [...] qualified workers. Specific derogations from Council Directive 2003/86/EC, which is applicable in both the first and the second Member States, should be provided for in order to reach this aim. Member States should have the possibility to lay down in their national law the conditions for access of spouses to self-employed activity. Conditions related to integration or waiting periods should not be applied before allowing family reunification, as highly [...] qualified	

		<i>employment upon arrival.</i> With the aim of facilitating the swift entry of highly skilled workers, residence permits to their family members should be issued at the same time as the EU Blue Card, where the relevant conditions are fulfilled and the applications were lodged simultaneously.	workers and their families are likely to have favourable starting point regarding integration in the host community. With the aim of facilitating the swift entry of highly [...] qualified workers, residence permits to their family members should be issued at the same time as the EU Blue Card, where the relevant conditions are fulfilled and the applications were lodged simultaneously.	
45a		Amendment 38 <i>(36a) In accordance with Directive 2003/86/EC, Member States should be encouraged to ensure that family members of the EU Blue Card holders be granted an autonomous residence permit, independent of that of the EU Blue Card holder, in the event of widowhood, divorce, separation or death of first-degree relatives in the direct ascending or descending line.</i>		
46.		Amendment 39		

	(37) In order to attract highly skilled workers and encourage their continuous stay in the Union, while enabling mobility within the Union as well as circular migration, derogations from Council Directive 2003/109/EC¹⁸ should be provided for in order to give EU Blue Card holders an easier access to EU long-term resident status.	(37) In order to attract highly skilled workers and encourage their continuous stay in the Union, while enabling mobility within the Union as well as circular migration, derogations from Council Directive 2003/109/EC¹⁸ should be provided for in order to give EU Blue Card holders <i>and their family members</i> an easier access to EU long-term resident status.	(37) In order to attract highly [...] qualified workers and encourage their continuous stay in the Union, while enabling mobility within the Union as well as circular migration, derogations from Council Directive 2003/109/EC¹⁸ should be provided for in order to give EU Blue Card holders [...] easier access to EU long-term resident status. Where the EU long-term resident status is obtained after three years and before the regular residence period of five years has been reached, Member States should be allowed to withdraw the status where the person does not have sufficient resources to maintain himself or herself and the members of his or her family without having recourse to the social assistance system of the Member State concerned. Member States' authorities retain a margin of manoeuvre with regard to the interpretation of the	
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¹⁸ Council Directive 2003/109/EC of 25 November 2003 on the status of third-country nationals who are long-term residents (OJ L 16, 23.1.2004, p. 44).

			‘sufficient resources’ requirement, provided that this does not undermine the objectives of this Directive and Council Directive 2003/109/EC and the effectiveness thereof. Member States should not withdraw the status where such a measure would be disproportionate.	
47.	(38) In order to foster the mobility of highly skilled workers between the Union and their countries of origin, derogations from Directive 2003/109/EC should be provided for in order to allow longer periods of absence than those provided for in that Directive after highly skilled third-country workers have acquired the EU long-term resident status.	Amendment 40 <i>deleted</i>	(38) In order to foster the mobility of highly [...] qualified workers between the Union and their countries of origin, derogations from Directive 2003/109/EC should be provided for in order to allow longer periods of absence than those provided for in that Directive after highly [...] qualified third-country workers have acquired the EU long-term resident status.	
48.	(39) The occupational and geographical mobility of third-country highly skilled workers should be recognised as an important contributor to improving labour market efficiency across the Union, addressing skills shortages and offsetting		(39) The occupational and geographical mobility of third-country highly [...] qualified workers should be recognised as an important contributor to improving labour market efficiency	

	regional imbalances. Mobility within the Union should be facilitated.		across the Union, addressing skills shortages and offsetting regional imbalances. Mobility within the Union should be facilitated.	
48a			(39a) Where an EU Blue Card holder is posted to the territory of a Member State other than the Member State which granted him or her the EU Blue Card, this Directive shall be without prejudice to the provisions of Directive 96/71/EC of the European Parliament and of the Council and Directive 2014/67/EU of the European Parliament and of the Council.	
49.	(40) Existing legal uncertainty surrounding business trips of highly skilled workers should be addressed by defining this notion and setting a list of activities that in any case should be considered as business activities in all Member States. Second Member States should not be allowed to require from EU Blue Card holders engaging in business activities a work permit or any other authorisation than the EU Blue Card issued by the first Member State. Where the EU Blue Card is issued by a Member State not applying the Schengen	Amendment 41 (40) Existing legal uncertainty surrounding business trips of highly skilled workers should be addressed by defining this notion and setting a list of activities that in any case should be considered as business activities in all Member States. Second Member States should not be allowed to require from EU Blue Card holders	(40) Existing legal uncertainty surrounding business trips of highly [...] qualified workers should be addressed by defining this notion and setting a list of activities that in any case should be considered as business activities in all Member States. These activities should be directly linked to the interests of the employer in the first	

	acquis in full, its holder should be entitled to enter and stay in one or several second Member States for the purpose of business activity for up to 90 days in any 180-day period based on the EU Blue Card.	engaging in business activities a work permit or any other authorisation than the EU Blue Card issued by the first Member State. Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full, its holder should be entitled to enter and stay in one or several second Member States for the purpose of business activity [...] <i>in accordance with this directive and Regulation (EU) 2016/399 of the European Parliament and of the Council¹⁹ and the Schengen Borders Code.</i>	Member State and related to the duties of the Blue Card holder in the employment for which the Blue Card was granted. Second Member States should not be allowed to require from EU Blue Card holders engaging in business activities a visa , work permit or any other authorisation than the EU Blue Card issued by the first Member State. Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full, its holder should be entitled to enter and stay in one or several second Member States for the purpose of business activity for up to 90 days in any 180-day period based on the EU Blue Card.	
50.	(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. Second Member States	Amendment 42 (41) EU Blue Card holders should be allowed to move <i>with their family members</i> to a second Member State under [...] <i>their</i> EU Blue Card [...] <i>subject to</i>	(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	<i>Council (10/12) by way of a compromise on Art. 20, recital 41 could be amended as follows (also see line 245):</i> (41) EU Blue Card holders should be allowed to move to a second Member State under

¹⁹ *Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23 03 2016, p. 1).*

	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, they should be allowed to begin employment. In the second Member State the procedure for issuing an EU Blue Card should be simplified compared to the first EU Blue Card; as the mobile EU Blue Card holder has already exercised highly skilled activity in one Member State for a certain period of time, the second Member State should not have the need to control all the same details for a second time. However, mobility should remain demand-driven and therefore a work 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.	<i>notifying the second Member State of the fact that they are moving to that second Member State for the purposes of employment under the EU Blue Card.</i> Second Member States should not be allowed to require from EU Blue Card holders any authorisation <i>other</i> than the EU Blue Card issued by the first Member State. [...] <i>Once the EU Blue Card holder has submitted his or her notification</i> within the deadline provided for in this Directive, they should be allowed to begin employment. [...] <i>The second Member State should retain the right to object to the mobility, but the procedure [...] should be simplified [...]; as the mobile EU Blue Card holder has already exercised highly skilled activity in one Member State for a certain period of time, the second Member State should not have the need to control all the same details for a second time.</i>	existing work contract or binding job offer. Second 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. Mobility should be demand-driven and therefore a work 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.	simplified conditions where they intend to apply for a new EU Blue Card based on an existing work contract or binding job offer. The Second 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 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.
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		However, [...] a work contract should always be required in the second Member State, <i>all the conditions in applicable laws, collective agreements or practices in the relevant occupational branch should be met or</i> [...] the salary should meet the threshold set by the second Member State in accordance with this Directive.		
51.	(42) While some special rules are provided in this Directive regarding entry and stay in a second Member State for the purpose of business activity, as well as moving to a second Member State to apply for a new EU Blue Card in its territory, all the other rules governing the movement of persons across borders as laid down in the relevant provisions of the Schengen <i>acquis</i> apply.	Amendment 43 (42) While some special rules are provided in this Directive regarding entry and stay in a second Member State for the purpose of business activity, as well as moving to a second Member State to [...] <i>reside and work there under the</i> EU Blue Card in its territory, all the other rules governing the movement of persons across borders as laid down in the relevant provisions of the Schengen <i>acquis</i> apply.	(42) While some special rules are provided in this Directive regarding entry and stay in a second Member State for the purpose of business activity, as well as moving to a second Member State to apply for a new EU Blue Card in its territory, all the other rules governing the movement of persons across borders as laid down in the relevant provisions of the Schengen <i>acquis</i> apply.	
52.		Amendment 44		

	(43) Where the EU Blue Card is issued by a Member State not applying the Schengen <i>acquis</i> in full and the EU Blue Card holder, in the mobility situations provided for in this Directive, crosses an external border within the meaning of Regulation (EU) 2016/399 of the European Parliament and of the Council²⁰, a Member State should be entitled to require evidence that the EU Blue Card holder is entering its territory either for the purpose of business activities or in order to apply for a new EU Blue Card based on a work contract or binding job offer. In the case of mobility for carrying out business activities, that Member State should be able to require evidence of the business purpose of the stay, such as invitations, entry tickets, or documents describing the business activities of the company and the position of the EU Blue Card holder in the company.	(43) Where the EU Blue Card is issued by a Member State not applying the Schengen <i>acquis</i> in full and the EU Blue Card holder, in the mobility situations provided for in this Directive, crosses an external border within the meaning of Regulation (EU) 2016/399 of the European Parliament and of the Council²⁰, a Member State should be entitled to require evidence that the EU Blue Card holder is entering its territory either for the purpose of business activities or in order to [...] <i>reside and work there under the EU Blue Card [...].</i>	(43) Where the EU Blue Card is issued by a Member State not applying the Schengen <i>acquis</i> in full and the EU Blue Card holder, in the mobility situations provided for in this Directive, crosses an external border within the meaning of Regulation (EU) 2016/399 of the European Parliament and of the Council²⁰, a Member State should be entitled to require evidence that the EU Blue Card holder is entering its territory either for the purpose of business activities or in order to apply for a new EU Blue Card based on a work contract or binding job offer. In the case of mobility for carrying out business activities, that Member State should be able to require evidence of the business purpose of the stay, such as invitations, entry tickets, or documents describing the business activities of the company and the position of	
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²⁰ Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 77, 23 03 2016, p. 1).

			the EU Blue Card holder in the company.	
53.	(44) Where the EU Blue Card holder moves to a second Member State to apply for an EU Blue Card and he or she is accompanied by family members, that Member State should be able to require evidence of their lawful residence in the first Member State. Besides, in case of crossing of an external border within the meaning of Regulation (EU) 2016/399, the Members States applying the Schengen <i>acquis</i> in full should consult the Schengen information system and should refuse entry or object to the mobility of persons for whom an alert for the purposes of refusing entry or stay, as referred to in Regulation (EC) No 1987/2006 of the European Parliament and of the Council²¹, has been issued in that system.	Amendment 45 (44) Where the EU Blue Card holder moves to a second Member State to apply for an EU Blue Card and he or she is accompanied by family members, that Member State should be able to require [...] <i>the family members to present</i> their [...] residence <i>permit issued</i> in the first Member State. In case of crossing of an external border within the meaning of Regulation (EU) 2016/399, the Members States applying the Schengen <i>acquis</i> in full should consult the Schengen information system and should refuse entry or object to the mobility of persons for whom an alert for the purposes of refusing entry or stay, as referred to in Regulation (EC) No 1987/2006 of the European	(44) Where the EU Blue Card holder moves to a second Member State to apply for an EU Blue Card and he or she is accompanied by family members, that Member State should be able to require evidence of their lawful residence in the first Member State. Besides, in case of crossing of an external border within the meaning of Regulation (EU) 2016/399, the Members States applying the Schengen <i>acquis</i> in full should consult the Schengen information system and should refuse entry or object to the mobility of persons for whom an alert for the purposes of refusing entry or stay, as referred to in Regulation (EC) No 1987/2006 of the European Parliament and of the Council²¹, has been issued in that system.	

²¹ Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) (OJ L 381, 28.12.2006, p. 4).

		Parliament and of the Council ²¹ , has been issued in that system.		
53a			(44a) This Directive should allow the second Member State to request that the EU Blue Card holder, who moves on the basis of an EU Blue Card issued by the first Member State and whose application in the second Member State is rejected, leaves its territory. Where the EU Blue Card holder still has a valid EU Blue Card issued by the first Member State, the second Member State should be able to request that the EU Blue Card holder goes back to the first Member State in accordance with Directive 2008/115/EC of the European Parliament and of the Council²². Where the EU Blue Card issued by the first Member State is withdrawn or has expired during the examination of the application, it should be possible for the second	

²² Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98).

			Member State to either decide to return the EU Blue Card holder to a third country, in accordance with Directive 2008/115/EC, or request the first Member State to allow re-entry of the EU Blue Card holder to its territory without unnecessary formalities or delay. In this latter case, the first Member State should issue the EU Blue Card holder with a document allowing re-entry to its territory.	
54.	(45) For the purpose of residence of beneficiaries of international protection across Member States, it is necessary to ensure that Member States other than the one which issued international protection are informed of the protection background of the persons concerned in order to enable Member States to comply with their obligations regarding the principle of non-refoulement.	Amendment 46 (45) For the purpose of residence of beneficiaries of international protection <i>or the relevant category of applicants for international protection</i> across <i>the</i> Member States, it is necessary to ensure that Member States other than the one which issued international protection, <i>or other than the one that is responsible for the application for international protection,</i> are informed of the	(45) For the purpose of residence of beneficiaries of international protection across Member States, it is necessary to ensure that Member States other than the one which issued international protection are informed of the protection background of the persons concerned in order to enable Member States to comply with their obligations regarding the principle of non-refoulement.	

		protection <i>or application</i> background of the persons concerned in order to enable Member States to comply with their obligations regarding the principle of non-refoulement.		
55.	(46) Where a Member State intends to expel a person who has acquired an EU Blue Card in that Member State and who is a beneficiary of international protection in another Member State, that person should enjoy the protection against expulsion guaranteed under Directive 2011/95/EU and under Article 33 of the Convention Relating to the Status of Refugees of 28 July 1951, as amended by the Protocol signed in New York on 31 January 1967 (the Geneva Convention).		(46) Where a Member State intends to expel a person who has acquired an EU Blue Card in that Member State and who is a beneficiary of international protection in another Member State, that person should enjoy the protection against expulsion guaranteed under Directive 2011/95/EU and under Article 33 of the Convention Relating to the Status of Refugees of 28 July 1951, as amended by the Protocol signed in New York on 31 January 1967 (the Geneva Convention).	
55a		Amendment 47 <i>(46a) Where a Member State intends to expel a person who acquired an EU Blue Card in that Member State and who has lodged an application</i>		

		<i>for international protection in another Member State, that other Member State is obliged to comply with the principle of non-refoulement.</i>		
56.	(47) Where the expulsion of a beneficiary of international protection outside the territory of the Member States is permitted under Directive 2011/95/EU, Member States should be obliged to ensure that all information is obtained from relevant sources, including, where appropriate, from the Member State that granted international protection, and that it is thoroughly assessed with a view to guaranteeing that the decision to expel that beneficiary is in accordance with Article 4 of the Charter of Fundamental Rights of the European Union.		(47) Where the expulsion of a beneficiary of international protection outside the territory of the Member States is permitted under Directive 2011/95/EU, Member States should be obliged to ensure that all information is obtained from relevant sources, including, where appropriate, from the Member State that granted international protection, and that it is thoroughly assessed with a view to guaranteeing that the decision to expel that beneficiary is in accordance with Article 4 of the Charter of Fundamental Rights of the European Union.	
57.	(48) Specific reporting provisions should be provided for to monitor the implementation of this Directive, with a view to identifying and possibly counteracting its possible impacts in terms of brain drain in developing countries and in order to avoid brain waste.		(48) Specific reporting provisions should be provided for to monitor the implementation of this Directive, with a view to identifying and possibly counteracting its possible impacts in terms of brain	

			drain in developing countries and in order to avoid brain waste.	
57a		Amendment 48 <i>(48a) As part of its role in monitoring the implementation of this Directive, the Commission should evaluate the applicability of similar schemes for labour migration to other employment sectors, in particular low and medium-wage sectors. The Union should consider further Union-wide admission systems to attract and retain workers – who are not categorized as highly skilled – where they would fill in identified labour market needs in the Members States.</i>		
57b		Amendment 49 <i>(48b) To ensure the proper enforcement of this Directive, and in particular the provisions regarding rights and working conditions, Member States should</i>		

		<i>ensure that appropriate mechanisms are in place for the monitoring of the Directive.</i>		
58.	(49) Since the objectives of this Directive, namely the establishment of a special admission procedure and the adoption of conditions of entry and residence, and the rights, applicable to third-country nationals for the purpose of highly skilled employment and their family members, cannot be sufficiently achieved by the Member States, especially – to better exploit the EU’s overall attractiveness – as regards ensuring their mobility between Member States and offering a clear and single set of admission criteria across the Member States, and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.		(49) Since the objectives of this Directive, namely the establishment of a special admission procedure and the adoption of conditions of entry and residence, and the rights, applicable to third-country nationals for the purpose of highly [...] qualified employment and their family members, cannot be sufficiently achieved by the Member States, especially – to better exploit the EU’s overall attractiveness – as regards ensuring their mobility between Member States and offering a clear and single set of admission criteria across the Member States, and can therefore be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union (TEU). In accordance with the principle of proportionality, as set out in	

			that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.	
59.	(50) This Directive respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, in accordance with Article 6 of the Treaty on European Union (TEU).		(50) This Directive respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, in accordance with Article 6 of the Treaty on European Union (TEU).	
60.	(51) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents ²³ , Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified.		(51) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents ²⁴ , Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of	

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OJ C 369, 17.12.2011, p. 14.

			such documents to be justified.	
61.	(52) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to TEU and TFEU, and without prejudice to Article 4 of the that Protocol, those Member States are not taking part in the adoption of this Directive and are not bound by or subject to its application.		(52) In accordance with Articles 1 and 2 and Article 4a(1) of Protocol 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to TEU and TFEU, and without prejudice to Article 4 of the that Protocol, those Member States are not taking part in the adoption of this Directive and are not bound by or subject to its application.	
62.	(53) In accordance with Articles 1 and 2 of the Protocol 22 on the position of Denmark annexed to TEU and TFEU, Denmark is not taking part in the adoption of this Directive, and is not bound by it or subject to its application.		(53) In accordance with Articles 1 and 2 of the Protocol 22 on the position of Denmark annexed to TEU and TFEU, Denmark is not taking part in the adoption of this Directive, and is not bound by it or subject to its application.	
63.	(54) Directive 2009/50/EC should therefore be repealed,		(54) Directive 2009/50/EC should therefore be repealed,	
64.	HAVE ADOPTED THIS DIRECTIVE:		HAVE ADOPTED THIS DIRECTIVE:	
65.	Chapter I GENERAL PROVISIONS		Chapter I GENERAL PROVISIONS	
66.	<i>Article 1 Subject matter</i>		<i>Article 1 Subject matter</i>	

67.	This Directive lays down:		This Directive lays down:	
68.	(a) the conditions of entry and residence for more than three months in the territory of the Member States, and the rights, of third-country nationals for the purpose of highly skilled employment, and of their family members;		(a) the conditions of entry and residence for more than three months in the territory of the Member States, and the rights, of third-country nationals for the purpose of highly qualified employment, and of their family members;	
69.	(b) the conditions of entry and residence, and the rights, of third-country nationals and of their family members, referred to in point (a), in Member States other than the Member State which first granted an EU Blue Card.		(b) the conditions of entry and residence, and the rights, of third-country nationals and of their family members, referred to in point (a), in Member States other than the Member State which first granted an EU Blue Card.	
70.	<i>Article 2 Definitions</i>		<i>Article 2 Definitions</i>	
71.	For the purposes of this Directive:		For the purposes of this Directive:	
72.	(a) "third-country national" means any person who is not a citizen of the Union within the meaning of Article 20(1) of the Treaty;		(a) "third-country national" means any person who is not a citizen of the Union within the meaning of Article 20(1) of the Treaty on the functioning of the European Union ;	<i>Agreement confirmed at trilogue on 27.11.17:</i> (a) "third-country national" means any person who is not a citizen of the Union within the meaning of Article 20(1) of the Treaty on the functioning of the European Union ;
73.	(b) "highly skilled employment" means the employment of a person who:	(shared competence)	(b) "highly [...] qualified employment" means [...]	<i>Council would prefer stipulating clearly in the</i>

			employment [...] in a position demanding higher professional qualifications, where the employed person: <i>definition, that the position should be demanding higher professional qualifications. However, by way of compromise, the Council could agree that this is clarified in recital 6a. The first sentence of recital 6a in the Council text stipulates:</i> <i>“The concept of highly qualified employment should entail that the person employed not only has a high level of competence, as proven by higher professional qualifications, but also that the job is inherently regarded as demanding such competence.”</i> <i>Consequently, Article 2(b) would read as follows:</i> <i>“highly [...] qualified employment” means employment of a person, who:</i> <i>-----</i> <i>EP can accept the first sentence of recital 6a as proposed above, with adaptations reflecting the outcome of the political discussions on skilled/qualified. No</i>
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				<i>agreement however on the second sentence of recital 6a.</i> MAJOR POLITICAL ISSUE: QUALIFICATIONS VS SKILLS
74.	– in the Member State concerned, is protected as an employee under national employment law or in accordance with national practice, irrespective of the legal relationship, for the purpose of exercising genuine and effective work for, or under the direction of, someone else;		- in the Member State concerned, is protected as an employee under national employment law or in accordance with national practice, irrespective of the legal relationship, for the purpose of exercising genuine and effective work for, or under the direction of, someone else;	
75.	– is paid; and		- is paid; and	
76.	– has the required competence, as proven by higher professional qualifications.	Amendment 50 - has the required [...] qualifications or skills as attested by evidence of higher education qualifications or higher professional [...] skills;	- has the required competence, as proven by higher professional qualifications.	<i>Council can agree with merging this point with point g) of this Article. Consequently, the Council suggests the following compromise text:</i> - has the required [...] higher professional qualifications as attested by evidence of higher education qualifications or, where provided by national law, higher professional skills;

				----- <i>EP agrees with the merging, pointing out however that the question of skills vs qualifications remains to be discussed at political level.</i> LINKED TO MAJOR POLITICAL ISSUE: QUALIFICATIONS VS SKILLS
77.	(c) "EU Blue Card" means the residence permit bearing the term "EU Blue Card" entitling its holder to reside and work in the territory of a Member State under the terms of this Directive;	Amendment 51 (c) "EU Blue Card" means the residence permit bearing the term "EU Blue Card" entitling its holder, <i>and pursuant to Directive 2003/86/EC his or her family members</i> , to reside and work in the territory of a Member State under the terms of this Directive;	(c) "EU Blue Card" means the residence permit bearing the term "EU Blue Card" entitling its holder to reside and work in the territory of a Member State under the terms of this Directive;	<i>Agreement confirmed at trilogue on 18.10.17:</i> (c) "EU Blue Card" means the residence permit bearing the term "EU Blue Card" entitling its holder to reside and work in the territory of a Member State under the terms of this Directive;
78.	(d) "first Member State" means the Member State which first grants a third-country national an "EU Blue Card";		(d) "first Member State" means the Member State which first grants a third-country national an "EU Blue Card";	
79.	(e) "second Member State" means any Member State in which the EU Blue Card holder intends to exercise or exercises the right of mobility within the meaning of this Directive, other than the first Member State;		(e) "second Member State" means any Member State in which the EU Blue Card holder intends to exercise or exercises the right of mobility within the meaning of this	

			Directive, other than the first Member State;	
80.	(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) of Directive 2003/86/EC;	
81.	(g) "higher professional qualifications" means qualifications attested by evidence of higher education qualifications or higher professional skills;	Amendment 52 (shared competence) deleted	(g) "higher professional qualifications" means qualifications attested by evidence of higher education qualifications or, where provided for by national law , higher professional skills;	<i>Agreement confirmed at trilogue on 27.11.17:</i> <i>This provision will be deleted as it will be merged with point b) of this Article</i>
82.	(h) "higher education qualifications" means any diploma, certificate or other evidence of formal qualifications issued by a competent authority attesting the successful completion of a post-secondary higher education or equivalent tertiary education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution or equivalent tertiary educational institution by the State in which it is situated, where the studies needed to acquire those qualifications lasted at least three years and correspond at least to ISCED 2011 level 6 or to EQF level 6, according to national law;	Amendment 53 (shared competence) (h) "higher education qualifications" means any diploma, certificate or other supporting evidence of formal qualifications issued by a competent authority attesting the successful completion of a post-secondary higher education or equivalent tertiary education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution or	(h) "higher education qualifications" means any diploma, certificate or other evidence of formal qualifications issued by a competent authority attesting the successful completion of a post-secondary higher education or equivalent tertiary education programme, namely a set of courses provided by an educational establishment recognised as a higher education institution or equivalent tertiary	<i>Provisional agreement on deleting the word "supporting".</i> <i>As a general compromise, the Council can agree with reinserting the reference to EQF, if the inclusion of skills remains voluntary for Member States.</i> ----- <i>EP agrees with dropping the word "supporting" but insists on the reference to EQF and points out that the question of skills vs qualifications remains to be discussed at political level</i>

		equivalent tertiary educational institution by the State in which it is situated, where the studies needed to acquire those qualifications lasted at least three years and correspond at least to ISCED 2011 level 6 or to EQF level 6, according to national law;	educational institution by the State in which it is situated, where the studies needed to acquire those qualifications lasted at least three years and correspond at least to ISCED 2011 level 6 [...], according to national law;	LINKED TO MAJOR POLITICAL ISSUE: QUALIFICATIONS VS SKILLS
83.	(i) "higher professional skills" means skills attested by at least three years of professional experience of a level comparable to higher education qualifications and which is relevant in the profession or sector specified in the work contract or binding job offer;	(shared competence)	(i) "higher professional skills", where provided for by national law or national procedures , means knowledge, skills and competences attested by at least [...] five years of professional experience of a level comparable to higher education qualifications and which is relevant in the profession or sector specified in the work contract or binding job offer;	<i>Council wishes to maintain its text</i> ----- <i>EP: question of skills and qualifications remains to be discussed at political level</i> MAJOR POLITICAL ISSUE: QUALIFICATIONS VS SKILLS
84.	(j) "professional experience" means the actual and lawful pursuit of the profession concerned;	Amendment 54 (shared competence) (j) "professional experience" means the actual and [...] documented pursuit of the profession concerned;	(j) "professional experience" means the actual and lawful pursuit of the profession concerned;	<i>Agreement confirmed at trilogue on 18.10.17:</i> (j) "professional experience" means the actual and lawful pursuit of the profession concerned;
85.	(k) "regulated profession" means a regulated profession as defined in Article 3(1) (a) of Directive 2005/36/EC;	(shared competence)	(k) "regulated profession" means a regulated profession	

			as defined in Article 3(1) (a) of Directive 2005/36/EC;	
86.	(l) "business activity" means a temporary activity related to the business interests of the employer, such as attending internal and external business meetings, attending conferences and seminars, negotiating business deals, undertaking sales or marketing activities, performing internal or client audits, exploring business opportunities, or attending and receiving training;	Amendment 55 (l) "business activity" means a temporary activity related to the business interests of the employer, such as attending internal and external business meetings, attending conferences and seminars, negotiating business deals and undertaking sales or marketing activities [...];	(l) "business activity" means a temporary activity directly related to the business interests of the employer [...] and to the professional duties of the EU Blue Card holder based on the employment contract in the first Member State, including at least attending internal and external business meetings, attending conferences and seminars, negotiating business deals, undertaking sales or marketing activities, [...] exploring business opportunities, or attending and receiving training;	<i>Agreement confirmed at trilogue on 13.12.17:</i> (l) "business activity" means a temporary activity directly related to the business interests of the employer [...] and to the professional duties of the EU Blue Card holder based on the employment contract in the first Member State, including at least attending internal and external business meetings, attending conferences and seminars, negotiating business deals, undertaking sales or marketing activities, [...] exploring business opportunities, or attending and receiving training;
87.	(m) "international protection" has the meaning as defined in Article 2(a) of Directive 2011/95/EU of the European Parliament and of the Council	Amendment 56 (m) "international protection" has the meaning as defined in Article 2(a) of Directive 2011/95/EU of the European Parliament and of the Council and, where	(m) "international protection" has the meaning as defined in Article 2(a) of Directive 2011/95/EU of the European Parliament and of the Council.	<i>Agreement confirmed at trilogue on 18.10.17:</i> (m) "international protection" has the meaning as defined in Article 2(a) of Directive 2011/95/EU of the European Parliament and of the Council.

		<i>applicable, as defined in national law;</i>		
87a		Amendment 57 <i>(ma) “threat to public health” means any disease with epidemic potential as defined by the International Health Regulations of the World Health Organization and other infectious or contagious parasitic diseases if they are the subject of protection provisions applying to nationals of the Member States.</i>		<i>Agreement confirmed at trilogue on 27.11.17:</i> <i>Agreement to drop EP amendment 57 and add the following to Recital 20:</i> <i>“A threat to public health is to be understood in line with Regulation (EU) 2016/399.”</i>
88.	<i>Article 3 Scope</i>		<i>Article 3 Scope</i>	
89.	1. This Directive shall apply to third-country nationals who apply to be admitted or who have been admitted to the territory of a Member State for the purpose of highly skilled employment.	Amendment 58 1. This Directive shall apply to third-country nationals who apply to be admitted or who have been admitted to the territory of a Member State for the purpose of highly skilled employment. <i>This Directive shall also apply to third-country nationals who already hold a residence permit in a</i>	1. This Directive shall apply to third-country nationals who apply to be admitted or who have been admitted to the territory of a Member State for the purpose of highly [...] qualified employment.	<i>Agreement confirmed at trilogue on 27.11.17:</i> <i>Agreement to drop EP amendment 58 and to move the issue to Recital 11.</i>

		<i>Member State on the basis of Directive (EU) 2016/801.</i>		
90.	2. This Directive shall not apply to third-country nationals:		2. This Directive shall not apply to third-country nationals:	
91.	(a) who seek international protection and are awaiting a decision on their status or who are beneficiaries of temporary protection in accordance with the Council Directive 2001/55/EC ²⁴ in a Member State;	Amendment 59 (a) who seek international protection and are awaiting a decision on their status or who are beneficiaries of temporary protection in accordance with the Council Directive 2001/55/EC ²⁴ in a Member State, and who are not entitled to access the labour market while awaiting that decision in accordance with Article 15 of Directive 2013/33/EU of the European Parliament and of the Council ²⁵ ;	(a) who seek international protection and are awaiting a decision on their status or who are beneficiaries of temporary protection in accordance with the Council Directive 2001/55/EC ²⁴ in a Member State;	<i>Scope remains to be discussed at political level</i> MAJOR POLITICAL ISSUE: SCOPE
92.	(b) who seek protection in accordance with national law, international obligations or practice of the Member State and are awaiting a decision on their status, or who	Amendment 60 (b) who seek protection in accordance with the national law, international obligations or practice of	(b) who seek protection in accordance with national law, international obligations or practice of the Member State	<i>Council wishes to maintain the Commission's text</i> ----- <i>EP: scope remains to be discussed at political level</i>

²⁴ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L 212, 7.8.2001, p. 12).

²⁵ **Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ L 180, 29.6.13, p. 96).**

	are beneficiaries of protection in accordance with national law, international obligations or practice of the Member State;	the Member State and are awaiting a decision on their status, or who are beneficiaries of protection in accordance with <i>the</i> national law, international obligations or practice of the Member State <i>and who are not entitled to access the labour market in that Member State under the relevant national law</i> ;	and are awaiting a decision on their status, or who are beneficiaries of protection in accordance with national law, international obligations or practice of the Member State;	MAJOR POLITICAL ISSUE: SCOPE
93.	(c) who apply to reside in a Member State as researchers within the meaning of Directive (EU) 2016/801 in order to carry out a research project;	Amendment 61 <i>deleted</i>	(c) who apply to reside in a Member State as researchers within the meaning of Directive (EU) 2016/801 in order to carry out a research project;	<i>Agreement confirmed at trilogue on 27.11.17:</i> (c) who apply to reside in a Member State as researchers within the meaning of Directive (EU) 2016/801 in order to carry out a research project;
94.	(d) who enjoy EU 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;		(d) who enjoy EU 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;	
95.	(e) who enter a Member State under commitments contained in an international agreement facilitating the entry and		(e) who enter a Member State under commitments contained in an international	

	temporary stay of certain categories of trade and investment-related natural persons, with the exception of third-country nationals who have been admitted to the territory of a Member State as intra-corporate transferees pursuant to Directive 2014/66/EU of the European Parliament and of the Council ²⁶ ;		agreement facilitating the entry and temporary stay of certain categories of trade and investment-related natural persons, with the exception of third-country nationals who have been admitted to the territory of a Member State as intra-corporate transferees pursuant to Directive 2014/66/EU of the European Parliament and of the Council ²⁶ ;	
96.	(f) who have been admitted to the territory of a Member State as seasonal workers pursuant to Directive 2014/36/EU of the European Parliament and of the Council ²⁷ ;	Amendment 62 <i>deleted</i>	(f) who have been admitted to the territory of a Member State as seasonal workers pursuant to Directive 2014/36/EU of the European Parliament and of the Council ²⁷ ;	<i>Council wishes to maintain the Commission's text</i> ----- <i>EP: scope remains to be discussed at political level</i> POLITICAL ISSUE - SCOPE
97.	(g) whose expulsion has been suspended for reasons of fact or law;		(g) whose expulsion has been suspended for reasons of fact or law;	
98.	(h) who are covered by Directive 96/71/EC of the European Parliament and of the		(h) who are covered by Directive 96/71/EC of the European Parliament and of	

²⁶ Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer (OJ L 157, 27.5.2014, p. 1).

²⁷ Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (OJ L 94, 28.3.2014, p. 375).

	Council ²⁸ as long as they are posted on the territory of the Member State concerned;		the Council as long as they are posted on the territory of the Member State concerned;	
99.	(i) who under agreements between the Union and its Member States and third countries enjoy rights of free movement equivalent to those of Union citizens.		(i) who under agreements between the Union and its Member States and third countries, as nationals of those third countries , enjoy rights of free movement equivalent to those of Union citizens.	<i>Agreement confirmed at trilogue on 27.11.17:</i> (i) who under agreements between the Union and its Member States and third countries, as nationals of those third countries , enjoy rights of free movement equivalent to those of Union citizens.
99a			2a. This Directive shall apply to beneficiaries of international protection where, after having resided for at least 12 months in the Member State which granted them the international protection, they apply to be admitted to the territory of another Member State for the purpose of highly qualified employment under the terms of this Directive. Member States may decide to apply the provisions of this Directive to beneficiaries of	<i>Council wishes to maintain its text</i> ----- <i>EP: scope remains to be discussed at political level</i> MAJOR POLITICAL ISSUE: SCOPE

²⁸ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1).

			international protection to whom they granted international protection, after having resided for at least 12 months on their territory.	
100.	3. This Directive shall be without prejudice to any agreement between the Union and its Member States or between the Member States and one or more third countries, that lists the professions which do 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 which are signatories to these agreements.	Amendment 63 <i>Deleted</i>	3. This Directive shall be without prejudice to any agreement between the Union and its Member States or between the Member States and one or more third countries, that lists the professions which do 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 which are signatories to these agreements.	<i>Agreement confirmed at trilogue on 13.12.17:</i> <i>This provision will be merged with Article 6(3)(cb). Consequently, this provision will be deleted.</i>
101.	4. Member States shall not issue any other permit than an EU Blue Card to third-country nationals for the purpose of highly skilled employment.		4. This Directive shall be without prejudice to the right of the Member States [...] to issue [...] residence permits other than an EU Blue Card [...] for the purpose of highly [...] qualified employment. Such residence permits shall not confer the right of residence	<i>Council wishes to maintain its text</i> <i>Following the political trilogue on 10.12.2020 the Council proposes the following compromise suggestion regarding harmonization of procedural</i>

			in the other Member States as provided for in this Directive. <i>rights. See in that regard also further amendments in</i> - new lines 173b and 173c (Art. 10(7), (8)), - new line 175a (Art. 11(2)), - new line 183a (Art. 12(4)), - new line 208d (Art. 15(7)), - new line 220a (Art. 16(11)). ----- <i>EP: key political issue to be discussed at a political level</i> MAJOR POLITICAL ISSUE: HARMONISATION	
102.	<i>Article 4</i> <i>More favourable provisions</i>		<i>Article 4</i> <i>More favourable provisions</i>	
103.	1. This Directive shall be without prejudice to more favourable provisions of:		1. This Directive shall be without prejudice to more favourable provisions of:	
104.	(a) Union law, including bilateral or multilateral agreements concluded between the Union or the Union and its Member States on the one hand and one or more third countries on the other;		(a) Union law, including bilateral or multilateral agreements concluded between the Union or the Union and its Member States on the one hand and one or more third countries on the other;	
105.	(b) bilateral or multilateral agreements already concluded between one or more Member States and one or more third		(b) bilateral or multilateral agreements [...] concluded between one or more	<i>Council wishes to maintain its text</i> -----

	countries before the date of entry into force of this Directive.		Member States and one or more third countries [...];	<i>EP: to be discussed with Art. 3(4) at political level</i> POLITICAL ISSUE: LINKED TO HARMONISATION
106.	2. This Directive shall not affect the right of Member States to adopt or retain more favourable provisions in respect of Articles 10, 14, 15, 16 and 17(5).	(shared competence)	2. This Directive shall not affect the right of Member States to adopt or retain more favourable provisions in respect of Articles 10, 14, 15, 16 and 17(5).	

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>	
109.	1. A third-country national who applies for an EU Blue Card shall:	Amendment 64 1. <i>As regards the admission of</i> a third-country national [...] <i>under this Directive, the applicant</i> shall:	1. As regards the admission of a third-country national [...] under this Directive, the applicant shall:	<i>Agreement confirmed at trilogue on 27.11.17:</i> 1. As regards the admission of a third-country national [...] under this Directive, the applicant shall:
110.	(a) present 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 Member State concerned;	Amendment 65 (a) present a valid work contract or, as provided for in national law, a binding job offer for highly skilled employment, of at least [...] nine months in the Member State concerned;	(a) 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 Member State concerned;	<i>Skills vs qualifications to be discussed at a political level.</i> <i>Provisional agreement at technical meeting on 02.12.20:</i> (a) present a valid work contract or, as provided for in national law, a binding job offer for highly [skilled][qualified] employment, of at least six months in the Member State concerned;
110a			<u>new (moved from point c)</u> (aa) present the documents attesting relevant higher professional qualifications	<i>Provisional agreement to move this provision from point c) to point aa) at</i>

			in relation to the work to be carried out as provided for in national law;	<i>technical meeting of 2 December 2020.</i> <i>Council compromise suggestion:</i> (aa) for unregulated professions present the [documents] attesting relevant higher education [...] qualifications or, where provided for by national law, higher professional skills in relation to the work to be carried out [...]; LINKED TO MAJOR POLITICAL ISSUE: QUALIFICATIONS VS SKILLS
111.	(b) 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;		(b) for regulated professions, present [...] the documents 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;	<i>Agreement confirmed at trilogue on 27.11.17:</i> (b) for regulated professions, present [...] the documents 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;

112.	(c) for unregulated professions, present evidence attesting higher professional qualifications;	Amendment 66 (c) for unregulated professions present written evidence attesting higher education qualifications or higher professional [...] skills ;	<i>deleted (moved under point aa)</i>	<i>Agreement confirmed at trilogue on 27.11.17:</i> <i>This provision will be deleted, as moved under point aa).</i>
113.	(d) present a valid travel document, as determined by national law, and, if required, an application for a visa or a valid visa or, where applicable, a valid residence permit or a valid long-stay visa;	Amendment 67 (d) present a valid travel document, as determined by national law, and, if required, an application for a visa or a valid visa or, where applicable, a valid residence permit or a valid long-stay visa or evidence that an application for international protection or for protection under national law is pending ;	(d) present a valid travel document, as determined by national law, and, if required, an application for a visa or a valid visa or, where applicable, a valid residence permit or a valid long-stay visa. Member States may require the period of validity of the travel document to cover at least the initial duration of the residence permit.	<i>Agreement confirmed at trilogue on 13.12.17:</i> (d) present a valid travel document, as determined by national law, and, if required, an application for a visa or a valid visa or, where applicable, a valid residence permit or a valid long-stay visa. <i>See Article 8(2) which will be amended and consequently the Council amendment in this provision has been withdrawn.</i>
114.	(e) present evidence of having or, if provided for by national law, having applied for a sickness insurance for all the risks normally covered for nationals of the Member State concerned for periods where no such insurance coverage and		(e) [...] provide evidence of having or, if provided for by national law, having applied for a sickness insurance for all the risks normally covered for nationals of the	<i>Agreement confirmed at trilogue on 27.11.17:</i> (e) [...] provide evidence of having or, if provided for by national law, having applied

	corresponding entitlement to benefits are provided in connection with, or resulting from, the work contract.		Member State concerned for periods where no such insurance coverage and corresponding entitlement to benefits are provided in connection with, or resulting from, the work contract.	for a sickness insurance for all the risks normally covered for nationals of the Member State concerned for periods where no such insurance coverage and corresponding entitlement to benefits are provided in connection with, or resulting from, the work contract.
115.	2. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the salary threshold set and published for that purpose by the Member States. The salary threshold set by the Member States shall be at least 1.0 times but not higher than 1.4 times the average gross annual salary in the Member State concerned.	Amendment 68 (shared competence) <i>deleted</i>	2. In addition to the conditions laid down in paragraph 1, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the salary threshold set and published for that purpose by the Member States. The salary threshold set by the Member States shall be at least [...] 1.1 times but not higher than [...] 1.7 times the average gross annual salary in the Member State concerned.	<i>Council wishes to maintain its text</i> MAJOR POLITICAL ISSUE: SALARY THRESHOLD Technical meeting of 2 December 2020: Council will reflect whether this provision can be moved to paragraph 3a. Location of provision to be further discussed at technical level. <i>Technical meeting of 28 January 2021: by way of a compromise, the Council could accept a range between 1.0 and 1.6 of the average gross annual salary as well a consultation of social partners:</i> “2. In addition to the conditions laid down in

				paragraph 1 and 2, the gross annual salary resulting from the monthly or annual salary specified in the work contract or binding job offer shall not be inferior to the salary threshold set and published for that purpose by the Member States. The salary threshold shall be set by the Member States, after consultation with the social partners, and be at least [...] 1.1 [1.0] times but not higher than [...] 1.7 [1.6] times the average gross annual salary in the Member State concerned.”
115a			2a. By way of derogation from paragraph 2, Member States may apply a higher threshold of maximum 2.0 times the average gross annual salary in the Member State concerned where: - the national average gross annual salary is lower than half of the average at EU level; and - there is a significant difference in the levels of the average gross annual salary between regions in	<i>Council wishes to maintain its text</i> MAJOR POLITICAL ISSUE: SALARY THRESHOLD (derogations) Technical meeting of 2 December 2020: Council and EP will reflect internally on this derogation ; COM will provide updated simulation of Member States potentially concerned.

			that Member State, which would cause the national salary threshold for highly qualified workers to be disproportionately low.	
116.	3. Member States shall require that all conditions in the applicable laws, collective agreements or practices in the relevant occupational branches for highly skilled employment are met.	(EMPL)	3. Member States shall require that all conditions in the applicable laws, collective agreements or practices in the relevant occupational branches for highly [...] qualified employment are met.	<i>Council wishes to maintain its text</i> LINKED TO MAJOR POLITICAL ISSUE: QUALIFICATIONS VS SKILLS
116a		Amendment 69 (shared competence) <i>3a. In addition to the conditions laid down in paragraphs 1 and 2, when transposing this Directive, Member States shall establish a salary threshold in agreement with the social partners. In such a case, the monthly or annual salary specified in the work contract shall not be inferior to the salary threshold established and published for that purpose by the Member States nor inferior to the wages which apply or which would apply to a</i>		<i>Council wishes to maintain its text</i> MAJOR POLITICAL ISSUE: SALARY THRESHOLD

		<i>comparable worker in the same sector, based on the applicable legislation, collective agreements and practices in the Member State concerned. In any case, that salary threshold shall be at least 1.0 times but not higher than 1.4 times the average gross annual salary in the Member State concerned.</i>		
116b		<i>Member States may, in agreement with the social partners, decide not to establish a salary threshold in certain occupational branches where it is agreed that such a threshold is unnecessary. Such may be the case, where a collective agreement governs the wages which apply in that occupational branch.</i>		MAJOR POLITICAL ISSUE: SALARY THRESHOLD <i>Also see Council compromise proposal in line 115</i>
117.	4. By way of derogation from paragraph 2, and for employment in professions which are in particular need of third-country national workers and which belong to major groups 1 and 2 of ISCO, the salary threshold shall be 80 percent of the salary	Amendment 70 (shared competence) <i>deleted</i>	4. By way of derogation from paragraph 2, and for employment in professions which are in particular need of third-country national workers and which belong to	<i>Council wishes to maintain its text</i> POLITICAL ISSUE: SALARY THRESHOLD (derogations)

	threshold set by the Member State concerned in accordance with paragraph 2.		major groups 1 and 2 of ISCO, Member States may apply a lower [...] salary threshold [...] of at least 80 percent of the salary threshold set by the Member State concerned in accordance with paragraph 2.	
118.	5. By way of derogation from paragraph 2, as regards third-country nationals who have obtained a higher education qualification not more than three years before submitting the application for an EU Blue Card, the salary threshold shall be 80 percent of the salary threshold set by the Member State concerned in accordance with paragraph 2. The period of three years shall reapply after the attainment of each level of higher education qualifications.	Amendment 71 <i>deleted</i>	5. By way of derogation from paragraph 2, as regards third-country nationals who have obtained a higher education qualification not more than three years before submitting the application for an EU Blue Card, Member States may apply a lower [...] salary threshold [...] of at least 80 percent of the salary threshold [...] by the Member State concerned in accordance with paragraph 2. [...]	<i>Council wishes to maintain its text</i> POLITICAL ISSUE: SALARY THRESHOLD (derogations)
119.	The salary threshold referred to in the first subparagraph of this paragraph shall apply whenever an application for a first EU Blue Card or a renewal is submitted during that period of three years. Where the EU Blue Card issued during the period of three years is renewed after the three years period has	Amendment 71 <i>deleted</i>	Where the EU Blue Card issued during the period of three years is renewed, the salary threshold referred to in the first subparagraph [...] shall continue to apply if [...]:	<i>Council wishes to maintain its text</i> POLITICAL ISSUE: SALARY THRESHOLD (derogations)

	elapsed, the salary threshold referred to in paragraph 2 shall apply. However, where the first EU Blue Card issued during the period of three years was issued for less than 24 months, the lower salary threshold referred to in the first subparagraph of this paragraph shall apply upon the first renewal.		(a) the initial period of three years has not elapsed; or (b) a period of 24 months after the issuance of the first EU Blue Card has not elapsed.	
120.	6. Member States shall facilitate the validation and recognition of documents attesting the relevant higher professional qualifications pursuant to point (c) of paragraph 1.	Amendment 72 6. Member States shall facilitate the <i>speedy</i> validation and recognition of documents attesting the relevant higher [...] <i>education</i> qualifications <i>and higher professional skills to be verified</i> pursuant to point (c) of paragraph 1.	Deleted	<i>Council wishes to maintain its text</i> MAJOR POLITICAL ISSUE: QUALIFICATIONS VS SKILLS Technical meeting of 2 December 2020: need for deletion of provision by Council to be further discussed internally -. EP to check on deletion of 'speedy'; Council to check on possibility of a recital
120a		Amendment 73 <i>Member States shall develop mechanisms and arrangements for the evaluation of higher professional skills as defined in point (i) of Article 2 and the</i>		<i>Council wishes to maintain its text</i> POLITICAL ISSUE: LINKED TO QUALIFICATIONS VS SKILLS

		<i>validation of professional experience as defined in point (j) of Article 2. When developing such mechanisms and arrangements, Member States shall consult with the social partners.</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>Technical meeting 16.10.20: Provisional agreement to move this provision to Art. 6(1).</i>
122.	8. Member States may require the third-country national concerned to provide his or her address in their territory.	Amendment 75 <i>deleted</i>	8. Member States may require the third-country national concerned to provide his or her address in their territory.	<i>Agreement confirmed at trilogue on 13.12.17:</i> 8. Member States may require the third-country national concerned to provide his or her address in their territory. <i>See Recital 18a.</i>
123.	Where the national law of a Member State requires an address to be provided at the time of application and the third-country national concerned does not yet know his or her future address, Member States shall accept a temporary address. In such a case,	Amendment 75 <i>Deleted</i>	Where the national law of a Member State requires an address to be provided at the time of application and the third-country national concerned does not yet know	<i>Agreement confirmed at trilogue on 13.12.17:</i> Where the national law of a Member State requires an address to be provided at the time of application and the

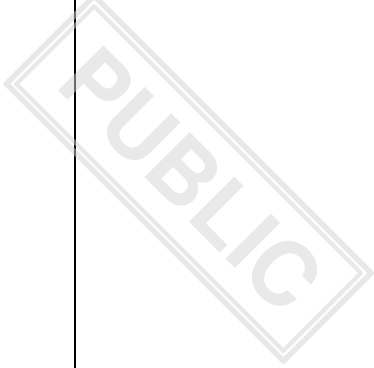
	the third-country national shall provide his or her permanent address at the latest when the EU Blue Card pursuant to Article 8 is issued.		his or her future address, Member States shall accept a temporary address. In such a case, the third-country national shall provide his or her permanent address at the latest when the EU Blue Card pursuant to Article 8 is issued.	third-country national concerned does not yet know his or her future address, Member States shall accept a temporary address. In such a case, the third-country national shall provide his or her permanent address at the latest when the EU Blue Card pursuant to Article 8 is issued.
123a			<i>Article 5a</i> <i>Volumes of admission</i>	
123b			This Directive shall not affect the right of a Member State to determine the volumes of admission of third-country nationals in accordance with Article 79(5) TFEU. On that basis, an application for an EU Blue Card may either be considered inadmissible or be rejected.	<i>Council wishes to maintain its text</i> POLITICAL ISSUE
124.	<i>Article 6</i> <i>Grounds for refusal</i>		<i>Article 6</i> <i>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.	(a) where the applicant does not meet the conditions set out in Article 5;	Amendment 77 (a) where the applicant does not meet the [...] criteria set out in Article 5; or	(a) where the applicant does not meet the conditions set out in Article 5;	<i>Agreement confirmed at trilogue on 18.10.17:</i> (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 [...] third-country national is considered to pose a threat to public policy, public security or public health.	(b) where the documents presented have been fraudulently acquired, or falsified or tampered with.	Council compromise suggestion: (b) where the documents presented have been fraudulently acquired, or falsified or tampered with; <i>15/01/21 Rapporteur proposes to accept this wording, however only under 'may' provisions, as optional ground, under para 3. See also lines 31, 133a, 146b, 149i and 257)</i>
127a				(c) where the third-country national is considered to pose a threat to public policy, public security or public health; or <i>15/01/21 Rapporteur proposes to support this agreement (See also line 149f)</i>

				<i>Technical meeting of 21 January 2021: provisional agreement on line 127a.</i>
127b				<i>In the spirit of compromise the Presidency would ask Member States to drop Article 6(3)(d) [= line 133e]. However, the following provision – inspired by the ICT-Directive as well as the S&R-Directive – should be included here:</i> (d) where the employer’s business was established or operates for the main purpose of facilitating the entry of third-country nationals. <i>15/01/21 The Rapporteur proposes to accept this wording, under the following conditions:</i> <i>- that the CNS drop line 133e;</i> <i>- that the wording in line 127b be introduced as an optional ground for refusal (as was the ground for refusal in line 133e), so under para 2 of Article 6, rather than under para 1 as proposed.</i>

				- that the CNS drop its amendment in line 142a (linked to line 271, on mobility) (See also lines 133e, 142a and 271)
128.	2. In circumstances where their labour market situation undergoes serious disturbances such as a high level of unemployment in a given occupation or sector, which may be limited to a particular part of their territory, Member States may check whether the concerned vacancy could not be filled by national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for highly skilled employment in accordance with Chapter III of Directive 2003/109/EC.	Amendment 79 <i>deleted</i> (moved to Art. 6(3), AM 86)	2. [...] Member States may check whether the concerned vacancy could not be filled by national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for highly [...] qualified employment in accordance with Chapter III of Directive 2003/109/EC.	Council can agree with moving this provision under paragraph 3 of this Article (see line 130a). However, the Council wants to maintain its text. ----- 15/01/21 The Rapporteur accepts the move of the provision under para 3 of Art. 6 ('may') and the proposed wording, with the following addition: “(a) where the competent authorities of the Member State, after checking the labour market situation, in particular where there is a high level of unemployment, conclude that the concerned vacancy....”, and to insist also on the need to notify the Commission of the use of this option. To be clarified with the Presidency whether the agreed wording for lines 300

				<i>and 301 under Art. 23 do provide for proper information of the Commission in case of changes in the Member States' use of that option (In this case, EP amendment 86, line 133d, would not be needed anymore)</i> TO BE DISCUSSED FIRST AT TECHNICAL LEVEL LABOUR MARKET TEST
129.	The Member State concerned shall notify the Commission of its intention to introduce such check in a given occupation or sector, which may be limited to a particular part of their territory, for third-country nationals coming from third countries for the next 12 months, and shall supply the Commission with all relevant reasons justifying this decision. For each extension of 12 months the Member State concerned shall send a new justified notification.	Amendment 79 <i>deleted</i> (moved to Art. 6(3), AM 86)	<i>Deleted</i>	<i>Council wishes to maintain its text</i> TO BE DISCUSSED FIRST AT TECHNICAL LEVEL (related to discussion on labour market tests).
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 [...]:

130a				<i>In the spirit of compromise, the Presidency suggests moving Article 6(2) [= line 128] here. As labour market tests are an important instrument, they should be listed as the first item under Article 6(3).</i> <i>The Council text of Article 6(2) has to be slightly adjusted to fit in the structure of Article 6(3). Provisional Council Presidency drafting suggestion – still depending on the outcome of the political discussions on the issues “Labour Market Test” and “Skills”:</i> (a) where the competent authorities of the Member State, after checking the labour market situation, conclude that the concerned vacancy may be filled by national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents
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			wishing to move to that Member State for highly [...] qualified employment in accordance with Chapter III of Directive 2003/109/EC; <i>15/01/21 The Rapporteur accepts the move of the provision and the proposed wording, with the following addition:</i> <i>“(a) where the competent authorities of the Member State, after checking the labour market situation, in particular where there is a high level of unemployment, conclude that the concerned vacancy....”, and to insist also on the need to notify the Commission of the use of this option. To be clarified with the Presidency whether the agreed wording for lines 300 and 301 under Art. 23 do provide for proper information of the Commission in case of changes in the Member States’ use of that option (In this case, EP amendment 86, line 133d, would not be needed anymore)</i>
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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) where the employer has repeatedly failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions during a period of five years prior to the date of the application ;	(a) the employer has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;	<i>By way of compromise, the Council suggests to amend recital 22 (see line 31) as well as this provision as follows:</i> (b) where the employer has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions; ----- <i>15/01/21 The Rapporteur accepts this compromise here, however - in line with the EP position - not as regards withdrawal of a Blue Card but, only for refusal and non-renewal (to be reflected in Recital (22)). See also lines 31, 142, 148b, 149c)</i> TO BE DISCUSSED AT TECHNICAL LEVEL
132.	(b) the employer's business is being or has been wound up under national insolvency laws or no economic activity is taking place; or	Amendment 82 (b) where the employer's business is being or has been wound up under national insolvency laws or	(b) the employer's business is being or has been wound up under national insolvency laws or no economic activity is taking place; or	<i>Agreement confirmed at trilogue on 18.10.17:</i> (b) where the employer's business is being or has been wound up under national insolvency laws or no

		no economic activity is taking place; [...]		economic activity is taking place; [...]
133.	(c) the employer has been sanctioned for employment of illegally staying third-country nationals in accordance with Article 9 of Directive 2009/52/EC of the European Parliament and of the Council ²⁹ , or for undeclared work or illegal employment according to national law.	Amendment 83 (c) <i>where</i> the employer has been sanctioned for employment of illegally staying third-country nationals in accordance with Article 9 of Directive 2009/52/EC of the European Parliament and of the Council ²⁹ , or for undeclared work or illegal employment according to national law;	(c) the employer has been sanctioned for employment of illegally staying third-country nationals in accordance with Article 9 of Directive 2009/52/EC of the European Parliament and of the Council ²⁹ , or for undeclared work or illegal employment according to national law.	<i>Agreement confirmed at trilogue on 18.10.17:</i> (c) <i>where</i> the employer has been sanctioned for employment of illegally staying third-country nationals in accordance with Article 9 of Directive 2009/52/EC of the European Parliament and of the Council ²⁹ , or for undeclared work or illegal employment according to national law;
133a		Amendment 84 <i>(ca) where, with the knowledge of the third-country national, the documents presented for the purpose of admission pursuant to Article 5 have been fraudulently acquired, or have been falsified or tampered with; or (moved from Art. 6(1)(b))</i>		<i>Council does not agree with the amendment.</i> TO BE DISCUSSED AT TECHNICAL LEVEL <i>Technical meeting 16/10/20: Council to further discuss internally</i> <i>Council: This ground for refusal needs to remain mandatory (“shall”-clause”), see Article 6(1)(b) [= line 127]. Moreover, the</i>

²⁹ Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009, p. 24).

				<i>modified wording of the EP cannot be supported by the Council.</i> <i>15/01/21 The Rapporteur accepts the compromise text of line 127 for grounds for refusal. However, the EP would maintain its position on the optional character of this ground and its placement here. (See also lines 31, 127, 146b, 149i and 257)</i>
133b		Amendment 85 <i>(cb) to ensure ethical recruitment in sectors essential for sustainable development suffering from a lack of qualified workers in countries of origin.</i> <i>(moved from Art. 6(4))</i> <i>(deleted from Art. 3(3))</i>		<i>Agreement confirmed at trilogue on 13.12.17:</i> (cb) to ensure ethical recruitment in professions suffering from a lack of qualified workers in the countries of origin, including on the basis of an agreement listing professions for this purpose between the Union and its Member States and one or more third countries on the one hand or between the Member States and one or more third countries on the other hand. <i>(moved from Art. 6(4))</i> <i>(deleted from Art. 3(3))</i>

133c		Amendment 86 <i>(cc) where there is a high level of unemployment in a given occupation or sector which may be limited to a particular part of their territory and where the Member State in question has checked whether the concerned vacancy could be filled by the national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for highly skilled employment in accordance with Chapter III of Directive 2003/109/EC.</i>	<i>Council agreed to move paragraph 2 of this Article [on labour market tests] to paragraph 3 of this Article. However, the Presidency suggests that, due to their importance, labour market tests should be listed as the first ground of refusal in Article 6(3), see preliminary drafting suggestion in Article 6(3)(a) [= line 130a].</i> ----- <i>EP agrees with the structural change however the content remains to be discussed at political level</i> <i>15/01/21 The Rapporteur recommends to drop the amendment if the compromise in lines 128 and 130a is accepted and content of lines 300 and 301 clarified to ensure that the Commission is always notified of the introduction or lifting of a labour market test.</i> CONTENT OF THE SALARY THRESHOLD/LABOUR
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				MARKET TEST PROVISIONS TO BE DISCUSSED AT POLITICAL LEVEL.
133d		<i>The Member State concerned shall notify the Commission, at the latest one month in advance, of its intention to introduce such a check in a given occupation or sector, which may be limited to a particular part of their territory, for third-country nationals coming from third countries for the following six months, and shall submit to the Commission all relevant reasons justifying this decision. Member States shall involve the social partners in the assessment of the circumstances related to the domestic labour market. For each extension of six months the Member State concerned shall send a new justified notification.</i> <i>(moved from Art. 6(2))</i>		Council does not agree with the amendment. ----- EP: to be discussed at political level 15/01/21 The Rapporteur recommends to drop the amendment if the compromise in lines 128 and 130a is accepted and content of lines 300 and 301 clarified to ensure that the Commission is always notified of the introduction or lifting of a labour market test. LOCATION TO BE DISCUSSED AT TECHNICAL LEVEL. CONTENT OF THE SALARY THRESHOLD/LABOUR MARKET TEST PROVISIONS TO BE DISCUSSED FIRST AT POLITICAL LEVEL.
133e			(d) the Member State has evidence or serious and	In the spirit of compromise the Presidency would ask

			objective grounds to establish that the third-country national would reside for purposes other than those for which he or she applies to be admitted.	<i>Member States to drop Article 6(3)(d) [= line 133e] if EP and COM agree with the insertion of a new provision in Article 6(1)(d), please see new line 127b.</i> <i>15/01/21 The Rapporteur accepts wording suggested by Council for line 127b, under the following conditions:</i> <i>-that the CNS drop line 133e;</i> <i>- that the wording in line 127b be introduced as an optional ground for refusal (as was the ground for refusal in line 133e), so under para 2 of Article 6, rather than under para 1 as proposed.</i> <i>- that the CNS drop its amendment in line 142a (linked to line 271, on mobility)</i> <i>(See also lines 127b, 142a and 271)</i> MAJOR POLITICAL ISSUE
133f		Amendment 87 <i>3a. Member States shall, where appropriate after consulting social partners, list those sectors of</i>		<i>Agreement confirmed at trilogue on 27.11.17:</i> <i>to insert the following either in new recital 29(aa) or in new recital 48(aa):</i>

		<i>employment which face shortages of highly skilled workers. That list shall be notified to the Commission. Member States may modify such lists, where appropriate after consulting social partners.</i>		"In line with the priorities of the New Skills Agenda, in particular to improve skills matching and to tackle skills shortages, Member States are encouraged, where appropriate, after consultation of the social partners, to compile lists of sectors of employment which face shortages of highly [skilled/qualified] workers."
134.	4. 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 workers in the countries of origin.	Amendment 88 <i>Deleted</i> <i>(moved to 3(cb), AM 85)</i>	4. 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 workers in the countries of origin.	<i>Agreement confirmed at trilogue on 18.10.17:</i> Provision to be <i>deleted</i> , as it is moved under paragraph 3 point cb) of this Article. [= line 133b].
135.	5. Without prejudice to paragraph 1, any decision to reject an application shall take account of the specific circumstances of the case and respect the principle of proportionality.	Amendment 89 5. [...] Any decision to reject an application <i>pursuant to paragraph 3</i> shall take account of the specific circumstances of the case and [...] <i>shall be proportionate</i> .	5. Without prejudice to paragraph 1, any decision to reject an application shall take account of the specific circumstances of the case and respect the principle of proportionality.	<i>Agreement confirmed at trilogue on 18.10.17:</i> 5. Without prejudice to paragraph 1, any decision to reject an application shall take account of the specific circumstances of the case and respect the principle of proportionality.
136.		Amendment 90		

	<i>Article 7 Withdrawal or non-renewal of the EU Blue Card</i>	<i>Article 7 Withdrawal of the EU Blue Card</i>	<i>Article 7 Withdrawal or non-renewal of the EU Blue Card</i>	THE WHOLE ARTICLE SHOULD BE DISCUSSED FIRST AT A TECHNICAL LEVEL
137.	1. Member States shall withdraw or refuse to renew an EU Blue Card where:	Amendment 91 1. Member States shall withdraw [...] an EU Blue Card where <i>the third-country national no longer holds a valid work contract for highly skilled employment or the qualifications required in accordance with points (b) and (c) of Article 5(1) or, where appropriate, his or her salary no longer meets the salary level or threshold as defined in accordance with Article 5, without prejudice to the situation in which the third-country national is unemployed.</i>	1. Member States shall withdraw or refuse to renew an EU Blue Card where:	<i>Council wishes to maintain Commission text</i> ----- <i>EP maintains its position</i> <i>Technical meeting 16/10/20: Council will re-discuss if separate Article on unemployment is necessary. If positive on structure, drafting will still need to be examined.</i> <i>Update (11 December 2020): In the spirit of compromise, the Presidency would ask Member States for their approval to delete Article 14 and to insert its provisions in Article 7 and Article 13.</i>
138.	(a) the EU Blue Card or the documents presented have been fraudulently acquired, or have been falsified or tampered with;	<i>Deleted</i> (moved to 'may' clause, AM 98)	(a) the EU Blue Card or the documents presented have been fraudulently acquired, or have been falsified or tampered with;	<i>Council wishes to maintain the Commissions text</i> ----- <i>EP maintains its position</i>
139.	(b) the third-country national no longer holds a valid work contract for highly	<i>Deleted</i>	(b) the third-country national no longer holds a valid work	<i>Council wishes to maintain its text</i> -----

	skilled employment or the qualifications required by points (b) and (c) of Article 5(1) or his or her salary no longer meets the salary threshold as set in accordance with Article 5(2), (4) or (5), as applicable, without prejudice to Article 14.	(integrated into para 1 - see AM 91)	contract for highly [...] qualified employment or the qualifications required by points (b) and (c) of Article 5(1) or his or her salary no longer meets the salary threshold as set in accordance with Article 5(2), (4) or (5), as applicable, without prejudice to Article 14;	<i>EP maintains its position</i> (b) the third-country national no longer holds a valid work contract for highly [...] qualified employment, without prejudice to the situation in which the third-country national is unemployed; (ba) the third-country national no longer holds the qualifications required in points (b) and (c) of Article 5(1); or (bc) the salary of the third-country national no longer meets the salary threshold as set in accordance with Article 5(2), (4) or (5), as applicable, without prejudice to paragraph 3a of this Article. <i>15/01/21 The Rapporteur recommends to accept the wording and place proposed by the Council, except for point (bc) where he insists on the EP wording of “without prejudice to the situation in which the third country national is unemployed” at the end of the paragraph.</i>
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				<i>Also, the reference to “qualified” employment should remain in square brackets and the same applies for (ba) which should, along with EP mandate, refer to “qualifications or skills”. Same for line 149g, for non-renewal.</i>
139a			(c) the reasons of public policy, public security or public health so require.	----- <i>Technical meeting of 2 December 2020: Council can agree to move the provision of Article 7(1)c) to Article 7(2)a) (see line 141).</i> <i>15/01/21: The Rapporteur proposes to support this move In the same way, for non-renewal, while the EP mandate set this ground as mandatory, for reasons of consistency the Rapporteur agrees to place it under ‘may’ provisions (line 149f, Art. 7a(1), to move under para 2).</i>
140.	2. Member States may withdraw or refuse to renew an EU Blue Card issued on the	Amendment 92 Member States may withdraw [...] an EU Blue	2. Member States may withdraw or refuse to renew	<i>Council wishes to maintain its text</i>

	basis of this Directive in any of the following cases:	Card issued on the basis of this Directive [...]:	an EU Blue Card [...] in any of the following cases:	<i><u>Question to EP and Commission:</u> Why are the words “issued on the basis of this Directive” necessary?</i> <i>The Presidency does not see a need to split Article 7 in an Article 7 (“Withdrawal of the EU Blue Card”) and an Article 7a (“Non-renewal of an EU Blue Card”). The Presidency therefore considers it important that the words “or refuse to renew” remain in the text here.</i>
141.	(a) for reasons of public policy, public security or public health;		Deleted	<i>Technical meeting of 2 December 2020: Council can agree to move the provision of Article 7(1)c) to Article 7(2)a):</i> (a) for reasons of public policy, public security or public health; <i>15/01/21: The Rapporteur proposes to support this move In the same way, for non-renewal, while the EP mandate set this ground as mandatory, for reasons of consistency the Rapporteur agrees to place it under ‘may’</i>

				<i>provisions (line 149f, Art. 7a(1), to move under para 2).</i>
142.	(b) where appropriate, where the employer has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;	Amendment 93 (shared competence) <i>deleted</i>	(b) where appropriate, where the employer has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;	<i>Council wishes to maintain the Commissions text</i> <i>Technical meeting of 2 December 2020: Council and EP will reflect internally, also taking into account the Council proposal in line 148b.</i> <i>The Presidency wishes to retain this ground of withdrawal/non-renewal. Reasons: Coherence with ICT- and S&R-Directive; safeguard foreseen by Council in line 148b.</i> <i>15/01/21 The EP maintains its position (See also lines 31, 131, 148b, 149c)</i>
142a			(ba) wherever the EU Blue Card holder does not have sufficient resources to maintain himself or herself and, where applicable, the members of his or her family without having recourse to the social	<i>By way of a compromise, Council could accept to withdraw its amendment if Council text in Article 6(3)(d) is kept.</i>

			assistance system of the Member State concerned. Member States shall evaluate these resources by reference to their nature and regularity and may take into account the level of minimum national wages or minimum income and pensions as well as the number of family members of the EU Blue Card holder. Such evaluation shall take into account the contributions of the family members to the household income and it shall not take place during the period of unemployment referred to in Article 14;	TO BE FURTHER DISCUSSED AT TECHNICAL LEVEL <i>In the spirit of compromise, the Presidency would ask Member States to agree to delete this provision if EP and COM accept that second Member States retain the right to check the resources of the EU Blue Card holder <u>to maintain his or her family members</u> without having recourse to the social assistance system in case of long-term mobility, see Article 21(3) and (5), see existing compromise suggestion for Article 21(3) and (5) in line 271.</i> <i>15/01/21 The Rapporteur proposes to accept the wording suggested by Council for line 127b, under the following conditions:</i> <i>- that the CNS drop line 133e;</i> <i>- that the wording in line 127b be introduced as an optional ground for refusal (as was the ground for refusal in line 133e), so under para 2 of Article 6, rather than under para 1 as proposed.</i>
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				- that the CNS should drop its amendment in line 142a (linked to line 271, on mobility) (See also lines 127b, 133e and 271)
143.	(c) where the conditions in the applicable laws, collective agreements or practices in the relevant occupational branches for highly skilled employment are no longer met;	(EMPL)	(c) where the conditions in the applicable laws, collective agreements or practices in the relevant occupational branches for highly [...] qualified employment are no longer met;	<i>The Council wishes to retain this provision for both – withdrawal and non-renewal. Reasons: coherence with ICT-Directive (Article 8(5)(a)) and S&R-Directive (Article 21(2)(b)); see also the safeguard foreseen by Council in line 148b.</i> <i>15/01/21: The Rapporteur would agree to reintroduce this provision in Art. 7a as an optional ground for non-renewal (after 149h).</i> <i>Technical meeting of 21 January 2021: Provisionally agreed but final wording will depend on the outcome of the political discussions on the “skills” issue.</i>
144.	(d) where the third-country national has not communicated the changes referred to in	Amendment 94 (d) where the third-country national has not	(d) where the [...] EU Blue Card holder has not [...]	<i>Depends on agreement on Article 13.</i>

	Article 13(1), where applicable, and in Article 14(3);	communicated the changes referred to in Article 13(1) [...];	complied with the relevant procedures as provided for in Article 13(1b), where applicable, and in Articles 14(3);	<i>Provisional agreement for “EU Blue Card holder has not complied with the relevant procedures as provided for”. The references to Articles remain to be agreed upon.</i> <i>The EP wishes to delete this ground in cases where the authority has to decide on a renewal of the EU Blue Card. The Presidency wishes to retain this provision for both withdrawal and non-renewal – including the referral to Article 14(3).</i> <i>See also Article 7(3).</i> <i>Please also note: If Article 14 is deleted, the reference to Article 14(3) needs to be adjusted. The Presidency would ask Member States to move Article 14(3) to Article 13(1c) [= new line 187a].</i> <i>Therefore the provision should have the following wording:</i> (d) where the [...] EU Blue Card holder has not [...]
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				complied with the relevant procedures as provided for in Article 13(1b), where applicable, and in Articles 14(3)13(1c); <i>15/01/21: The Rapporteur accepts the principle that the BC holder should communicate his or her periods of unemployment, address and change of employer to the appropriate authorities. The Rapporteur could accept the Council's proposed wording in principle for those lines subject to a check on reference to the relevant Articles, pending agreement on Art. 13 and whether Art. 14 is deleted (and its provisions integrate)d to the other provisions), which is in the EP mandate. (See also lines 187a and 194)</i>
145.	(e) where the third-country national no longer holds a valid travel document;	Amendment 95 (e) where the third-country national no longer holds a valid travel document, <i>provided that prior to withdrawing the EU Blue Card, the Member State</i>	(e) where the third-country national no longer holds a valid travel document;	<i>Agreement confirmed at trilogue on 18.10.17:</i> (e) where the third-country national no longer holds a valid travel document, <i>provided that prior to withdrawing the EU Blue</i>

		<i>had set a reasonable deadline for the third-country national concerned to obtain and present a valid travel document;</i>		<i>Card, the Member State had set a reasonable deadline for the third-country national concerned to obtain and present a valid travel document;</i>
146.	(f) where the third-country national fails to comply with the conditions of mobility under this Chapter or repetitively makes use of the mobility provisions of this Chapter in an abusive manner.	Amendment 96 (f) where the third-country national fails to comply with the conditions of mobility under this Chapter [...];	(f) where the third-country national fails to comply with the conditions of mobility under [...] Chapter V or [...] makes use of the mobility provisions of [...] Chapter V in an abusive manner.	<i>Council wishes to maintain its text</i> ----- <i>EP: to be discussed with provisions on mobility</i> <i>Technical meeting of 2 December 2020: new drafting to clarify concept of failure to comply with conditions of mobility to be proposed. See also recital 21.</i> <i>15/01/21: The Rapporteur would like to maintain the EP position deleting the reference to abuse of mobility provisions, The Rapporteur believes that the EP position covers the concerns of the Member States and would agree to the examples proposed in Recital 21 in that regard. (see also line 30)</i>
146a		Amendment 97		<i>Council wants to maintain the Commission proposal to stipulate unemployment</i>

		<i>(fa) where the third-country national has been unemployed for a period exceeding six consecutive months, except where such unemployment is the result of illness or disability; or</i>	<i>provisions under separate Article (see Article 14).</i> ----- <i>EP would prefer this ground for withdrawal to be listed in the relevant provision with other grounds for withdrawal, but may accept a separate Article provided that the content reflects the Parliament's amendment</i> POLITICAL ISSUE: EFFECT OF UNEMPLOYMENT ON BC HOLDER Update (11 December 2020): In the spirit of compromise, the Presidency would ask Member States for their approval to delete Article 14 and to move the content of Article 14(1) (= no withdrawal/non-renewal during a period of three months of unemployment) here in a “may”-clause. Presidency suggests the following formulation: (fa) where the EU Blue Card holder has been
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				unemployed for more than three consecutive months or where the unemployment has occurred more than once during the period of validity of an EU Blue Card. <i>In addition, Member States get guidance on the exercise of their discretion in the situation in which a Blue Card holder is unemployed because of illness or disability in recital 20.</i> <i>15/01/21: EP maintains its position, that the length of the unemployment period to be considered should be at least 6 months.(see also line 192)</i>
146b		Amendment 98 <i>(fb) where, with the knowledge of the third-country national concerned, the EU Blue Card or the documents presented for the purpose of admission pursuant to Article 5 have been fraudulently acquired, or have been falsified or tampered with.</i>		<i>Council does not agree with the amendment (see Council text paragraph 1(a) of this Article) [= line 138]</i> <i>15/01/21 The Rapporteur accepts the compromise text of line 127 for grounds for withdrawal as well. However, the EP would maintain its position on the optional character of this ground and its placement here. (See also</i>

				<i>lines 31, 127, 133a, 149i and 257)</i>
147.	Where an EU Blue Card is withdrawn or not renewed on the basis of point (e) of paragraph 2, Member States shall, prior to withdrawing or not renewing the EU Blue Card, set a reasonable deadline for the third-country national concerned to obtain and present a valid travel document.	Amendment 99 <i>deleted</i>	Where an EU Blue Card is withdrawn or not renewed on the basis of point (e) of paragraph 2, Member States shall, prior to withdrawing or not renewing the EU Blue Card, set a reasonable deadline for the third-country national concerned to obtain and present a valid travel document.	<i>Agreement confirmed at trilogue on 18.10.17:</i> Provision to be <i>deleted</i> , as it is merged with paragraph 2(e) of this Article.
148.	3. The lack of communication pursuant to Article 13(1) or 14(3) shall not be considered to be a sufficient reason for withdrawing or not renewing the EU Blue Card if the holder proves that the communication did not reach the competent authorities for a reason independent of the holder's will.	Amendment 100 3. The lack of communication pursuant to Article 13(1) [...] shall not be considered to be a sufficient reason for withdrawing the EU Blue Card if the holder proves that the communication did not reach the competent authorities for a reason independent of the holder's will.	3. The lack of communication pursuant to point (b) of the first subparagraph of Article 13(1b), the second subparagraph of Article 13(1b) or Article 14(3) shall not be considered to be a sufficient reason for withdrawing or not renewing the EU Blue Card if the holder proves that the communication did not reach the competent authorities for a reason independent of the holder's will.	<i>Depends on the agreement on Article 13.</i> <i>This provision cannot be finalised yet. The final version will depend on the outcome of the discussion on Article 13 and Article 14. The Presidency considers that there is a need to keep the reference to Article 14(3) - or the provision that Article 14(3) will be shifted to. The Presidency would ask Member States to move Article 14(3) to Article 13(1c) [= new line 187a].</i>

				<i>Therefore this provision should have the following wording</i> 3. The lack of communication pursuant to point (b) of the first subparagraph of Article 13(1b), the second third subparagraph of Article 13(1b) or Article 14(3) 13(1c) shall not be considered to be a sufficient reason for withdrawing or not renewing the EU Blue Card if the holder proves that the communication did not reach the competent authorities for a reason independent of the holder's will
148a			3a. Member States may decide not to withdraw or not to refuse to renew an EU Blue Card where the EU Blue Card holder temporarily and in any case for no longer than 12 months does not fulfil the criteria for admission in paragraph 2 or, where applicable, paragraph 4 or 5 of Article 5 as a result of illness, disability or parental leave.	<i>EP would be open to the spirit of the Council's proposed AM, however it would prefer to link the discussion of this to the provision on unemployment</i> ----- <i>Council wishes to maintain its text. The provision provides safeguards in a situation where the salary criteria are not met due to exceptional circumstances. Also related to amendments in Recital 20.</i>

				<i>15/01/21: The Rapporteur agrees to include parental leave as an optional ground for suspending withdrawal and non-renewal, however, he maintains the EP position on illness and disability - namely that they should not lead to a withdrawal. This should be discussed together with the length of unemployment and the mandatory or optional character (may or shall), at political level.</i> POLITICAL ISSUE: GROUNDS FOR WITHDRAWAL
148b				<i>Possible compromise suggestion to replace EP Amendment 93:</i> 3aa. Where a Member State intends to withdraw or not renew the EU Blue Card in accordance with points (b) and (c) of paragraph 2, the competent authority shall notify the EU Blue Card holder in advance and set him or her a reasonable

				deadline of at least three months to seek new employment subject to the conditions set out in Article 13(1), (1a) and (1b). the EU Blue Card holder shall be notified in advance and may make use of the provisions of Article 13(1) or Article 14. <i>15/01/21 The Rapporteur accepts the wording of this compromise text, in general however the length of notice should be consistent with the authorised unemployment period (6 months in EP position - should be in square brackets in the above text) and the issue of non-renewal as a separate Article is still to be resolved (See also lines 31, 131, 142, 143, 149c)</i>
149.	4. Without prejudice to paragraph 1, any decision to withdraw or refuse to renew an EU Blue Card shall take account of the specific circumstances of the case and respect the principle of proportionality.	Amendment 101 4. Without prejudice to paragraph 1, any decision to withdraw [...] an EU Blue Card <i>taken pursuant to paragraph 2</i> shall take account of the specific	4. Without prejudice to paragraph 1, any decision to withdraw or refuse to renew an EU Blue Card shall take account of the specific circumstances of the case and	<i>Agreement confirmed at trilogue on 18.10.17:</i> 4. Without prejudice to paragraph 1, any decision to withdraw or refuse to renew an EU Blue Card shall take account of the specific

		circumstances of the case and [...] <i>shall be proportionate</i> .	respect the principle of proportionality.	circumstances of the case and respect the principle of proportionality.
149a			5. For the purposes of Article 7(1) and (2), the Member State may conduct the appropriate checks on the EU Blue Card holder in accordance with national law, and on his employer, in accordance with national procedures.	<i>Agreement confirmed at trilogue on 13.12.17:</i> <i>Provision to be deleted and moved to Recital 20 (please see Recital 20 for wording suggestion).</i>
149b			Article 7a Sanctions for non-compliance with conditions of admission	<i>Agreement confirmed at trilogue on 27.11.17:</i> <i>This amendment to be deleted, as new Article 12a will replace Council Article 7a and EP's amendments in article 15(6a) and (6b):</i>
149c			1. Member States may hold the employer responsible for failure to comply with the conditions of admission and residence laid down in this Directive. 2. The Member State concerned shall provide for sanctions where the employer is held responsible in accordance	<i>Agreement confirmed at trilogue on 27.11.17:</i> <i>This amendment to be deleted, as new Article 12a will replace Council Article 7a and EP's amendments in article 15(6a) and (6b):</i>

			with paragraph 1. Those sanctions shall be effective, proportionate and dissuasive.	
149d		Amendment 102 <i>Article 7 a Non-renewal of an EU Blue Card</i>		<i>Council wishes to maintain its text under Article 7.</i> THE WHOLE ARTICLE SHOULD BE DISCUSSED AT A TECHNICAL LEVEL
149e		<i>1. Where an EU Blue Card holder or his or her employer applies to renew the EU Blue Card, Member States shall refuse to renew it where:</i>		
149f		<i>(a) the third-country national is considered to pose a threat to public policy, public security or public health;</i>		<i>See lines 127a, 139a and 141. 15/01/21: The Rapporteur proposes to take the same position as for withdrawal, where Council accepted to move the ground under optional ('may', para 2 of Art. 7) provisions)) (lines 139a and 141) In the same way, for non-renewal, while the EP mandate set this ground as mandatory, for reasons of consistency the Rapporteur agrees to place it under 'may' provisions (line 149f, Art. 7a(1), to move under para 2).</i>

149g		<i>(b) the third-country national no longer holds a valid work contract for highly skilled employment or the qualifications required by points (b) and (c) of Article 5(1) or, where appropriate, his or her salary no longer meets the salary level or threshold defined in accordance with Article 5.</i>		15/01/21 - See line 139 - The Rapporteur can accept the wording and place proposed by the Council, except for point (bc) where we should insist on the EP wording of “without prejudice to the situation in which the third country national is unemployed” at the end of the paragraph. Also, the reference to “qualified” employment should remain in square brackets and the same applies for (ba) which should, along with EP mandate, refer to “qualifications or skills”. Same for line 149g, for non-renewal.
149h		<i>2. Where an EU Blue Card holder or his or her employer applies to renew the EU Blue Card, Member States may refuse to renew it where:</i>		
149i		<i>(a) with the knowledge of the third-country national concerned, the EU Blue Card or the documents presented for the purpose of admission pursuant to Article 5 have been</i>		15/01/21 The Rapporteur accepts the compromise text of line 127 for grounds for non-renewal as well. However, the EP would maintain its position on the optional character of this

		<i>fraudulently acquired, or have been falsified or tampered with;</i>		<i>ground and its placement here. (See also lines 31, 127, 133a, 146b and 257)</i>
149j		<i>(b) the employer has repeatedly failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions and has failed to rectify the situation within a reasonable time;</i>		
149k		<i>(c) the third-country national has been unemployed for a period exceeding six consecutive months;</i>		
149l		<i>(d) the third-country national no longer holds a valid travel document, provided that, prior to refusing to renew the EU Blue Card, the Member State concerned had set a reasonable deadline for the third-country national concerned to obtain and present a valid travel document; or</i>		
149m		<i>(e) under the EU Blue Card previously granted, the third-country national failed to comply with the</i>		

		<i>conditions of mobility under Chapter V.</i>		
149n		<i>Any decision to refuse to renew an EU Blue Card pursuant to this paragraph shall take account of the specific circumstances of the case and shall be proportionate.</i>		
150.	Chapter III EU BLUE CARD AND PROCEDURE		Chapter III EU BLUE CARD AND PROCEDURE	
151.	<i>Article 8 EU Blue Card</i>		<i>Article 8 EU Blue Card</i>	
152.	1. Where a third-country national fulfils the criteria set out in Article 5 and where no ground for rejection pursuant to Article 6 applies, he or she shall be issued with an EU Blue Card.		1. Where a third-country national fulfils the criteria set out in Article 5 and where no ground for rejection pursuant to Article 6 applies, he or she shall be issued with an EU Blue Card.	
153.	Where a Member State only issues residence permits on its territory and the third-country national fulfils all the admission conditions laid down in this Directive, the Member State concerned shall issue him or her the requisite visa.		Where a Member State only issues residence permits on its territory and the third-country national fulfils all the admission conditions laid down in this Directive, the Member State concerned shall [...] grant the third-country national every facility to obtain the requisite visas.	<i>By way of a compromise, Council can agree with Commission text, provided that Council amendment in Article 6 paragraph 3 d) is maintained.</i> ----- <i>EP maintains its position in favour of Commission's text</i> TO BE DISCUSSED AT TECHNICAL LEVEL

154.	2. Member States shall set a standard period of validity for the EU Blue Card, which shall be at least 24 months. If the work contract covers a shorter period, the EU Blue Card shall be issued at least for the duration of the work contract plus three months. Where an EU Blue Card is renewed, its period of validity shall be at least 24 months.	Amendment 103 2. Member States shall set a standard period of validity for the EU Blue Card, which shall be at least 36 months. If the work contract covers a shorter period, the EU Blue Card shall be issued at least for the duration of the work contract plus three months. Where an EU Blue Card is renewed, its period of validity shall be at least [...] 36 months.	2. Member States shall set a standard period of validity for the EU Blue Card, which shall be at least 24 months. If the work contract covers a shorter period, the EU Blue Card shall be issued at least for the duration of the work contract plus three months but no longer than the standard period set out in accordance with the first sentence. [...]	<i>Agreement confirmed at trilogue on 13.12.17:</i> 2. Member States shall set a standard period of validity for the EU Blue Card, which shall be at least 24 months. If the work contract covers a shorter period, the EU Blue Card shall be issued at least for the duration of the work contract plus three months but no longer than the standard period set out in accordance with the first sentence. If the period of validity of the travel document is shorter than the period set out in accordance with the first or the second sentence, the EU Blue Card shall be issued at least for the period of validity of the travel document. <i>See also Article 5(1)(d).</i>
155.	3. The EU Blue Card shall be issued by the competent authorities of the Member State using the uniform format as laid down in Regulation (EC) No 1030/2002. In accordance with point (a) 7.5-9 of the Annex to that Regulation, Member States shall indicate on the EU Blue Card the		3. The EU Blue Card shall be issued by the competent authorities of the Member State using the uniform format as laid down in Regulation (EC) No 1030/2002. In accordance	

	conditions for access to the labour market as set out in Article 13(1) of this Directive. Member States shall enter the words "EU Blue Card" under the heading "type of permit" in the residence permit.		with point (a) 7.5-9 of the Annex to that Regulation, Member States shall indicate on the EU Blue Card the conditions for access to the labour market as set out in Article 13(1) of this Directive. Member States shall enter the words "EU Blue Card" under the heading "type of permit" in the residence permit.	
155a			Member States may indicate additional information related to the employment relationship of the EU Blue Card holder in paper format, or store such data in electronic format as referred to in Article 4 of Regulation (EC) No 1030/2002 and in point (a)16 of the Annex thereto.	<i>Agreement confirmed at trilogue on 18.10.17:</i> Member States may indicate additional information related to the employment relationship of the EU Blue Card holder in paper format, or store such data in electronic format as referred to in Article 4 of Regulation (EC) No 1030/2002 and in point (a)16 of the Annex thereto.
156.	4. Where a Member State issues an EU Blue Card to a third-country national to whom it has granted international protection, it shall enter the following remark in that third-country national's EU Blue Card, under the heading "Remarks": "International protection granted by [name of the Member State] on [date]". Where		4. Where a Member State issues an EU Blue Card to a third-country national to whom it has granted international protection, it shall enter the following remark in that third-country national's EU Blue Card,	

	that Member State withdraws the international protection enjoyed by the EU Blue Card holder, it shall, where appropriate, issue a new EU Blue Card not containing that remark.		under the heading "Remarks": "International protection granted by [name of the Member State] on [date]". Where that Member State withdraws the international protection enjoyed by the EU Blue Card holder, it shall, where appropriate, issue a new EU Blue Card not containing that remark.	
156a		Amendment 104 <i>4a. Where a Member State issues an EU Blue Card to a third-country national who has applied for international protection in that Member State, it shall enter the following remark in that third-country national's EU Blue Card, under the heading "Remarks": "Applicant for International Protection in [name of the Member State] as from [date of lodging of application for international protection]."</i>		<i>Council cannot agree with the EP amendment.</i> ----- <i>EP: linked to the scope, which remains to be discussed at political level</i> LINKED TO A MAJOR POLITICAL ISSUE: SCOPE
156b		<i>Should the EU Blue Card holder decide to withdraw his or her application for</i>		<i>Council cannot agree with the EP amendment.</i>

		<i>international protection upon obtaining the EU Blue Card, a new EU Blue Card shall be issued not containing that remark.</i>		----- EP: As above, linked to the scope. LINKED TO MAJOR POLITICAL ISSUE: SCOPE
157.	5. Where an EU Blue Card is issued by a Member State to a third-country national who is a beneficiary of international protection in another Member State, the Member State issuing the EU Blue Card shall enter the remark "International protection granted by [name of the Member State] on [date]" in the EU Blue Card.		5. Where an EU Blue Card is issued by a Member State to a third-country national who is a beneficiary of international protection in another Member State, the Member State issuing the EU Blue Card shall enter the following remark in that third-country national's EU Blue Card, under the heading "Remarks": "International protection granted by [name of the Member State] on [date]" [...].	<i>Agreement confirmed at trilogue on 18.10.17:</i> 5. Where an EU Blue Card is issued by a Member State to a third-country national who is a beneficiary of international protection in another Member State, the Member State issuing the EU Blue Card shall enter the following remark in that third-country national's EU Blue Card, under the heading "Remarks": "International protection granted by [name of the Member State] on [date]" [...].
158.	Before the Member State enters that remark, it shall notify the Member State to be mentioned in that remark of the issuance of the EU Blue Card and request that Member State to provide information as to whether the EU Blue Card holder is still a beneficiary of international protection. The Member State mentioned in the remark		Before the Member State enters that remark, it shall notify the Member State to be mentioned in that remark of the issuance of the EU Blue Card and request that Member State to provide information as to whether the	<i>Agreement confirmed at trilogue on 18.10.17:</i> Before the Member State enters that remark, it shall notify the Member State to be mentioned in that remark of the issuance of the EU Blue

	shall reply no later than one month after receiving the request for information. Where international protection has been withdrawn by a final decision, the Member State issuing the EU Blue Card shall not enter that remark.		EU Blue Card holder is still a beneficiary of international protection. The Member State to be mentioned in the remark shall reply no later than one month after receiving the request for information. Where international protection has been withdrawn by a final decision, the Member State issuing the EU Blue Card shall not enter that remark.	Card and request that Member State to provide information as to whether the EU Blue Card holder is still a beneficiary of international protection. The Member State to be mentioned in the remark shall reply no later than one month after receiving the request for information. Where international protection has been withdrawn by a final decision, the Member State issuing the EU Blue Card shall not enter that remark.
159.	Where, in accordance with the relevant international instruments or national law, responsibility for the international protection of the EU Blue Card holder was transferred to the Member State after it issued an EU Blue Card in accordance with the first subparagraph, that Member State shall amend the remark accordingly within three months after the transfer.		Where, in accordance with the relevant international instruments or national law, responsibility for the international protection of the EU Blue Card holder was transferred to the Member State after it issued an EU Blue Card in accordance with the first subparagraph, that Member State shall amend the remark accordingly within three months after the transfer.	
159a		Amendment 105 5a. Where an EU Blue Card is issued by a		<i>Council cannot agree with the EP amendment.</i> -----

		<i>Member State to a third-country national who is an applicant for international protection in another Member State, the Member State issuing the EU Blue Card shall enter the remark "Applicant for International protection in [name of the Member State] as from [date of lodging of application for international protection]" in the EU Blue Card.</i>		<i>EP: linked to the scope, which remains to be discussed at political level</i> LINKED TO MAJOR POLITICAL ISSUE: SCOPE
159b		<i>Before the Member State enters that remark, it shall notify the Member State to be mentioned in that remark of the issuance of the EU Blue Card and request that Member State to provide information as to whether the EU Blue Card holder is still maintaining his/her application for international protection. The Member State mentioned in the remark shall reply no later than one month after receiving the request for information. Where the application for</i>		<i>Council cannot agree with the EP amendment.</i> ----- <i>EP: linked to the scope, which remains to be discussed at political level</i> LINKED TO MAJOR POLITICAL ISSUE: SCOPE

		<i>international protection has been withdrawn, the Member State issuing the EU Blue Card shall not enter that remark.</i>		
160.	6. During the period of its validity, the EU Blue Card shall entitle its holder to:		6. During the period of its validity, the EU Blue Card shall entitle its holder to:	
161.	(a) enter, re-enter and stay in the territory of the Member State issuing the EU Blue Card;		(a) enter, re-enter and stay in the territory of the Member State issuing the EU Blue Card;	
162.	(b) enjoy the rights recognised in this Directive.		(b) enjoy the rights recognised in this Directive.	
163.	<i>Article 9 Applications for admission</i>		<i>Article 9 Applications for admission</i>	
164.	1. Member States shall determine whether applications for an EU Blue Card are to be made by the third-country national or by the employer. Member States may also allow an application from either of the two.	Amendment 106 1. Member States shall [...] allow applications for an EU Blue Card [...] from either the third-country national or by the employer. [...] Where an application involves a recognised employer in accordance with Article 12, the employer shall lodge the application. An application [...] made by the employer shall not restrict the procedural rights enjoyed by the third-country national seeking	1. Member States shall determine whether applications for an EU Blue Card are to be made by the third-country national or by the employer. Member States may also allow an application from either of the two.	<i>Council suggests to add a new Recital 24a:</i> "Where a Member State has determined that an application for an EU Blue Card is to be made by the employer, it should not restrict the procedural safeguards enjoyed by the third-country national seeking the EU Blue Card during the application procedure, or the rights enjoyed by the EU Blue Card holder during the period of employment or the

		<i>the EU Blue Card during the application procedure, or the rights enjoyed by the EU Blue Card holder during the period of employment or the EU Blue Card renewal procedure.</i>	EU Blue Card renewal procedure." -----. <i>The EP could agree to move the idea borne in the third sentence of its AM to a recital. The recital could read:</i> Where an application for an EU Blue Card is made by the employer, it should not restrict the procedural safeguards enjoyed by the third-country national seeking the EU Blue Card during the application procedure, or the rights enjoyed by the EU Blue Card holder during the period of employment or the EU Blue Card renewal procedure." <i>Council can agree to move the amendment to the recital, however insists that the Member State should be entitled to determine if the application is to be made by the employer or by the third-country national.</i> <i>EP to continue discussions</i>
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				TO BE DISCUSSED AT TECHNICAL LEVEL
165.	2. The application shall be considered and examined either when the third-country national concerned is residing outside the territory of the Member State to which he or she wishes to be admitted, or when he or she is already legally present in the territory of that Member State.		2. The application shall be considered and examined either when the third-country national concerned is residing outside the territory of the Member State to which he or she wishes to be admitted, or when he or she is already [...] residing in the territory of that Member State as holder of a valid residence permit or long-stay visa.	<i>Council wishes to maintain its text -----</i> <i>EP: linked to the scope, which remains to be discussed at political level</i> TO BE DISCUSSED AT TECHNICAL LEVEL
165a		Amendment 107 <i>2a. Where an applicant for international protection is granted an EU Blue Card, his or her application for international protection shall be considered to be suspended for the duration of the validity of the EU Blue Card. In that regard, the Member State that issues the EU Blue Card shall inform the authorities of the Member State responsible for the application for international protection of the details, in particular,</i>		<i>Council cannot agree with the EP amendment.</i> ----- ----- <i>EP: linked to the scope, which remains to be discussed at political level</i> LINKED TO MAJOR POLITICAL ISSUE: SCOPE

		<i>the date on which the EU Blue Card was issued and its duration.</i>		
165b		<i>Where an application for international protection is suspended, the Member State responsible for that application shall not consider the application to be implicitly withdrawn.</i>		<i>Council cannot agree with the EP amendment.</i> ----- ----- <i>EP: linked to the scope, which remains to be discussed at political level</i> LINKED TO MAJOR POLITICAL ISSUE: SCOPE
165c		<i>Where the EU Blue Card expires, the Member State responsible for the application for international protection shall permit the person concerned to re-enter its territory for the purposes of the application for international protection. Where the family members of the person concerned joined him or her in the Member State which issued the EU Blue Card, they shall not be entitled to enter, or remain in, that Member State on the basis of the expired EU Blue Card.</i>		<i>Council cannot agree with the EP amendment.</i> ----- ----- <i>EP: linked to the scope, which remains to be discussed at political level</i> LINKED TO MAJOR POLITICAL ISSUE: SCOPE

165d			3. By way of derogation from paragraph 2, a Member State may accept, in accordance with its national law, an application submitted when the third-country national concerned is not in possession of a valid residence permit or long-stay visa but is legally present in its territory.	<i>Council wishes to maintain its text -----</i> <i>EP: linked to the scope, which remains to be discussed at political level</i> TO BE DISCUSSED AT TECHNICAL LEVEL (linked to Art 9(1))
166.	<i>Article 10 Procedural safeguards</i>		<i>Article 10 Procedural safeguards</i>	
167.	1. The competent authorities of the Member States shall adopt a decision on the application for an EU Blue Card and notify the applicant in writing, in accordance with the notification procedures laid down in the national law of the Member State concerned. The notification shall be made at the latest within 60 days of the date of submission of the application.	Amendment 108 The competent authorities of the Member States shall adopt a decision on the application for an EU Blue Card and notify the applicant in writing, in accordance with the notification procedures laid down in the national law of the Member State concerned. The notification shall be made <i>as soon as possible and</i> at the latest within [...] 30 days of the date of submission of <i>an initial application or an application for renewal</i>.	1. The competent authorities of the Member States shall adopt a decision on the application for an EU Blue Card and notify the applicant in writing, in accordance with the notification procedures laid down in the national law of the Member State concerned. The [...] decision shall be [...] adopted and notified at the latest within [...] 90 days of the date of submission of the complete application.	<i>The Council suggests the following compromise:</i> 1. The competent authorities of the Member States shall adopt a decision on the application for an EU Blue Card and notify the applicant in writing, in accordance with the notification procedures laid down in the national law of the Member State concerned. The [...] decision shall be [...] adopted and notified as soon as possible, but at the latest within [...] 90 days of the date of submission of the complete application. TO BE DISCUSSED AT A TECHNICAL LEVEL

168.	Where the employer has been recognised in accordance with Article 12, the notification shall be made at the latest within 30 days of the date of submission of the application.	Amendment 109 Where the employer has been recognised in accordance with Article 12, the notification shall be made <i>as soon as possible and</i> at the latest within [...] <i>15</i> days of the date of submission of <i>an initial</i> application <i>or an application for renewal</i> .	Where the employer has been recognised in accordance with Article 12, the [...] decision shall be [...] adopted and notified at the latest within 30 days of the date of submission of the application.	<i>The Council suggests the following compromise:</i> Where the employer has been recognised in accordance with Article 12, the [...] decision shall be [...] adopted and notified as soon as possible but at the latest within 30 days of the date of submission of the complete application. TO BE DISCUSSED AT A TECHNICAL LEVEL
169.	2. Under exceptional and duly justified circumstances linked to the complexity of the application, Member States may extend the maximum period referred to in paragraph 1 by 30 days. They shall inform the applicant of the extension before that maximum period has expired.		<i>Deleted</i>	<i>Council maintains its position</i> TO BE DISCUSSED AT A TECHNICAL LEVEL
170.	3. Where the information or documents supplied in support of the application are inadequate or incomplete, the competent authorities shall notify the applicant of the additional information that is required and set a reasonable deadline for providing it. The period referred to in paragraph 1 shall be suspended until the authorities have received the additional information or documents required. If the additional information or documents have not been	Amendment 110 3. <i>Prior to rejecting an application for an EU Blue Card or an application to renew an EU Blue Card</i> , where the information or documents supplied in support of the <i>initial</i> application <i>or the application for renewal</i> are inadequate or incomplete, the competent authorities	3. Where the information or documents supplied in support of the application are inadequate or incomplete, the competent authorities shall notify the applicant of the additional information that is required and set a reasonable deadline for providing it. The period referred to in paragraph 1 shall be	<i>Council wishes to maintain the Commission text</i> TO BE DISCUSSED AT A TECHNICAL LEVEL

	provided within the deadline, the application may be rejected.	shall notify the applicant of the additional information that is required and set a reasonable deadline for providing it. The period referred to in paragraph 1 shall be suspended until the authorities have received the additional information or documents required. If the additional information or documents have not been provided within the deadline, the application may be rejected.	suspended until the authorities have received the additional information or documents required. If the additional information or documents have not been provided within the deadline, the application may be rejected.	
171.	4. Any decision rejecting an application for an EU Blue Card, or a decision not to renew or to withdraw an EU Blue Card shall be notified in writing to the third-country national concerned and, where relevant, to his employer in accordance with the notification procedures set out in the relevant national law. The notification shall specify the reasons for the decision and the competent authority with which an appeal may be submitted as well as the time limit for submitting the appeal. Member States shall provide an effective judicial remedy, in accordance with national law.	Amendment 111 4. Any decision rejecting an application for an EU Blue Card, any decision to withdraw an EU Blue Card , or any decision not to renew an EU Blue Card shall be notified in writing to the third-country national concerned and, where relevant, to his or her employer in accordance with the notification procedures set out in the relevant national law. The notification shall specify the reasons, in fact and in law , for the decision	4. Any decision rejecting an application for an EU Blue Card, or a decision not to renew or to withdraw an EU Blue Card shall be notified in writing to the third-country national concerned and, where relevant, to his employer in accordance with the notification procedures set out in the relevant national law. The notification shall specify the reasons for the decision and the competent authority with which an appeal may be submitted as well as the time	<i>Possible compromise suggestion in conjunction with new Recital 22a:</i> 4. Any decision rejecting an application for an EU Blue Card, any decision to withdraw an EU Blue Card , or any decision not to renew an EU Blue Card shall be notified in writing to the third-country national concerned and, where relevant, to his or her employer in accordance with the notification procedures set out in the relevant national law. The notification shall specify the reasons for the

		and the competent authority with which an appeal may be submitted as well as the time limit for submitting the appeal. Member States shall provide an effective judicial remedy, in accordance with national law. <i>Any decision rejecting an application for an EU Blue Card shall not affect the right of a third-country national to submit a new application, in particular where the rejection was based on the conduct of the employer pursuant to points (a), (b) and (c) of Article 6(3).</i>	limit for submitting the appeal. Member States shall provide an effective judicial remedy, in accordance with national law.	decision and the competent authority with which an appeal may be submitted as well as the time limit for submitting the appeal. Member States shall provide an effective judicial remedy, in accordance with national law. <i>EP would like to clarify the last part in the following recital:</i> "22a. Any decision rejecting an application for an EU Blue Card shall not affect the right of a third-country national to submit another application." <i>Council does not consider the recital necessary as it gives no added value.</i> TO BE DISCUSSED AT TECHNICAL LEVEL
171a		Amendment 112 <i>4a. Any decision to withdraw an EU Blue Card shall take effect only after the Blue Card holder has been duly notified by the responsible authorities</i>		<i>Council cannot agree with the amendment, as this is a part of MS administrative regulations and, as a general rule, any decision to withdraw an EU Blue Card will take effect after notification regarding this has been</i>

		<i>of the Member State concerned. Member States shall ensure that such notification occurs at least 30 days before the withdrawal takes effect.</i>		<i>issued. Where there is a threat to public security, MS should be able to withdraw the BC immediately.</i> TO BE DISCUSSED AT TECHNICAL LEVEL
172.	5. An applicant shall be allowed to submit an application for renewal before the expiry of the EU Blue Card. Member States may set a maximum deadline of 60 days prior to the expiry of the EU Blue Card for submitting an application for renewal.		5. An applicant shall be allowed to submit an application for renewal before the expiry of the EU Blue Card. Member States may set a maximum deadline of 90 days prior to the expiry of the EU Blue Card for submitting an application for renewal.	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL
173.	6. Where the validity of the EU Blue Card permit expires during the procedure for renewal, Member States shall allow the third-country national to stay on their territory until the competent authorities have taken a decision on the application.	Amendment 113 6. Where the validity of the EU Blue Card permit expires during the procedure for renewal, Member States shall allow the third-country national to stay on their territory <i>under the same conditions as laid down in this Directive</i> until the competent authorities have taken a decision on the application <i>for renewal</i> .	6. Where the validity of the EU Blue Card permit expires during the procedure for renewal, Member States shall allow the third-country national to stay on their territory until the competent authorities have taken a decision on the application.	<i>Agreement confirmed at trilogue on 13.12.17:</i> 6. Where the validity of the EU Blue Card expires during the procedure for renewal, Member States shall allow the third-country national to stay as an EU Blue Card holder on their territory until the competent authorities have taken a decision on the application. <i>See also Recital 24.</i>

173a		Amendment 114 6a. During the initial application procedure, the procedure on withdrawal or the procedure on an application for renewal, Member States shall prohibit any form of arbitrariness and/or discrimination in the decision-making process pursuant to Council Directive 76/207/EEC³⁰, Council Directive 2000/43/EC³¹ and Council Directive 2000/78/EC³².		<i>Council cannot agree with the EP amendment. The recital suggested for EP amendment 125 in Article 15 (1)(fa) should cover this. Reference to Directive 2006/54/EC could be added to the recital, if insisted by the EP.</i> TO BE DISCUSSED AT TECHNICAL LEVEL
173b				<i>Following the political trilogue on 10.12.2020 the Council proposes the following compromise suggestion regarding harmonisation:</i> 7. Where an application for an EU Blue Card concerns a third-country national who holds a national residence permit for the purpose of

³⁰ Council Directive 76/207/EEC of 9 February 1976 on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions (OJ L 39, 14.2.1976, p. 40)

³¹ Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (OJ L 180, 19.7.2000, p. 22).

³² Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16).

				highly qualified employment issued by the same Member State, the concerned Member State shall not: a) require the applicant to present the documents provided for in Article 5(1)(aa) or (b) if the relevant higher professional qualifications were already verified in the context of the application for the national residence permit; b) require the applicant to present the evidence provided for in Article 5(1)(e) unless the application is submitted in the context of a change of employment, in which case Article 13(1a) shall apply accordingly; c) apply Article 6(3)(a) unless the application is submitted in the context of a change of employment, in which case Article 13(1a) shall apply accordingly.
173c				<i>Following the political trilogue on 10.12.2020 the Council proposes the following compromise suggestion regarding harmonisation:</i>

				8. Where Member States issue national residence permits for the purpose of highly qualified employment, they shall grant EU Blue Card holders the same procedural safeguards as those provided for under the national scheme, where these are more favourable than those provided for in paragraphs 1 to 6 of this Article.
174.	<i>Article 11 Fees</i>		<i>Article 11 Fees</i>	
175.	The level of fees required by Member States for the processing of applications shall not be disproportionate or excessive.	Amendment 115 <i>Member States may require the payment of fees for the handling of applications in accordance with this Directive.</i> The level of fees required by <i>a</i> Member [...] <i>State</i> for the processing of applications shall not be disproportionate or excessive <i>and overall not higher than the level of fees required for other residence and working permit applications in that Member State.</i>	The level of fees required by Member States for the processing of applications shall not be disproportionate or excessive.	<i>Agreement confirmed at trilogue on 18.10.17:</i> <i>Member States may require the payment of fees for the handling of applications in accordance with this Directive.</i> The level of fees required by <i>a</i> Member [...] <i>State</i> for the processing of applications shall not be disproportionate or excessive.
175a				<i>Following the political trilogue on 10.12.2020 the</i>

				<i>Council proposes the following compromise suggestion regarding harmonisation:</i> 2. Where Member States issue national residence permits for the purpose of highly qualified employment, they shall apply a level of fees to applications for EU Blue Cards that is comparable to those applied for the handling of applications for national residence permits.
176.	<i>Article 12 Recognised employers</i>		<i>Article 12 Recognised employers</i>	
177.	1. Member States may decide to provide for recognition procedures for employers in accordance with their national law or administrative practice for the purpose of applying simplified procedures for obtaining an EU Blue Card.	Amendment 116 Member States [...] shall provide for recognition procedures for employers in accordance with their national law or administrative practice for the purpose of applying simplified procedures for obtaining an EU Blue Card. Member States shall provide clear and transparent information to the employers concerned.	1. Member States may decide to provide for recognition procedures for employers in accordance with their national law or administrative practice for the purpose of applying simplified procedures for obtaining an EU Blue Card.	<i>Council wishes to maintain the Commission text</i> POLITICAL ISSUE: RECOGNISED EMPLOYERS
178.	Where a Member State decides to provide for recognition procedures, it shall provide		Where a Member State decides to provide for	

	clear and transparent information to the employers concerned about, among others, the conditions and criteria for approval, the period of validity of the recognition and the consequences of non-compliance with the conditions, including possible withdrawal and non-renewal, as well as any sanction applicable.		recognition procedures, it shall provide clear and transparent information to the employers concerned about, among others, the conditions and criteria for approval, the period of validity of the recognition and the consequences of non-compliance with the conditions, including possible withdrawal and non-renewal, as well as any sanction applicable.	
179.	The recognition procedures shall not entail disproportionate or excessive administrative burden or costs for the employers.	Amendment 117 The recognition procedures shall not entail disproportionate or excessive administrative burden or costs for the employers, <i>in particular for small and medium-sized enterprises</i> .	The recognition procedures shall not entail disproportionate or excessive administrative burden or costs for the employers.	<i>Council wishes to maintain the Commission text</i> TO BE DISCUSSED AT TECHNICAL LEVEL
180.	2. Member States may refuse to recognise an employer pursuant to paragraph 1, where the employer has been sanctioned for employment of illegally staying third-country nationals pursuant to Directive 2009/52/EC.	Amendment 118 Member States may refuse to recognise an employer pursuant to paragraph 1, where the employer has been sanctioned for employment of [...] <i>irregularly</i> staying third-country nationals pursuant	<u>Moved to 3.</u> 3. Member States may refuse to recognise an employer pursuant to paragraph 1, where the employer has been sanctioned for [...]: (a) employment of illegally staying third-country	<i>Agreement confirmed at trilogue on 27.11.17:</i> 3. Member States may refuse to recognise an employer pursuant to paragraph 1, where the employer has been sanctioned for [...]: (a) employment of illegally staying third-country

		to Directive 2009/52/EC <i>or where the employer has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions.</i>	nationals pursuant to Directive 2009/52/EC, or (b) undeclared work or illegal employment according to national law. When applying the first subparagraph, Member States shall take into account, in accordance with national law, the seriousness of the sanctioned conduct and the time elapsed since the sanction was imposed	nationals pursuant to Directive 2009/52/EC, or (b) undeclared work or illegal employment according to national law, or (c) failing to meet its legal obligations regarding social security, taxation, labour rights or working conditions. Any decision to refuse to recognise an employer shall take account of the specific circumstances of the case, including the time elapsed since the sanction was imposed, and respect the principle of proportionality. <i>(The above was included in the agreed 4CT post-trilogue of December 2017; on 16/10/20 the EP indicated its wish to keep the word 'illegally' and 'illegal' in square brackets)</i>
181.	The simplified procedures shall include processing of applications as provided for in the second subparagraph of Article	Amendment 119 The simplified procedures shall include processing of applications as provided	2. The simplified procedures shall include processing of applications as provided for	<i>Council wishes to maintain its text</i>

	10(1). Applicants shall be exempt from presenting the evidence referred to in points (c) and (e) of Article 5(1) and in Article 5(8).	for in the second subparagraph of Article 10(1). Applicants shall be exempt from presenting the evidence referred to in point [...] (e) of Article 5(1) [...].	in the second subparagraph of Article 10(1). Applicants shall be exempt from presenting one or more pieces of evidence referred to in points [...] (b) [...] or (e) of Article 5(1) [...] or in Article 5(8).	
182.	3. Member States shall provide for measures to prevent possible abuses. Those measures may include monitoring, assessment at regular intervals and, where appropriate, inspection in accordance with national law or administrative practice.	Amendment 120 Member States shall [...] monitor and assess at regular intervals the functioning and effectiveness of the recognition procedures for employers under paragraph 1. To that end, without prejudice to Article 10(6a), they shall, where appropriate, [...] carry out inspections in accordance with national law or administrative practice.	4. Member States shall provide for measures to prevent possible abuses. Those measures may include monitoring, assessment at regular intervals and, where appropriate, inspection in accordance with national law or administrative practice.	<i>Agreement confirmed at trilogue on 27.11.17:</i> <i>To be deleted, as covered by compromise suggestion on sanctions in new Article 12a.</i>
183.	Member States may, among other measures, refuse to renew or decide to withdraw the status of recognised employer where the employer has not respected its obligations under this Directive or in cases where the recognition has been fraudulently acquired.		Member States may, among other measures, refuse to renew or decide to withdraw the status of recognised employer where the employer has not respected its obligations under this Directive or in cases where	<i>Agreement confirmed at trilogue on 27.11.17:</i> Member States may [...] refuse to renew or decide to withdraw the status of recognised employer where the employer has not respected its obligations under

			the recognition has been fraudulently acquired.	this Directive or in cases where the recognition has been fraudulently acquired.
183a				<i>Following the political trilogue on 10.12.2020 the Council proposes the following compromise suggestion regarding harmonisation:</i> 4. Where Member States issue national residence permits for the purpose of highly qualified employment and have established recognition procedures for employers facilitating the issuance of such permits, they shall apply the same recognition procedures to applications for EU Blue Cards, where these procedures are more favourable than those provided for in paragraphs 1 to 3 of this Article.
183b				<i>Agreement confirmed at trilogue on 27.11.17:</i> Article 12a Sanctions against employers 1. Member States shall provide for sanctions against employers who have not fulfilled their obligations

				under this Directive. Those sanctions shall be effective, proportionate and dissuasive. 2. Member States shall provide for measures to prevent possible abuses of this Directive. Those measures shall include monitoring, assessment and, where appropriate, inspection in accordance with national law or administrative practice.
184.	Chapter IV RIGHTS		Chapter IV RIGHTS	
185.	<i>Article 13 Labour market access</i>		<i>Article 13 Labour market access</i>	
186.	1. EU Blue Card holders shall have full access to highly skilled employment in the Member State concerned. Member States may require that a change of employer and changes affecting the fulfilment of the criteria for admission as set out in Article 5 are communicated in accordance with procedures laid down by national law.	Amendment 121 EU Blue Card holders shall have full access to highly skilled employment in the Member State concerned. <i>During a period of unemployment, the EU Blue Card holder shall be allowed to seek and take up highly skilled employment.</i> Member States may require that a change of employer and changes affecting the	1. EU Blue Card holders shall have [...] access to highly [...] qualified employment in the Member State concerned provided that the criteria for admission laid down in Article 5 are fulfilled.	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL

		fulfilment of the criteria for admission as set out in Article 5 are communicated in accordance with procedures laid down by national law.		
186a			1a. During the first two years of legal employment in the Member State concerned as an EU Blue Card holder, Member States may require that a change of employer be subject to the check set out in Article 6(2).	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL LINKED TO MAJOR POLITICAL ISSUE/ LABOUR MARKET TEST <i>Presidency Proposal after Trilogue on 10.12.2020:</i> 1a. During the first two years of legal employment as an EU Blue Card holder, Member States that apply the check set out in Article 6(3)(a) may require that a change of employer be subject to the same check. 15/01/21: The Rapporteur sticks to the EP mandate, and not accept a labour market test in case of change of

				<i>employer. (see above, lines 128, 130a, 133c, 133d).</i>
186b			The right of the Blue Card holder to pursue the employment may be suspended until the outcome of this check confirms that the vacancy concerned could not be filled by the persons listed in Article 6(2).	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL
186c			1b. During the first two years of legal employment in the Member State concerned as an EU Blue Card holder, Member States may require that a change of employer and changes which may affect the fulfilment of the criteria for admission as set out in Article 5 are:	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL
186d			(a) subject to the prior authorisation in writing of the competent authorities in the Member State concerned in accordance with procedures laid down by national law, to be granted or denied within 30 days of the date of the	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL

			request made by the EU Blue Card holder; or	
186e			(b) communicated by the EU Blue Card holder or his or her prospective employer in accordance with procedures laid down by national law.	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL
186f				<i>The Presidency would ask Member States to move Article 14(4) [= line 194a] here as a second subparagraph of paragraph 1b:</i> Where Member States require a prior authorisation pursuant to point (a) of the first subparagraph of paragraph 1b of Article 13, they shall allow the EU Blue Card holder to remain on their territory until the necessary authorisation has been granted or denied.
187.	The communication procedure shall not suspend the right of the EU Blue Card holder to pursue the employment.		After these first two years, the Member State may only require such changes to be communicated in accordance with the procedures laid down by national law. The communication procedure	<i>Presidency: This should become the third subparagraph of paragraph 1b:</i> After the first two years of legal employment, the Member State may only

			shall not suspend the right of the EU Blue Card holder to pursue the employment.	require such changes to be communicated to the competent authority in accordance with the procedures laid down by national law. The communication procedure shall not suspend the right of the EU Blue Card holder to pursue the employment.
187a				<i>The Council suggests to move Article 14(2) and (3) here with the following wording:</i> 1c. During a period of unemployment, the EU Blue Card holder shall be allowed to seek and take up employment in accordance with the conditions set out in this Article. The EU Blue Card holder shall communicate the beginning and, where appropriate, the end of the period of unemployment to the competent authorities of the Member State of residence, in accordance with the relevant national procedures. <i>15/01/21: The Rapporteur accepts the principle that the</i>

				<i>BC holder should communicate his or her periods of unemployment, address and change of employer to the appropriate authorities. The Rapporteur accepts the Council's proposed wording in principle for those lines (subject to a check on reference to the relevant Articles, depending on agreement on Art. 13 and whether Art. 14 is deleted (and its provisions integrated to the other provisions), which is in the EP mandate. (see also lines 144 and 194)</i> Technical meeting 21 January 2021: Provisionally agreed
188.	2. Without prejudice to the criteria for admission set out in Article 5, EU Blue Card holders may engage in self-employed activity in parallel to the activity in highly skilled employment.	Amendment 122 (EMPL) 2. Without prejudice to the criteria for admission set out in Article 5, EU Blue Card holders may engage in self-employed activity, <i>under the same conditions as nationals and other Union citizens in the Member State which issued the Blue Card,</i> in parallel to the activity in	2. Without prejudice to the criteria for admission set out in Article 5, Member States may allow EU Blue Card holders [...] to engage in self-employed activity in parallel to the activity in highly [...] qualified employment in accordance with conditions laid down in national law. Member	<i>Possible compromise suggestion, the last sentence of the paragraph should be moved to a recital:</i> Without prejudice to the criteria for admission set out in Article 5, EU Blue Card holders may engage in self-employed activity, in accordance with the conditions laid down in national law, in parallel to

		highly skilled employment. <i>Any such activity shall be subsidiary to their employment under the EU Blue Card.</i>	States are entitled to limit the scope of allowed self-employed activity.	the activity in highly [...] qualified employment. Any such activity shall be subsidiary to their employment under the EU Blue Card. <i>15/01/21: The EP maintains its position (Equality of treatment between nationals and BC holders).</i> TO BE DISCUSSED AT TECHNICAL LEVEL
188a			2a. Without prejudice to the criteria for admission set out in Article 5, Member States may allow EU Blue Card holders to engage in professional activities other than their main activity as an EU Blue Card holder in accordance with conditions laid down in national law.	<i>Council wishes to maintain its text</i> POLITICAL ISSUE: HARMONISATION & EQUAL TREATMENT <i>15/01/21: The Rapporteur accepts the proposed CNS text, as this gives an additional right to Blue Card holder.</i> Technical meeting 21 January 2021: Provisionally agreed

189.	3. By way of derogation from paragraph 1, Member States may retain restrictions on access to employment, where the employment activities entail involvement in the exercise of public authority and the responsibility for safeguarding the general interest of the State.		3. By way of derogation from paragraph 1, Member States may retain restrictions on access to employment [...] provided such employment activities entail occasional involvement in the exercise of public authority and the responsibility for safeguarding the general interest of the State and where, in accordance with existing national or Union law these activities are reserved to nationals.	<i>Council wishes to maintain its position but by way of a compromise paras 3 and 3a could be merged:</i> 3. By way of derogation from paragraph 1, Member States may retain restrictions on access to employment [...] provided such employment activities entail occasional involvement in the exercise of public authority and the responsibility for safeguarding the general interest of the State <u>or where, in accordance with existing national law, these activities are reserved to nationals, Union citizens or EEA citizens.</u> <i>15/01/21: The Rapporteur can accept the Council wording provided that it is agreed and clear that the list as it stood at the moment of adoption of the initial Blue Card Directive cannot be broadened. The wording would need to be clarified in that regard.</i> Technical meeting 21 January 2021: Possible provisional
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				agreement on Council wording if a recital confirms that this is a standstill clause. TO BE DISCUSSED AT TECHNICAL LEVEL
189a			3a. Member States may retain restrictions on access to employment activities, in cases where, in accordance with existing national law, these activities are reserved to nationals, Union citizens or EEA citizens.	<i>See above.</i> TO BE DISCUSSED AT TECHNICAL LEVEL <i>Technical meeting 11.11.20: Council will discuss possible compromise solution (4th column of line 189) with Member States and provide examples of employment activities reserved to nationals or Union citizens.</i> <i>Update (11 December 2020) Member States reported back the following professions that would fall under Article 13(3a):</i> • <i>Barristers (Austria; Belgium – access for TCNs only after 6 years; Bulgaria; Lithuania)</i> • <i>Notaries (Austria, Belgium, Bulgaria, Poland)</i>

				• <i>Editors in chief (France; Poland)</i> • <i>Private security companies (France)</i> • <i>Managing directors of casinos (France)</i> • <i>Captains of commercial vessels under Finnish flag (Finland)</i> • <i>Elite athletes (Netherlands)</i> • <i>People working in the adult sex industry (Netherlands)</i> <i>15/01/21: The Rapporteur could agree to this derogation for Member States provided that it is clear and agreed that the list as it stood at the moment of adoption of the initial Blue Card Directive cannot be broadened. The wording would need to be clarified in that regard.</i> Technical meeting 21 January 2021: Possible provisional agreement on Council wording if a recital confirms that this is a standstill clause.
190.	4. This Article shall apply without prejudice to the principle of preference for	(EMPL)	4. This Article shall apply without prejudice to the	

	Union citizens where applicable under the provisions of the relevant Acts of Accession.		principle of preference for Union citizens where applicable under the provisions of the relevant Acts of Accession.	
191.	<i>Article 14 Temporary unemployment</i>	Amendment 123 (shared competence) deleted	<i>Article 14 Temporary unemployment</i>	<i>In the spirit of compromise, the Presidency would ask Member States to give their consent to delete Article 14.</i>
192.	1. Unemployment in itself shall not constitute a reason for withdrawing an EU Blue Card, unless the period of unemployment exceeds three consecutive months, or where the unemployment occurs more than once during the period of validity of an EU Blue Card.	deleted <i>(moved to Article 7(2): where the third-country national has been unemployed for a period exceeding six consecutive months, except where such unemployment is the result of illness or disability; or)</i>	1. Unemployment in itself shall not constitute a reason for withdrawing an EU Blue Card, unless the period of unemployment exceeds three consecutive months, or where the unemployment occurs more than once during the period of validity of an EU Blue Card.	<i>Council compromise suggestion:</i> 1. Unemployment in itself shall not constitute a reason for withdrawing an EU Blue Card, unless the period of unemployment exceeds three consecutive months, or [...] exceeds three cumulative months in case the unemployment occurs more than once during the period of validity of an EU Blue Card. ----- <i>EP maintains its positions in AM 97</i> POLITICAL ISSUE: UNEMPLOYMENT <i>Update (11 December 2020): The Presidency would ask</i>

				<i>Member States to give their approval to move this provision with a slightly different wording to Article 7(2)(fa) [= line 146a].</i> <i>15/01/21: The Rapporteur approves the move to optional grounds (EP position) but maintains the EP position, that the length of the unemployment period to be considered should be at least 6 months.(see also line 192)</i>
193.	2. During the period referred to in paragraph 1, the EU Blue Card holder shall be allowed to seek and take up employment in accordance with the conditions set out in Article 13.	<i>deleted</i> <i>Moved to Article 13(1): EU Blue Card holders shall have full access to highly skilled employment in the Member State concerned. During a period of unemployment, the EU Blue Card holder shall be allowed to seek and take up highly skilled employment. Member States may require that a change of employer and changes affecting the fulfilment of the criteria for admission as set out in</i>	2. During the period referred to in paragraph 1, the EU Blue Card holder shall be allowed to seek and take up employment in accordance with the conditions set out in Article 13.	<i>Council wishes to maintain the Commission text</i> TO BE DISCUSSED AT TECHNICAL LEVEL <i>Update (11 December 2020): The Presidency would ask Member States to give their approval to move this provision with an adapted wording to Article 13(1c) [= new line 187a].</i>

		<i>Article 5 are communicated in accordance with procedures laid down by national law.</i>		
194.	3. The EU Blue Card holder shall communicate the beginning and, where appropriate, the end of the period of unemployment to the competent authorities of the Member State of residence, in accordance with the relevant national procedures.	<i>deleted</i>	3. The EU Blue Card holder shall communicate the beginning and, where appropriate, the end of the period of unemployment to the competent authorities of the Member State of residence, in accordance with the relevant national procedures.	<i>Council wishes to maintain the Commission text</i> TO BE DISCUSSED AT TECHNICAL LEVEL <i>Update (11 December 2020): The Presidency would ask Member States to give their approval to move this provision with an adapted wording to Article 13(1c) [= new line 187a].</i> <i>15/01/21: The Rapporteur accepts the principle that the BC holder should communicate his or her periods of unemployment, address and change of employer to the appropriate authorities. The Rapporteur therefore can accept the Council's proposed wording in principle for those lines (subject to a check on reference to the relevant Articles, pending agreement on Art. 13 and whether Art.</i>

				14 is deleted (and its provisions integrate)d to the other provisions), which is in the EP mandate. (see also lines 144 and 187a)
194a			4. Where Member States require a prior authorisation pursuant to point (a) of the first subparagraph of paragraph 1b of Article 13, they shall allow the EU Blue Card holder to remain on their territory until the necessary authorisation has been granted or denied.	Depends on the agreement on Article 13. Update (11 December 2020): The Presidency would ask Member States to give their approval to move this provision to a new subparagraph 2 of Article 13(1b) [= line 186f]. TO BE DISCUSSED AT TECHNICAL LEVEL
195.	<i>Article 15 Equal treatment</i>		<i>Article 15 Equal treatment</i>	
196.	1. EU Blue Card holders shall enjoy equal treatment with nationals of the Member State issuing the EU Blue Card, as regards:	(EMPL)	1. EU Blue Card holders shall enjoy equal treatment with nationals of the Member State issuing the EU Blue Card, as regards:	
197.	(a) terms of employment, including the minimum working age, and working conditions, including pay and dismissal, working hours, leave and holidays, as well as health and safety requirements at the workplace;	(EMPL)	(a) terms of employment, including the minimum working age, and working conditions, including pay and dismissal, working hours, leave and holidays, as well as health and safety	

			requirements at the workplace;	
198.	(b) freedom of association and affiliation and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the rights and benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security;	(EMPL)	(b) freedom of association and affiliation and membership of an organisation representing workers or employers or of any organisation whose members are engaged in a specific occupation, including the rights and benefits conferred by such organisations, without prejudice to the national provisions on public policy and public security;	
199.	(c) education and vocational training;	(EMPL)	(c) education and vocational training;	
200.	(d) recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures;	Amendment 124 (EMPL) (d) recognition of diplomas, certificates and other professional qualifications, including the non-formal acquisition of skills , in accordance with the relevant national procedures;	(d) recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures;	<i>Council wishes to maintain the Commission text</i>
201.	(e) branches of social security, as defined in Article 3 of Regulation (EC) No 883/2004;	(EMPL)	(e) branches of social security, as defined in Article 3 of Regulation (EC) No 883/2004;	
202.	(f) access to goods and services and the supply of goods and services made	(EMPL)	(f) access to goods and services and the supply of	

	available to the public, including procedures for obtaining housing, as well as information and counselling services afforded by employment offices.		goods and services made available to the public, including procedures for obtaining housing, as well as information and counselling services afforded by employment offices.	
202a		Amendment 125 (EMPL) <i>(fa) access to justice and support if they face any kind of discrimination, including in the labour market by applying the principles and safeguards referred to in Directive 2000/43/EC and Directive 2000/78/EC;</i>		<i>Provisional agreement found that EP amendment will be withdrawn and a new Recital 5a added:</i> “Member States should give effect to this Directive without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic characteristics, language, religion or beliefs, political or other opinions, membership of a national minority, fortune, birth, disability, age or sexual orientation in accordance, in particular, with Council Directive 2000/43/EC and Council Directive 2000/78/EC.”
202b		Amendment 126 (EMPL) <i>(fb) non-discrimination on the grounds of origin, gender, religion or belief,</i>		<i>See Council compromise suggestion for AM 125</i> ---

		<i>disability, age or sexual orientation.</i>		<i>As a way of compromise, EP proposes a new recital 5b to replace AM 125:</i> “For the principle of equal treatment to be effective, EU Blue Card holders should be able to seek legal redress and lodge complaints directly or through relevant third parties and benefit from support, as provided for in Directives 2000/43 and 2000/78, if they face any kind of discrimination, including in the labour market.”
203.	2. With respect to point (c) of paragraph 1 the Member State concerned may restrict equal treatment as regards study and maintenance grants and loans or other grants and loans regarding secondary and higher education and vocational training. Access to university and post-secondary education may be subject to specific prerequisites in accordance with national law.	(EMPL)	2. With respect to point (c) of paragraph 1 the Member State concerned may restrict equal treatment as regards study and maintenance grants and loans or other grants and loans regarding secondary and higher education and vocational training. Access to university and post-secondary education may be subject to specific prerequisites in accordance with national law.	
203a			With respect to point (e) of paragraph 1, the Member State concerned may restrict equal treatment as regards family benefits in	<i>Council wishes to maintain its text</i> MAJOR POLITICAL ISSUE: EQUAL TREATMENT

			relation to family members who reside in a third country.	
204.	With respect to point (f) of paragraph 1 the Member State concerned may restrict equal treatment as regards procedures for obtaining housing. This shall be without prejudice to the freedom of contract in accordance with Union and national law.	(EMPL)	With respect to point (f) of paragraph 1 the Member State concerned may restrict equal treatment as regards procedures for obtaining housing. This shall be without prejudice to the freedom of contract in accordance with Union and national law.	
205.	3. EU Blue Card holders moving to a third country, or their survivors who reside in a third country and who derive rights from the EU Blue Card holder, shall receive, in relation to old age, invalidity and death, statutory pensions based on the EU Blue Card holder's previous employment and acquired in accordance with the legislation referred to in Article 3 of Regulation (EC) No 883/2004, under the same conditions and at the same rates as the nationals of the Member States concerned when they move to a third country.	(EMPL)	3. EU Blue Card holders moving to a third country, or their survivors who reside in a third country and who derive rights from the EU Blue Card holder, shall receive, in relation to old age, invalidity and death, statutory pensions based on the EU Blue Card holder's previous employment and acquired in accordance with the legislation referred to in Article 3 of Regulation (EC) No 883/2004, under the same conditions and at the same rates as the nationals of the Member States concerned when they move to a third country.	

206.	4. The right to equal treatment laid down in paragraph 1 shall be without prejudice to the right of the Member State to withdraw or to refuse to renew the EU Blue Card in accordance with Article 7.	(EMPL)	4. The right to equal treatment laid down in paragraph 1 shall be without prejudice to the right of the Member State to withdraw or to refuse to renew the EU Blue Card in accordance with Article 7.	
207.	5. This Article shall not apply to EU Blue Card holders who are beneficiaries of the right to free movement under Union law in the Member State concerned.	(EMPL)	5. This Article shall not apply to EU Blue Card holders who are beneficiaries of the right to free movement under Union law in the Member State concerned.	
208.	6. This Article shall apply to EU Blue Card holders who are beneficiaries of international protection only when they reside in a Member State other than the Member State which granted them international protection.	(EMPL)	6. This Article shall apply to EU Blue Card holders who are beneficiaries of international protection only when they reside in a Member State other than the Member State which granted them international protection.	
208a		Amendment 127 (EMPL) <i>6a. Member States shall hold the employer of the EU Blue Card holder responsible for any repeated or significant failure to comply with Article 5(3) and Article 15.</i>		<i>To be deleted, part of compromise for new Article 12a.</i>
208b		<i>The Member State concerned shall provide for sanctions where the</i>		<i>To be deleted, part of compromise for new Article 12a.</i>

		<i>employer is held responsible. Those sanctions shall be effective, proportionate and dissuasive.</i>		
208c		Amendment 128 (EMPL) <i>6b. Member States shall provide for measures to prevent possible abuses of Article 5(3) and Article 15. Those measures shall include monitoring, assessment at regular intervals and, where appropriate, inspection in accordance with national law or administrative practice.</i>		<i>To be deleted, part of compromise for new Article 12a.</i>
208d				<i>Following the political trilogue on 10.12.2020 the Council proposes the following compromise suggestion regarding harmonisation:</i> 7. Where Member States issue national residence permits for the purpose of highly qualified employment, they shall grant EU Blue Card holders the same equal treatment rights as the ones granted to holders of national

				residence permits, where these are more favourable than those provided for in this Article.
209.	<i>Article 16 Family members</i>		<i>Article 16 Family members</i>	
210.	1. Council Directive 2003/86/EC shall apply with the derogations laid down in this Article.		1. Council Directive 2003/86/EC shall apply with the derogations laid down in this Article.	
211.	2. By way of derogation from Articles 3(1) and 8 of Directive 2003/86/EC, family reunification shall not be made dependent on the requirement of the EU Blue Card holder having reasonable prospects of obtaining the right of permanent residence and having a minimum period of residence.		2. By way of derogation from Articles 3(1) and 8 of Directive 2003/86/EC, family reunification shall not be made dependent on the requirement of the EU Blue Card holder having reasonable prospects of obtaining the right of permanent residence [...], to hold a residence permit for a period of validity of one year or more or having a minimum period of residence.	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL
211a		Amendment 129 <i>2a. By way of derogation from point (a) of Article 3(2) of Directive 2003/86/EC, that directive, together with the derogations laid down in this Article, shall apply to</i>		<i>Council wishes to maintain its text</i> LINKED TO MAJOR POLITICAL ISSUE: SCOPE

		<i>EU Blue Card holders whose application for international protection is suspended for the duration of validity of the Blue Card pursuant to Article 9(2a) of this Directive.</i>		
212.	3. By way of derogation from the third subparagraph of Article 4(1) and from the second subparagraph of Article 7(2) of Directive 2003/86/EC, the integration conditions and measures referred to therein may only be applied after the persons concerned have been granted family reunification.		3. By way of derogation from the third subparagraph of Article 4(1) and from the second subparagraph of Article 7(2) of Directive 2003/86/EC, the integration conditions and measures referred to therein may only be applied after the persons concerned have been granted family reunification.	
213.	4. By way of derogation from the first subparagraph of Article 5(4) of Directive 2003/86/EC, where the conditions for family reunification are fulfilled and the applications were submitted simultaneously, residence permits for family members shall be granted at the same time as the EU Blue Card. Where the family members join the EU Blue Card holder after the EU Blue Card has been granted to him or her and where the conditions for family reunification are fulfilled, residence permits shall be granted	Amendment 130 4. By way of derogation from the first subparagraph of Article 5(4) of Directive 2003/86/EC, where the conditions for family reunification are fulfilled and the applications were submitted simultaneously, residence permits for family members shall be granted at the same time as the EU Blue Card. Where the family members join the EU Blue Card holder	4. By way of derogation from the first subparagraph of Article 5(4) of Directive 2003/86/EC, where the conditions for family reunification are fulfilled and the complete applications were submitted simultaneously, [...] the decision for family members shall be [...] adopted and notified at the same time as the EU Blue Card. Where the family members join the EU	<i>EP could accept the wording of the Council text with the exception of the timeline of 90 days.</i> ----- <i>Council compromise suggestion:</i> 4. By way of derogation from the first subparagraph of Article 5(4) of Directive 2003/86/EC, where the conditions for family reunification are fulfilled and the complete applications

	at the latest within 60 days from the date on which the application was submitted.	after the EU Blue Card has been granted to him or her and where the conditions for family reunification are fulfilled, residence permits shall be granted at the latest within [...] 30 days from the date [...] <i>of submission of</i> the application [...].	Blue Card holder after the EU Blue Card has been granted to him or her and where the conditions for family reunification are fulfilled, [...] the decision shall be [...] adopted and notified at the latest within [...] 90 days from the date on which the complete application was submitted. Article 10(3) of this Directive shall apply accordingly.	were submitted simultaneously, [...] the decision for family members shall be [...] adopted and notified at the same time as the EU Blue Card. Where the family members join the EU Blue Card holder after the EU Blue Card has been granted to him or her and where the conditions for family reunification are fulfilled, [...] the decision shall be [...] adopted and notified as soon as possible but at the latest within [...] 90 days from the date on which the complete application was submitted. Article 10(3) of this Directive shall apply accordingly. TO BE DISCUSSED AT TECHNICAL LEVEL
214.	5. By way of derogation from Article 13(2) and (3) of Directive 2003/86/EC, the duration of validity of the residence permits of family members shall be the same as that of the EU Blue Card insofar as the period of validity of their travel documents allows it.		5. By way of derogation from Article 13(2) and (3) of Directive 2003/86/EC, the duration of validity of the residence permits of family members shall be the same as that of the EU Blue Card insofar as the period of validity of their travel documents allows it.	

215.	6. By way of derogation from Article 14(1)(b) and (2) of Directive 2003/86/EC, Member States shall not apply any time limit in respect of access to the labour market. Without prejudice to the restrictions referred to in Article 13(3) of this Directive, family members shall have access to any employed or self-employed activity in the Member State concerned.		6. By way of derogation from Article 14 [...] (2) of Directive 2003/86/EC, Member States shall not apply any time limit in respect of access to the labour market. By way of derogation from Article 14(1)(b) of that Directive, and without prejudice to the restrictions referred to in Article 13(3) of this Directive, family members shall have access to any [...] employment, and to self-employed activity in accordance with applicable requirements under national law, in the Member State concerned.	<i>EP could accept the Council text apart from the reference to applicable requirements under national law which need to be further clarified.</i> TO BE DISCUSSED AT TECHNICAL LEVEL
216.	Before a family member is granted access to employment, Member States may check whether the concerned vacancy could not be filled by national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by EU long-term residents wishing to move to that Member State for employment in accordance with Chapter III of Directive 2003/109/EC.	Amendment 131 <i>deleted</i>	Before a family member is granted access to employment, Member States may check whether the concerned vacancy could not be filled by national or Union workforce, by third-country nationals lawfully resident in that Member State and already forming part of its labour market by virtue of Union or national law, or by	POLITICAL ISSUE: FAMILY MEMBERS

			EU long-term residents wishing to move to that Member State for employment in accordance with Chapter III of Directive 2003/109/EC.	
217.	7. By way of derogation from Article 15(1) of Directive 2003/86/EC, for the purposes of calculation of the five years of residence required for the acquisition of an autonomous residence permit, residence in different Member States shall be cumulated.		7. By way of derogation from Article 15(1) of Directive 2003/86/EC, for the purposes of calculation of the five years of residence required for the acquisition of an autonomous residence permit, residence in different Member States shall be cumulated. Member States may require two years of legal and continuous residence immediately prior to the submission of the relevant application within the territory of the Member State where the application for an autonomous residence permit is submitted.	<i>Council wishes to maintain its text</i> POLITICAL ISSUE: LONG-TERM RESIDENCE
218.	8. The provisions set out in Article 17 concerning the accumulation of periods of residence in different Member States by the EU Blue Card holder for the purpose of acquiring the EU long-term resident status shall apply by analogy.		8. The provisions set out in Article 17 concerning the accumulation of periods of residence in different Member States by the EU Blue Card holder for the purpose of acquiring the EU	

			long-term resident status shall apply by analogy.	
219.	9. This Article shall not apply to EU Blue Card holders who are beneficiaries of the right to free movement under Union law in the Member State concerned.		9. 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 Member State concerned.	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL
220.	10. This Article shall apply to EU Blue Card holders who are beneficiaries of international protection only when they reside in a Member State other than the Member State which granted them international protection.	Amendment 132 10. This Article shall apply to EU Blue Card holders who are beneficiaries of international protection [...] <i>in respect of any more favourable condition for family members which could derive from this Directive, including</i> when they reside in a Member State other than the Member State which granted them international protection.	10. This Article shall apply to EU Blue Card holders who are beneficiaries of international protection only when they reside in a Member State other than the Member State which granted them international protection.	<i>Council compromise suggestion:</i> 10. This Article shall apply to family members of those EU Blue Card holders who are beneficiaries of international protection only when those EU Blue Card holders reside in a Member State other than the Member State which granted them international protection. TO BE DISCUSSED AT TECHNICAL LEVEL
220a				<i>Following the political trilogue on 10.12.2020 the Council proposes the following compromise suggestion regarding harmonisation:</i> 11. Where Member States issue national residence

				permits for the purpose of highly qualified employment, they shall grant EU Blue Card holders and their family members the same rights as those granted to holders of national residence permits and their family members, where these are more favourable than those provided for in this Article.
221.	<i>Article 17 EU long-term resident status for EU Blue Card holders</i>		<i>Article 17 EU long-term resident status for EU Blue Card holders</i>	
222.	1. Directive 2003/109/EC shall apply with the derogations laid down in this Article.		1. Directive 2003/109/EC shall apply with the derogations laid down in this Article.	
223.	2. By way of derogation from Article 4(1) of Directive 2003/109/EC, Member States shall grant EU long-term resident status to third-country nationals who have legally and continuously resided as EU Blue Card holders within their territory for three years immediately prior to the submission of the relevant application.		2. By way of derogation from Article 4(1) of Directive 2003/109/EC, Member States [...] may grant EU long-term resident status to third-country nationals who have legally and continuously resided as EU Blue Card holders within their territory for three years immediately prior to the submission of the relevant application.	<i>Council wishes to maintain its text</i> POLITICAL ISSUE: LONG-TERM RESIDENCE
224.	The EU long-term resident status granted in accordance with the first subparagraph of	Amendment 133 <i>deleted</i>	The EU long-term resident status granted in accordance	<i>Council wishes to maintain its text</i> POLITICAL ISSUE:

	this paragraph may be withdrawn before the period of legal and continuous residence of five years referred to in Article 4(1) of Directive 2003/109/EC within the territory of the Member States has been completed, where the third-country national becomes unemployed and does not have sufficient resources to maintain himself or herself and, where applicable, the members of his or her family, without having recourse to the social assistance system of the Member State concerned.		with the first subparagraph of this paragraph may be withdrawn before the period of legal and continuous residence of five years referred to in Article 4(1) of Directive 2003/109/EC within the territory of the Member States has been completed, where the third-country national [...] does not have sufficient resources to maintain himself or herself and, where applicable, the members of his or her family, without having recourse to the social assistance system of the Member State concerned. Member States shall not withdraw the EU long-term resident status where the withdrawal would be disproportionate taking into account the reasons underlying the lack of sufficient resources of the third-country national concerned.	LONG-TERM RESIDENCE TO BE DISCUSSED FIRST AT TECHNICAL LEVEL
225.	However, the EU long-term resident status shall not be withdrawn where the third-country national:	Amendment 134 <i>deleted</i>	<i>deleted</i>	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL

226.	(a) is temporarily unable to work as the result of an illness or accident;	Amendment 134 <i>deleted</i>	<i>deleted</i>	Council wishes to maintain its text. TO BE DISCUSSED AT TECHNICAL LEVEL
227.	(b) is in duly recorded involuntary unemployment and has registered as job-seeker with the relevant employment office;	Amendment 134 <i>deleted</i>	<i>deleted</i>	Council wishes to maintain its text TO BE DISCUSSED AT TECHNICAL LEVEL
228.	(c) begins vocational training which, unless the third-country national concerned is involuntarily unemployed, shall be related to the previous employment.	Amendment 134 <i>deleted</i>	<i>deleted</i>	Council wishes to maintain its text TO BE DISCUSSED AT TECHNICAL LEVEL
229.	3. By way of derogation from Article 4(1) of Directive 2003/109/EC, the EU Blue Card holder having made use of the possibility provided for in Article 20 of this Directive is allowed to cumulate periods of residence in different Member States in order to fulfil the requirement concerning the duration of residence, if that holder has accumulated:		3. By way of derogation from Article 4(1) of Directive 2003/109/EC, the EU Blue Card holder having made use of the possibility provided for in Article 20 of this Directive is allowed to cumulate periods of residence in different Member States in order to fulfil the requirement concerning the duration of residence, if that holder has accumulated:	
230.	(a) five years of legal and continuous residence within the territory of the Member States; and		(a) five years of legal and continuous residence as an EU Blue Card holder within the territory of the Member States; and	TO BE DISCUSSED AT TECHNICAL LEVEL

231.	(b) two years of legal and continuous residence as an EU Blue Card holder immediately prior to the submission of the relevant application within the territory of the Member State where the application for the EU long-term resident status is submitted.		(b) two years of legal and continuous residence as an EU Blue Card holder immediately prior to the submission of the relevant application within the territory of the Member State where the application for the EU long-term resident status is submitted.	
232.	4. For the purpose of calculating the five years period of legal and continuous residence in the Union referred to in point (a) of paragraph 3 and by way of derogation from the first subparagraph of Article 4(3) of Directive 2003/109/EC, periods of absence from the territory of the Member States shall not interrupt the five years period if those periods of absence are shorter than twelve consecutive months and do not exceed in total eighteen months within the five years period of legal and continuous residence.		4. For the purpose of calculating the five years period of legal and continuous residence in the Union referred to in point (a) of paragraph 3 and by way of derogation from the first subparagraph of Article 4(3) of Directive 2003/109/EC, periods of absence from the territory of the Member States shall not interrupt the five years period if those periods of absence are shorter than twelve consecutive months and do not exceed in total eighteen months within the five years period of legal and continuous residence.	
233.	5. By way of derogation from Article 9(1)(c) of Directive 2003/109/EC, Member States shall extend to 24 consecutive	Amendment 135 <i>deleted</i>	5. By way of derogation from Article 9(1)(c) of Directive 2003/109/EC, Member States	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL

	months the period of absence from the territory of the Member States which is allowed to an EU long-term resident holder of a long-term residence permit with the remark referred to in Article 18(2) of this Directive and of his family members having been granted the EU long-term resident status.		shall extend to 24 consecutive months the period of absence from the territory of the Member States which is allowed to an EU long-term resident holder of a long-term residence permit with the remark referred to in Article 18(2) of this Directive and of his family members having been granted the EU long-term resident status.	
234.	6. The derogations set out in paragraphs 4 and 5 may be restricted to cases where the third-country national concerned can present evidence that he has been absent from the territory of the Member States to exercise an economic activity in an employed or self-employed capacity, or to perform a voluntary service, or to study in his own country of origin.	Amendment 136 <i>deleted</i>	6. The derogations set out in paragraphs 4 and 5 may be restricted to cases where the third-country national concerned can present evidence that he has been absent from the territory of the Member States to exercise an economic activity in an employed or self-employed capacity, or to perform a voluntary service, or to study in his own country of origin.	<i>Council wishes to maintain its text</i> POLITICAL ISSUE: LONG-TERM RESIDENCE TO BE DISCUSSED FIRST AT TECHNICAL LEVEL
235.	7. Point (f) of Article 15(1), Article 19 and, where applicable, Articles 16 and 21 shall apply to holders of a long-term residence permit with the remark referred to in Article 18(2).		7. [...] Article 15(3) , Article 19 and, where applicable, Articles 16 and 21 shall apply to holders of a long-term residence permit with the	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL

			remark referred to in Article 18(2).	
236.	8. Where the EU long-term resident who holds a long-term residence permit with the remark referred to in Article 18(2) of this Directive is exercising his or her right to move to a second Member State pursuant to Chapter III of Directive 2003/109/EC, Article 14(3) and (4) and point (b) of Article 15(2) of that Directive shall not apply. The second Member State may apply measures in accordance with Article 20(6) of this Directive.		8. Where the EU long-term resident who holds a long-term residence permit with the remark referred to in Article 18(2) of this Directive is exercising his or her right to move to a second Member State pursuant to Chapter III of Directive 2003/109/EC, [...] Article 14 (4) of that Directive shall not apply. [...]	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL
237.	<i>Article 18</i> <i>Long-term residence permit</i>		<i>Article 18</i> <i>Long-term residence permit</i>	
238.	1. EU Blue Card holders who fulfil the conditions set out in Article 17 of this Directive for the acquisition of the EU long-term resident status shall be issued with a residence permit in accordance with Article 1(2)(a) of Regulation (EC) No 1030/2002.		1. EU Blue Card holders who fulfil the conditions set out in Article 17 of this Directive for the acquisition of the EU long-term resident status shall be issued with a residence permit in accordance with Article 1(2)(a) of Regulation (EC) No 1030/2002.	
239.	2. Member States shall enter the words "Former EU Blue Card holder" in the residence permit referred to in paragraph 1 of this Article under the heading "remarks".		2. Member States shall enter the words "Former EU Blue Card holder" in the residence permit referred to in paragraph 1 of this Article under the heading "remarks".	
240.	Chapter V MOBILITY BETWEEN MEMBER STATES		Chapter V MOBILITY BETWEEN MEMBER STATES	

241.	<i>Article 19</i> <i>Business activity in a second Member State</i>	Amendment 137 <i>Short-term mobility for EU Blue Card holders</i>	<i>Article 19</i> <i>Short-term mobility in a second Member State</i>	<i>Agreement confirmed at trilogue on 27.11.17:</i> <i>Article 19</i> Short-term mobility
242.	1. Where a third-country national who holds a valid EU Blue Card issued by a Member State applying the Schengen acquis in full enters and stays in one or several second Member States for a period of 90 days in any 180-day period for the purpose of carrying out a business activity, the second Member State shall not require any authorisation for exercising such activity other than the EU Blue Card issued by the first Member State.		1. Where a third-country national who holds a valid EU Blue Card issued by a Member State applying the Schengen acquis in full enters and stays in one or several second Member States for a period of 90 days in any 180-day period for the purpose of carrying out a business activity, the second Member State shall not require any authorisation for exercising such activity other than the EU Blue Card issued by the first Member State.	
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 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	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 several second Member States for up to 90 days in any 180-	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 second Member States for up to 90 days in any 180-day period on the	<i>By way of a compromise, the Council suggests moving the provision in Article 22 (1) to this provision with the following 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 full shall be entitled to enter and stay for the purpose of carrying

	activity other than the EU Blue Card issued by the first Member State.	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>	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.	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. 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>15/01/21: The Rapporteur accepts the Council proposed compromise since it is in line with the EP position. The wording is acceptable except for the reference to “qualified” employment which should remain in square brackets, along with</i>
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				<i>EP mandate, and also refer to 'skilled' employment.</i> Technical meeting 21 January 2021: Provisionally agreed. 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 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.	Amendment 140 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, stay and work in one or several [...] Member States 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.	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 [...] qualified employment on the basis of the EU Blue Card and a valid travel document under the conditions set out in this Article.	<i>Council compromise suggestion (see also recital 41):</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, reside and work in a second Member State for the purpose of highly [...] [qualified] [skilled] employment on the basis of the EU Blue Card and a valid travel document under the conditions set out in this Article.

				<i>15/01/21: The Rapporteur accepts the Council proposed compromise. The wording is acceptable except for the reference to “qualified” employment which should remain in square brackets, along with EP mandate, and also refer to “skilled” employment.</i> Technical meeting 21 January 2021: Provisionally agreed, with the exception of ‘skills’ vs ‘qualified’. TO BE DISCUSSED AT TECHNICAL LEVEL
245a				<i>Council compromise suggestion to move Article 20(3a) of the EP text (line 254b) and Article 22(1) (line 280) to a new paragraph (1a) with the following wording:</i> 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] [skilled] employment of at least six months in the second Member State. <i>15/01/21: The Rapporteur accepts the Council proposed compromise. The wording is acceptable except for the reference to “qualified” employment which should remain in square brackets, along with EP mandate, and also refer to “skilled” employment.</i> Technical meeting 21 January 2021: Provisionally agreed, with the exception of ‘skills’ vs ‘qualified’.
246.		Amendment 141		<i>Council wishes to maintain its text</i>

	2. As soon as possible and no later than one month after entering the territory of the second Member State, the EU Blue Card holder or his employer or both shall submit an application for an EU Blue Card to the competent authority of that Member State and present all the documents proving the fulfilment of the conditions referred to in paragraph 3 for the second Member State.	As soon as possible and no later than one month after entering the territory of the second Member State, the EU Blue Card holder or his or her employer or both shall [...] notify [...] the competent authority of that second Member State of his or her employment in that Member State and shall present [...] the documents required under paragraph 3 [...].	2. As soon as possible and no later than one month after entering the territory of the second Member State, the EU Blue Card holder or his or her employer or both shall submit an application for an EU Blue Card to the competent authority of that Member State and present all the documents proving the fulfilment of the conditions referred to in paragraph 3 for the second Member State.	POLITICAL ISSUE: NOTIFICATION VS APPLICATION TO BE DISCUSSED FIRST AT TECHNICAL LEVEL 2. As soon as possible and no later than one month after entering the territory of the second Member State, the EU Blue Card holder or his or her employer or [...] either of the two shall submit an [application/notification] for an EU Blue Card to the competent authority of that Member State and present all the documents proving the fulfilment of the conditions referred to in paragraph 3 for the second Member State. <i>15/01/21 The Rapporteur prefers to limit the text to “either the EU Blue Card holder or his or her employer” and not include the “either of the two”.</i>
247.		Amendment 142		<i>Council wishes to maintain its text</i>

	The EU Blue Card holder shall be allowed to work in the second Member State immediately after submitting the application.	The EU Blue Card holder shall be allowed to work in the second Member State immediately after submitting the [...] notification .	The second Member State may allow the EU Blue Card holder [...] to start working immediately after submitting the application.	LINKED TO ABOVE TO BE DISCUSSED AT TECHNICAL LEVEL
248.	The application may also be submitted to the competent authorities of the second Member State while the EU Blue Card holder is still residing in the territory of the first Member State.	Amendment 143 The [...] notification may also be submitted to the competent authorities of the second Member State while the EU Blue Card holder is still residing in the territory of the first Member State.	The application may also be submitted to the competent authorities of the second Member State while the EU Blue Card holder is still residing in the territory of the first Member State.	Council wishes to maintain its text LINKED TO ABOVE TO BE DISCUSSED AT TECHNICAL LEVEL
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 [...]:	Council wishes to maintain its text LINKED TO ABOVE TO BE DISCUSSED AT TECHNICAL LEVEL Technical meeting of 2 December 2020: Council suggests to include the verb "present" in this provision (line 249) and delete the multiple occurrences of the same verb in points a) to f) (lines 250-254). 15/01/21 The Rapporteur accepts this suggestion which

				<i>leads back to the Commission and EP positions</i>
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;	<i>Council wishes to maintain its text</i>
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;	<i>Council wishes to maintain its text</i> LINKED TO A MAJOR POLITICAL ISSUE: QUALIFICATIONS VS SKILLS
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;	<i>Council wishes to maintain its text</i>
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 proposes to move this to a new para 3a. This line could be deleted then.</i> 15/01/21 The Rapporteur accepts the Council's compromise to move the provisions under the "may" clauses. However, while the inclusion of the provision regarding health insurance

				(line 254a) can be understood as crucial for Member States, the additional documents requested in line 252a go too far and against the objective of a lighter application for mobility. However, the EP has a question concerning the consistency between the wording used line 254a and the wording used in the ICT Directive (Art 5(1)(g)), with the following wording at the end: "[...] and corresponding entitlement to benefits are provided in connection with, or as a result of, the work carried out in that Member State. This should be further discussed.
253.	(d) a valid travel document, as determined by national law;		(d) present a valid travel document, as determined by national law;	Council wishes to maintain its text
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) where necessary , evidence of meeting the salary threshold set in the second Member State in application of Article 5(2)	(e) present evidence of meeting the salary threshold set in the second Member State in application of paragraph 2 or, where	Council wishes to maintain its text TO BE DISCUSSED AT TECHNICAL LEVEL

		or, where applicable, of <i>Article 5(4) or (5)</i> .	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 proposes to move this to a new para 3a. This line could be deleted then.</i> <i>15/01/21 The Rapporteur accepts the Council's compromise to move the provisions under the "may" clauses. However, while the inclusion of the provision regarding health insurance (line 254a) can be understood as crucial for Member States, the additional documents requested in line 252a goes too far and against the objective of a lighter application for mobility. However, the EP has a question concerning the consistency between this wording and the wording used in the ICT Directive (Art 5(1)(g)), with the following wording at the end: "[...] and corresponding entitlement to benefits are provided in connection with, or as a result of, the work carried out in that Member State. This should be further discussed.</i>

				<i>(see also lines 254d and e).</i> Internal coherency: see also line 114
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 for at least six months in the second Member State.</i>		<i>Council compromise suggestion to move this provision to a new provision in Article 20(1a) (see line 245a).</i> <i>15/01/21 The Rapporteur accepts the move.</i> TO BE DISCUSSED AT TECHNICAL LEVEL
254c				<i>Council suggests the following compromise proposal for a new para 3a: It merges lines 252a and 254a into one “may” clause that makes it optional for Member States to request the respective information.</i>

				15/01/21 The Rapporteur recommends to accept the Council's compromise to move the provisions under the "may" clauses. However, while the inclusion of the provision regarding health insurance (line 254a) can be understood as crucial for Member States, the additional documents requested ("documents attesting higher professional qualifications in relation to the work to be carried out as provided for in national law) go too far and against the objective of a lighter application for mobility. However, the EP has a question concerning the consistency between this wording and the wording used in the ICT Directive (Art 5(1)(g)), with the following wording at the end: "[...] and corresponding entitlement to benefits are provided in connection with, or as a result of, the work carried out in that Member State.) This should be further discussed.
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				3a. For the purposes of the application referred to in paragraph 2, the Member State concerned may request the EU Blue Card holder [...]:
254d				(a) to present the documents attesting higher professional qualifications in relation to the work to be carried out as provided for in national law;
254e				(b) to 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.
255.	4. The second Member State shall reject an application for an EU Blue Card in any of the following cases:	Amendment 147 4. <i>Within 30 days of the date of receipt of the notification</i> , the second Member State [...] <i>may object to mobility</i> in any of the following cases:	4. The second Member State shall reject an application for an EU Blue Card in any of the following cases:	<i>Council wishes to maintain its text</i> POLITICAL ISSUE: MOBILITY TO BE DISCUSSED FIRST AT TECHNICAL LEVEL

256.	(a) the documents required pursuant to paragraph 3 are not presented;		(a) [...] the conditions set out in paragraph 3 are not [...] fulfilled;	<i>Agreement confirmed at trilogue on 27.11.17:</i> “(a) paragraph 3 is not complied with; “
257.	(b) the documents were fraudulently acquired, or falsified or tampered with;	Amendment 148 (b) the documents were, <i>with the knowledge of the third-country national concerned</i> , fraudulently acquired, or falsified or tampered with;	(b) the documents were fraudulently acquired, or falsified or tampered with;	<i>Council wishes to maintain its text.</i> TO BE DISCUSSED AT TECHNICAL LEVEL 15/01/21 The Rapporteur accepts the compromise text of line 127 for grounds for rejecting mobility as well. However, the EP maintains its position on the optional character of this ground. (See also lines 31, 127, 133a, 146b and 149i)
258.	(c) the employment does not comply with the conditions laid down in the applicable laws, collective agreements or practices as referred to in Article 5(3).		(c) the employment does not comply with the conditions laid down in the applicable laws, collective agreements or practices as referred to in Article 5(3);	
258a		Amendment 149 <i>(ca) where the EU Blue Card holder poses a threat to public policy, public security or public health;</i>	(d) the third-country national poses a threat to public policy, public security or public health.	<i>Agreement confirmed at trilogue on 27.11.17:</i> (d) the EU Blue Card holder poses a threat to public

				policy, public security or public health.
258b		Amendment 150 <i>(cb) where the second Member State undertakes a check in accordance with Article 6(3a) after a justified notification as set out in that Article, and only if the second Member State has also introduced such checks for third-country nationals coming from third countries under this Directive.</i>		<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL <i>Technical meeting 22.10.20: EP will check if this amendment is still necessary given the agreement on paragraph 6.</i> <i>15/01/21 The Rapporteur accepts the deletion here, since the point is now covered by the agreement on paragraph 6.</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>Possible 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. <i>15/01/21 The Rapporteur cannot accept the compromise, as the procedural safeguards</i>

				<i>referred to under Art. 10(3) and (4) do not include proportionality, while the EP position includes optional grounds for refusal (mandatory grounds only in Commission and Council positions).</i> POLITICAL ISSUE: PROPORTIONALITY IN DECISION MAKING
259.	5. The second Member State shall reject an application for an EU Blue Card where the third-country national poses a threat to public policy, public security or public health.	Amendment 152 5. The second Member State shall [...] inform the first Member State in writing at the same time as informing the EU Blue Card holder, his or her employer, or both, of any objection to mobility and may oblige the EU Blue Card holder and his or her family members, in accordance with procedures provided for in national law, to leave its territory.	<i>deleted (moved under paragraph 4 point d of this Article)</i>	Presidency does not see any need for EP AM 152 as all elements are covered by the proposals in line 258c and line 264. <i>15/01/21 The Rapporteur maintains its position as compromises in lines 258c and 264 are still to be agreed.</i>
260.	6. The second Member State may reject an application for an EU Blue Card on the	Amendment 153 6. Where a [...] second Member State [...] objects	6. The second Member State may reject an application for	<i>Agreement confirmed at trilogue on 13.12.17*:</i>

	basis of a check made in accordance with Article 6(2) after a justified notification as set out in that Article, and only if the second Member State has also introduced such checks for third-country nationals coming from third countries under this Directive.	<i>to mobility, that objection shall not affect the renewal of the EU Blue Card [...] or the re-entry of the EU Blue Card holder and his or her family members to the first Member State. Upon request of the second Member State, the first Member State shall allow such re-entry without formalities and without delay. This shall also apply if the [...] EU Blue Card issued by the first Member State has [...] expired or has been withdrawn during the notification period. The EU Blue Card holder or his or her employer in the second Member State may be held liable for the costs relating to the re-entry of the EU Blue Card holder and his or her family members.</i>	an EU Blue Card on the basis of a check made in accordance with Article 6(2) [...] and only if the second Member State has also introduced such checks for third-country nationals coming from third countries under this Directive.	6. The second Member State may reject an application for an EU Blue Card on the basis of a check carried out in accordance with Article 6(3)(cc) [...] only if that Member State carries out such checks when it is the first Member State. <i>*EP could accept the compromise provided an agreement is found on the general issue of labour market tests.</i> <i>(The above was included in the agreed 4CT post-trilogue of December 2017; on 16/10/20 the EP indicated its wish to keep the word 'application' in square brackets)</i>
261.	7. The second Member State may reject an application for an EU Blue Card where the third-country national repetitively makes use of the possibility to enter and work in	Amendment 154 <i>7. Where the EU Blue Card holder has exercised mobility pursuant to this Article and wishes to</i>	7. The second Member State may reject an application for an EU Blue Card where the third-country national [...]	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL

	second Member States pursuant to this Article in an abusive manner. The second Member State shall notify the first Member State of the rejection for the purpose of point (f) of Article 7(2).	<i>renew the [...] EU Blue Card [...] and to continue working in the second Member State, the EU Blue Card holder or his or her employer shall apply for renewal in that second Member [...] State. If he or she applies for renewal in the first Member State [...], he or she will be required to work for 12 months in that first Member State [...] before exercising his or her right to long-term mobility again, in accordance with paragraph 1.</i>	makes use of the possibility to enter and work in second Member States pursuant to this Article in an abusive manner. The second Member State shall notify the first Member State of the rejection for the purpose of point (f) of Article 7(2).	
262.	8. By way of derogation from Article 10(1), the second Member State shall adopt a decision on an application for an EU Blue Card and notify the applicant and the first Member State in writing at the latest within 30 days of the date of submission of the application of its decision to either:	Amendment 155 8. By way of derogation from Article 10(1), the second Member State shall adopt a decision on [...] <i>the notification and inform the EU Blue Card [...] holder</i> and [...] the first Member State in writing at the latest within 30 days of the date of submission of the [...] <i>notification</i> of its decision to either:	8. [...] The second Member State shall adopt a decision on an application for an EU Blue Card and notify the applicant and the first Member State in writing at the latest within [...] 90 days of the date of submission of the complete application of its decision to either:	<i>Council compromise suggestion:</i> 8. [...] The second Member State shall adopt a decision on an application for an EU Blue Card and notify the applicant and the first Member State in writing as soon as possible, but at the latest within [...] 90 days of the date of submission of the complete application of its decision to either:

				TO BE DISCUSSED AT TECHNICAL LEVEL
263.	(a) where the conditions laid down in this Article are fulfilled, issue an EU Blue Card and allow the third-country national to reside on its territory for the purpose of highly skilled employment; or	Amendment 156 (a) where the conditions laid down in this Article are fulfilled, [...] not to object to mobility ; or	(a) where the conditions laid down in this Article are fulfilled, issue an EU Blue Card and allow the third-country national to reside on its territory for the purpose of highly [...] qualified employment; or	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL
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 [...].	<i>By way of a compromise, Council could agree to go back to the wording proposed by the Commission if Recital 44a and Art. 22(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. In case of a refusal, in its notification to the first MS, the second MS shall specify the reasons for the decision. <i>15/01/21 The Rapporteur cannot agree with the last sentence of this proposed</i>

				<i>compromise, The reasons for which the second MS refuses mobility are not relevant for the first MS.</i> <i>Technical meeting of 28 January 2021: Council could accept to limit the scope of the obligation to specify the reasons for the decision to refuse mobility to certain grounds only (e.g. public policy, public security, public health, fraudulently acquired or falsified documents).</i> TO BE DISCUSSED AT TECHNICAL LEVEL
265.	9. Where the EU Blue Card issued by the first Member State expires during the procedure, the second Member State may issue, if so required by national law, national temporary residence permits, or equivalent authorisations, allowing the applicant to continue to stay legally on its territory until a decision on the application has been taken by the competent authorities.	Amendment 158 9. Where the EU Blue Card issued by the first Member State expires during the notification procedure, the second Member State may issue, if so required by national law, national temporary residence permits, or equivalent authorisations, allowing the applicant to continue to stay legally on its territory until a decision on the [...]	9. Where the EU Blue Card issued by the first Member State expires during the procedure, the second Member State may issue, if so required by national law, national temporary residence permits, or equivalent authorisations, allowing the applicant to continue to stay legally on its territory until a decision on the application	TO BE DISCUSSED AT TECHNICAL LEVEL

		<i>renewal of the EU Blue Card</i> has been taken by the competent authorities.	has been taken by the competent authorities.	
266.	10. From the second time that an EU Blue Card holder and, where applicable, his family members, make use of the possibility to move to another Member State pursuant to this Article, "first Member State" shall be understood as meaning the Member State from where the person concerned moves and "second Member State" as meaning the Member State to which he is applying to reside. By way of derogation from Article 20(1), an EU Blue Card holder may move to another Member State a second time after six months of legal residence in the first Member State as an EU Blue Card holder.		10. From the second time that an EU Blue Card holder and, where applicable, his family members, make use of the possibility to move to another Member State [...] under the terms of this Chapter , "first Member State" shall be understood as meaning the Member State from where the person concerned moves and "second Member State" as meaning the Member State to which he or she is applying to reside. By way of derogation from Article 20(1), an EU Blue Card holder may move to another Member State a second time after six months of legal residence in the first Member State as an EU Blue Card holder.	<i>Agreement confirmed at trilogue on 13.12.17:</i> <i>Reference will be made to Articles 20 and 21 instead of a reference to "the terms of this Chapter".</i>
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	Amendment 159 1. Where the EU Blue Card holder moves to a second	1. Where the EU Blue Card holder moves to a second	<i>Possible Council compromise suggestion:</i>

	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.	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 EU Blue Card holder</i> 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</i>	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>	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, [...] 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. 1a. By way of derogation from 13(1) of Directive 2003/86/EC, the members of the EU Blue Card holder's 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 [...]. 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
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		<i>family members of the EU Blue Card holder.</i>		Card 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
269.	2. No later than one month after entering the territory of the second Member State, the family members concerned or the EU Blue Card holder, in accordance with national law, shall submit an application for a residence permit as a family member to the competent authorities of that Member State.		2. No later than one month after entering the territory of the second Member State, the family members concerned or the EU Blue Card holder, in accordance with national law, shall submit an application for a residence permit as a family member to the competent authorities of that Member State.	<i>Provisional agreement on compromise suggestion at technical meeting of 5 November 2020:</i> 2. By way of derogation from Article 5(3) of Directive 2003/86/EC, no later than one month after entering the territory of the second Member State, the family members concerned or the EU Blue Card holder, in accordance with national law, shall submit an application for

				a residence permit as a family member to the competent authorities of that Member State. TO BE DISCUSSED AT TECHNICAL LEVEL
270.	Where the residence permit of the family member issued by the first Member State expires during the procedure or no longer entitles the holder to reside legally on the territory of the second Member State, the second Member State shall allow the family member to stay in their territory, if necessary by issuing national temporary residence permits or equivalent authorisations, until a decision on the application has been taken by the competent authorities of the second Member State.		Where the residence permit of the family member issued by the first Member State expires during the procedure or no longer entitles the holder to reside legally on the territory of the second Member State, the second Member State shall allow the family member to stay in their territory, if necessary by issuing national temporary residence permits or equivalent authorisations, until a decision on the application has been taken by the competent authorities of the second Member State.	
271.	3. The second Member State may require the family members concerned to present with their application for a residence permit:	Amendment 160 3. The second Member State may require the family members concerned to [...] <i>transmit</i>, with their application [...], <i>their</i> residence permit <i>in the</i>	3. The second Member State may, in particular , require the family members concerned to present with their application for a residence permit:	<i>Possible compromise suggestion:</i> 3. By way of derogation from Articles 5(2) and 7(1) of Directive 2003/86/EC, the second Member State may [...] require the family

		<i>first Member State together with a valid travel document, or certified copies thereof.</i>		members concerned to present with their application for a residence permit: (a) their residence permit in the first Member State and a valid travel document, or certified copies thereof; (b) evidence that they have resided as members of the family of the EU Blue Card holder in the first Member State; (c) evidence referred to in points (b) and (c) of Article 7(1) of Directive 2003/86/EC. POLITICAL ISSUE: MOBILITY FAMILY MEMBERS TO BE DISCUSSED FIRST AT TECHNICAL LEVEL
272.	(a) their residence permit in the first Member State and a valid travel document, or certified copies thereof;	Amendment 161 <i>Deleted</i>	(a) their residence permit in the first Member State and a valid travel document, or certified copies thereof;	<i>See compromise suggestion under para 3.</i> TO BE DISCUSSED AT TECHNICAL LEVEL
273.		Amendment 162 <i>Deleted</i>		<i>See compromise suggestion under para 3.</i>

	(b) evidence that they have resided as members of the family of the EU Blue Card holder in the first Member State.		(b) evidence that they have resided as members of the family of the EU Blue Card holder in the first Member State.	TO BE DISCUSSED AT TECHNICAL LEVEL
274.	4. By way of derogation from Article 16(4), where the family members join the EU Blue Card holder after he or she has moved to the second Member State, residence permits shall be granted at the latest within 30 days from the date on which the application was submitted, where the conditions for family reunification are fulfilled.		<i>deleted</i>	<i>Council wishes to maintain its position.</i> POLITICAL ISSUE: MOBILITY FAMILY MEMBERS
275.	5. In addition to the derogations listed in Article 16, the second Member State shall not require the evidence referred to in points (a) and (b) of Article 7(1) of Directive 2003/86/EC.		5. In addition to the derogations listed in Article 16, the second Member State shall not require the evidence referred to in [...] point (a) of Article 7(1) of Directive 2003/86/EC.	<i>See compromise suggestion under para 3.</i> POLITICAL ISSUE TO BE DISCUSSED FIRST AT TECHNICAL LEVEL
276.	6. Where the family was not already constituted in the first Member State, Article 16 shall apply.		6. Where the family was not already constituted in the first Member State, Article 16 shall apply.	<i>Compromise suggestion to merge this provision with paragraph 1 of this Article. Consequently, this provision may be deleted.</i>
277.	7. This Article shall apply to EU Blue Card holders who are beneficiaries of international protection only when they move to reside in a Member State other	Amendment 163 7. This Article shall apply to EU Blue Card holders who are beneficiaries of international protection both when they move to	7. This Article shall apply to EU Blue Card holders who are beneficiaries of international protection only when they move to reside in a	<i>Possible compromise suggestion:</i> 7. This Article shall apply to family members of those EU Blue Card holders who are beneficiaries of international

	than the Member State which granted them international protection.	reside in a Member State other than the Member State which granted them international protection and if they stay in that Member State.	Member State other than the Member State which granted them international protection.	protection only when [...] those EU Blue Card holders move to reside in a Member State other than the Member State which granted them international protection. 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.	TO BE DISCUSSED AT TECHNICAL LEVEL <i>Provisional agreement at technical meeting of 5 November 2020:</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 <u>the second Member State.</u>
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	Amendment 164 deleted	1. Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full and the EU Blue Card	<i>Provisional agreement found to move this provision under Articles 19 and 20.</i>

	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:		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:	
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;	Provisional agreement found to move this provision under Articles 19 and 20. 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;	Provisional agreement found to move this provision under Articles 19 and 20. TO BE DISCUSSED AT TECHNICAL LEVEL Technical meeting 05.11.20: provisional agreement to move this provision.
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.	Provisional agreement found to move this provision under Articles 19 and 20. TO BE DISCUSSED AT TECHNICAL LEVEL
284.		Amendment 165 <i>1a. Member States shall provide for measures to</i>		Agreement confirmed at trilogue on 27.11.17:

		<i>prevent possible abuses and to sanction infringements of this Directive. Such measures shall include monitoring, assessment and, where appropriate, inspection in accordance with Union law, in particular Directive 2009/52/EC, and national law or administrative practice.</i>		<i>this amendment will be withdrawn, as covered by compromise proposal on sanctions in new article 12a</i>
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).</i>

286.	3. Where the second Member State rejects the application for an EU Blue Card in accordance with point (b) of Article 20(8), the first Member State shall, upon the request of the second Member State, allow re-entry of the EU Blue Card holder and, where applicable, his family members, without formalities and without delay. This shall also apply if the EU Blue Card issued by the first Member State has expired or has been withdrawn during the examination of the application. Article 14 shall apply after re-entry into the first Member State.	Amendment 167 <i>deleted</i>	3. Where the second Member State rejects the application for an EU Blue Card in accordance with point (b) of Article 20(8), the first Member State shall, upon the request of the second Member State, allow re-entry of the EU Blue Card holder and, where applicable, his family members, without formalities and without delay. This shall also apply if the EU Blue Card issued by the first Member State has expired or has been withdrawn during the examination of the application. [...]	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL
286a	4. The EU Blue Card holder or his employer in the second Member State may be held responsible for the costs related to the re-entry of the EU Blue Card holder and his family members referred to in paragraph 4.	Amendment 168 <i>deleted</i>	4. The EU Blue Card holder or his or her employer in the second Member State may be held responsible for the costs related to the re-entry of the EU Blue Card holder and his or her family members referred to in paragraph [...] 3.	<i>Council wishes to maintain its text</i> POLITICAL ISSUE: MOBILITY FAMILY MEMBERS TO BE DISCUSSED FIRST AT TECHNICAL LEVEL
287.		Amendment 169 (EMPL)		

	5. Member States may hold the employer of the EU Blue Card holder responsible for failure to comply with the conditions of mobility laid down in this Chapter or for repetitively making use of the mobility provisions of this Chapter in an abusive manner.	Member States [...] <i>shall</i> hold the employer of the EU Blue Card holder responsible for <i>deliberate</i> failure to comply with the <i>relevant</i> conditions of mobility laid down in this Chapter or for repetitively making use of the mobility provisions of this Chapter in an abusive manner.	5. Member States may [...] provide for the imposition of sanctions in accordance with Article 7a on the employer of the EU Blue Card holder who is responsible for the failure to comply with the conditions of mobility laid down in this Chapter or for [...] making use of the mobility provisions of this Chapter in an abusive manner.	TO BE DISCUSSED AT TECHNICAL LEVEL?
288.	The Member State concerned shall provide for sanctions where the employer is held responsible. Those sanctions shall be effective, proportionate and dissuasive.	Amendment 170 (EMPL) The Member State concerned shall provide for sanctions where the employer is [...] <i>proven to be</i> responsible, <i>particularly where the employer has failed to fulfil its legal obligations concerning employment or working conditions</i> . Those sanctions shall be effective, proportionate and dissuasive.	<i>deleted</i>	<i>Agreement confirmed at trilogue on 27.11.17:</i> <i>To be deleted, as covered by compromise on sanctions in article 7a (new article 12a)</i>
289.		Amendment 171 <i>5a. Where the EU Blue Card is issued by a Member State not applying the Schengen</i>		TO BE DISCUSSED AT TECHNICAL LEVEL <i>Technical meeting 5.11.20: EP will check if this</i>

		<i>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>		<i>amendment still needs to be kept. See line 268.</i>
290.	6. Where a Member State withdraws or does not renew an EU Blue Card which contains the remark referred to in Article 8(4) and decides to expel the third-country national, it shall request the Member State mentioned in that remark to confirm whether the person concerned is still a beneficiary of international protection in that Member State. The Member State mentioned in the remark shall reply within one month after receiving the request for information.		6. Where a Member State withdraws or does not renew an EU Blue Card which contains the remark referred to in paragraphs 4 or 5 of Article 8(4) and decides to expel the third-country national, it shall request the Member State mentioned in that remark to confirm whether the person concerned is still a beneficiary of international protection in that Member State. The Member State mentioned in	<i>Agreement confirmed at trilogue on 13.12.17:</i> 6. Where a Member State withdraws or does not renew an EU Blue Card which contains the remark referred to Article 8(5) and decides to expel the third-country national, it shall request the Member State mentioned in that remark to confirm whether the person concerned is still a beneficiary of international protection in that

			the remark shall reply within one month after receiving the request for information.	Member State. The Member State mentioned in the remark shall reply within one month after receiving the request for information.
291.	Where the third-country national is still a beneficiary of international protection in the Member State mentioned in the remark, that person shall be expelled to that Member State, which shall, without prejudice to the applicable Union or national law and to the principle of family unity, immediately allow the re-entry, without formalities, of that beneficiary and his or her family members.		Where the third-country national is still a beneficiary of international protection in the Member State mentioned in the remark, that person shall be expelled to that Member State, which shall, without prejudice to the applicable Union or national law and to the principle of family unity, immediately allow the re-entry, without formalities, of that beneficiary and his or her family members.	
292.	By way of derogation from the second subparagraph, the Member State which adopted the expulsion decision shall retain the right to remove, in accordance with its international obligations, the third-country national to a country other than the Member State which granted international protection, where that person fulfils the conditions specified in Article 21(2) of Directive 2011/95/EU.	Amendment 172 <i>deleted</i>	By way of derogation from the second subparagraph, the Member State which adopted the expulsion decision shall retain the right to remove, in accordance with its international obligations, the third-country national to a country other than the Member State which granted international protection,	<i>Council wishes to maintain the Commission text.</i> MAJOR POLITICAL ISSUE: NARRATIVE ON MIGRATION RETURNS OUTSIDE SCOPE

			where that person fulfils the conditions specified in Article 21(2) of Directive 2011/95/EU.	
292a		Amendment 173 <i>6a. Where a Member State withdraws or does not renew an EU Blue Card which contains the remark referred to in Article 8(4a) and decides to expel the third-country national, it shall request the Member State mentioned in that remark to confirm whether the person concerned has withdrawn his or her application for international protection. The Member State mentioned in that remark shall reply within one month of receipt of the request for information.</i>		<i>Council cannot accept EP amendment</i> LINKED TO MAJOR POLITICAL ISSUE: SCOPE
292b		<i>Where the third-country national has not withdrawn his or her application for international protection in the Member State mentioned in that remark, that person shall be expelled to that Member</i>		<i>Council cannot accept EP amendment</i> LINKED TO MAJOR POLITICAL ISSUE: SCOPE

		<i>State, which shall, without prejudice to the applicable Union or national law and to the principle of family unity, immediately allow re-entry, without formalities, of that applicant for international protection.</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 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.	Amendment 174 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, <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.	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 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.	<i>Possible Council compromise suggestion:</i> 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 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. TO BE DISCUSSED AT TECHNICAL LEVEL
294.	Chapter VI FINAL PROVISIONS		Chapter VI FINAL PROVISIONS	

295.	<i>Article 23 Access to information and monitoring</i>		<i>Article 23 Access to information and monitoring</i>	
296.	1. Member States shall make easily accessible to applicants the information on all the documentary evidence needed for an application and information on entry and residence conditions, including the rights, obligations and procedural safeguards, of the third-country nationals falling under the scope of this Directive and of their family members. This information shall include information on the salary thresholds set in the Member State concerned in accordance with Article 5(2), (4) and (5), and on the applicable fees.	Amendment 175 Member States shall make easily accessible to applicants the information on all the documentary evidence needed for an application and information on entry and residence conditions, including the rights, obligations and procedural safeguards, of the third-country nationals falling under the scope of this Directive and of their family members. [...]	1. Member States shall make easily accessible to applicants the information on all the documentary evidence needed for an application and information on entry and residence conditions, including the rights, obligations and procedural safeguards, of the third-country nationals falling under the scope of this Directive and of their family members. This information shall include information on the salary thresholds set in the Member State concerned in accordance with Article 5(2), (4) and (5), and on the applicable fees.	<i>Agreement confirmed at trilogue on 13.12.17:</i> 1. Member States shall make easily accessible to applicants the information on all the documentary evidence needed for an application and information on entry and residence conditions, including the rights, obligations and procedural safeguards, of the third-country nationals falling under the scope of this Directive and of their family members. This information shall include information on the salary thresholds set in the Member State concerned in accordance with Article 5(2), (4) and (5), and on the applicable fees.
296a		Amendment 176 <i>This shall include, where applicable, information on the salary thresholds and where there is a fee for the application in the Member State concerned</i>		<i>Agreement confirmed at trilogue on 13.12.17:</i> <i>EP Amendment withdrawn</i>

		<i>information on the time-limits, procedures and competent authorities for appealing against decisions taken by the Member States' competent authorities under this Directive, information on any occupations or sectors of employment suffering high levels of unemployment for the purposes of point (cc) of Article 6(3), and information on those sectors of employment which face shortages of highly skilled workers under Article 6(3a).</i>		
297.	This information shall also include information:		This information shall also include information:	
298.	(a) on business activities allowed in the territory of the Member State concerned to an EU Blue Card holder from another Member State as referred to in Article 19.		(a) on business activities allowed in the territory of the Member State concerned to an EU Blue Card holder from another Member State as referred to in Article 19;	
299.	(b) on the procedures applicable to obtaining an EU Blue Card as well as residence permits for family members, in a second Member State, as referred to in Article 20 and 21.		(b) on the procedures applicable to obtaining an EU Blue Card as well as residence permits for family members, in a second Member State, as referred to in Article 20 and 21.	

299a		Amendment 177 <i>(ba) on the time-limits, procedures and competent authorities for appealing against decisions taken by the Member States' competent authorities under this Directive.</i>		<i>The Council agrees with the Commission that this is covered by Article 10(4).</i>
300.	In the case where Member States decide to make use of the possibility provided for by Article 6(2), the introduction of a check of the labour market situation in a given occupation or sector, in a given region, shall be communicated in the same way.	Amendment 178 <i>deleted</i>	In the case where Member States decide to introduce legislative or regulatory measures in accordance with Article 5a or make use of the possibility provided for by Article 6(2), [...] this information shall be communicated in the same way specifying where appropriate the sectors, occupations and regions concerned.	<i>Agreement confirmed at trilogue on 13.12.17:</i> In the case where Member States decide to introduce legislative or regulatory measures in accordance with Article 5a or make use of the possibility provided for by Article [6(3)(cc)], this information shall be communicated in the same way. The information on check of the labour market situation pursuant to Article 6(3)(cc) shall specify, where appropriate, the sectors, occupations and regions concerned.

301.	2. Member States shall communicate to the Commission each year and upon each modification, the factor they have decided to set for determining the annual salary thresholds, and the resulting nominal amounts, in accordance with Article 5(2), (4) and (5).	Amendment 179 (shared competence) Where Member States establish a salary threshold, they shall communicate to the Commission each year and upon each modification, the factor they have decided to set for determining the annual salary thresholds, and the resulting nominal amounts, in accordance with Article 5(2), (4) and (5).	2. Member States shall communicate to the Commission each year [...] the factor they have decided to set for determining the annual salary thresholds, and the resulting nominal amounts, in accordance with [...] paragraph 2 or, where applicable, paragraphs 2a, 4 or 5 of Article 5.	<i>Agreement confirmed at trilogue on 13.12.17:</i> 2. Member States shall communicate to the Commission [...] upon each modification, but at least once per year: a) [...] the factor they have decided to set for determining the annual salary thresholds, and the resulting nominal amounts, in accordance with paragraph 2 or, where applicable, paragraphs 2a, 4 or 5 of Article 5; b) [...] the list of the professions for which a derogation in accordance with Article 5(4) applies and, where applicable, the justification for a derogation in accordance with Article 5(2a); c) [...] the list of allowed business activities, as meant in Article
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				2(l), for the application of Article 19; d) information on legislative or regulatory measures in accordance with Article 5a, where applicable; e) information on a check of the labour market situation provided for by [Article 6(3)(cc)], where applicable.
302.	Member States shall communicate each year to the Commission the list of the professions for which a derogation in accordance with Article 5(4) applies.	(shared competence)	Member States shall communicate each year to the Commission the list of the professions for which a derogation in accordance with Article 5(4) applies and, where applicable, the justification for a derogation in accordance with Article 5(2a).	<i>Agreement confirmed at trilogue on 13.12.17:</i> <i>this provision will be deleted.</i>
303.	Where Member States refuse applications for an EU Blue Card based on ethical recruitment considerations in accordance with Article 6(4), they shall communicate to the Commission and to the other Member States a duly justified decision indicating the countries and sectors concerned.	Amendment 180 (shared competence) Where Member States refuse applications for an EU Blue Card based on ethical recruitment considerations in accordance with Article [...] 6(3) , they shall communicate to the	Where Member States refuse applications for an EU Blue Card based on ethical recruitment considerations in accordance with Article 6(4), they shall communicate to the Commission and to the other Member States a duly	<i>Agreement confirmed at trilogue on 13.12.17:</i> Where Member States refuse applications for an EU Blue Card based on ethical recruitment considerations in accordance with Article 6(3)(cb), they shall communicate and justify to

		Commission and to the other Member States a duly justified decision indicating the countries and sectors concerned.	justified decision indicating the countries and sectors concerned.	the Commission and to the other Member States each year [...] the countries and [...] professions concerned. Member States shall inform the Commission of agreements with third countries concluded in accordance with Article 6(3)(cb)
304.	Member States shall communicate to the Commission each year the list of allowed business activities, as meant in Article 2(l), for the application of Article 19.		Member States shall communicate to the Commission each year the list of allowed business activities, as meant in Article 2(l), for the application of Article 19.	<i>Agreement confirmed at trilogue on 13.12.17:</i> <i>The information to be communicated to the Commission will be listed under one single provision under paragraph 2. Consequently, this provision is to be deleted.</i>
304a			2a. Where Member States decide to introduce legislative or regulatory measures in accordance with Article 5a, they shall communicate the measures to the Commission each year.	<i>Agreement confirmed at trilogue on 13.12.17:</i> <i>The information to be communicated to the Commission will be listed under one single provision under paragraph 2. Consequently, this provision is to be deleted.</i>
304b			Where Member States have made use of the possibility under Article 6(2), they	<i>Agreement confirmed at trilogue on 13.12.17:</i>

			shall communicate it each year to the Commission.	<i>The information to be communicated to the Commission will be listed under one single provision under paragraph 2. Consequently, this provision is to be deleted.</i>
305.	3. Member States shall monitor and communicate each year to the Commission the impact of this Directive on the national labour markets.	(shared competence)	<i>deleted</i>	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL
305a		Amendment 181 3a. The Commission shall submit the information it receives pursuant to paragraphs 2 and 3 to the European Parliament on an annual basis.		TO BE DISCUSSED AT TECHNICAL LEVEL
306.	<i>Article 24 Statistics</i>		<i>Article 24 Statistics</i>	
307.	1. Annually, and for the first time by ... ³³ at the latest, Member States shall, in accordance with Regulation (EC) No 862/2007 ³⁴ , communicate to the Commission statistics on the numbers of third-country nationals who have been granted an EU Blue Card and on those	Amendment 182 Annually, and for the first time by ... ³³ at the latest, Member States shall, in accordance with Regulation (EC) No 862/2007 ³⁴ , communicate to the Commission	1. Annually, and for the first time by ... ³³ at the latest, Member States shall, in accordance with Regulation (EC) No 862/2007 ³⁴ , communicate to the Commission statistics on the	<i>Possible compromise suggestion:</i> 1. Annually, and for the first time by ... ³³ at the latest, Member States shall, in accordance with Regulation (EC) No 862/2007 ³⁴ ,

³³ Four years after the date of entry into force of this Directive.

³⁴ Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OJ L 199, 31.7.2007, p. 23).

	whose application have been rejected, specifying those rejected in application of Article 6(2), as well as on the numbers of third-country nationals whose EU Blue Card has been renewed or withdrawn, during the previous calendar year. Those statistics shall be disaggregated by the citizenship, occupation, length of validity of the permits, sex and age of the applicants, and the economic sector. Those statistics for third-country nationals who have been granted an EU Blue Card shall be further disaggregated into beneficiaries of international protection, beneficiaries of the right to free movement and those who have acquired EU long-term resident status in accordance with Article 17.	statistics on the numbers of third-country nationals who have been granted an EU Blue Card and on those whose application have been rejected, specifying those rejected in application of Article 6(2), as well as on the numbers of third-country nationals whose EU Blue Card has been renewed or withdrawn, during the previous calendar year. Those statistics shall be disaggregated by the citizenship, occupation, length of validity of the permits, sex and age of the applicants, <i>the area of activity, the size of the employer's undertaking</i> and the economic sector. Those statistics for third-country nationals who have been granted an EU Blue Card shall be further disaggregated into beneficiaries of international protection, beneficiaries of the right to free movement, <i>applicants for international protection, former holders</i>	numbers of third-country nationals who have been granted an EU Blue Card and, insofar as possible, on those whose applications have been rejected, specifying those rejected in application of Article 5a or 6(2), on applications considered inadmissible on grounds of Article 5a, as well as on the numbers of third-country nationals whose EU Blue Card has been renewed or withdrawn, during the previous calendar year. Those statistics shall be disaggregated by the citizenship and, insofar as possible, by occupation, length of validity of the permits, sex and age of the applicants, and the economic sector. Those statistics for third-country nationals who have been granted an EU Blue Card shall be further disaggregated into beneficiaries of international protection, beneficiaries of the right to free movement and those who have acquired EU long-term resident status	communicate to the Commission statistics on the numbers of third-country nationals who have been granted an EU Blue Card and, where available, on those whose applications have been rejected, specifying those rejected in application of Article 5a or 6(3)(cc), on applications considered inadmissible on grounds of Article 5a, as well as on the numbers of third-country nationals whose EU Blue Card has been renewed or withdrawn, during the previous calendar year. Those statistics shall be disaggregated by the citizenship, length of validity of the permits, sex and age of the applicants and, [...] where available, by occupation, length of validity of the permits, sex and age of the applicants, the size of the employer's undertaking and the economic sector. Those statistics for third-country nationals who have been granted an EU Blue Card shall be further disaggregated into beneficiaries of
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		<i>of a residence permit under Directive (EU) 2016/801 and Directive 2014/36/EU</i> , and those who have acquired EU long-term resident status in accordance with Article 17.	in accordance with Article 17.	international protection, beneficiaries of the right to free movement and those who have acquired EU long-term resident status in accordance with Article 17. TO BE DISCUSSED AT TECHNICAL LEVEL
308.	Statistics on admitted family members shall be communicated in the same manner, except as regards information on their occupation and the economic sector.		Statistics on admitted family members shall be communicated in the same manner, except as regards information on their occupation and the economic sector.	
309.	For EU Blue Card holders, and members of their families, who have been granted residence permits in a second Member State in accordance with Articles 20 and 21, the information provided shall, in addition, specify the Member State of previous residence.		For EU Blue Card holders, and members of their families, who have been granted residence permits in a second Member State in accordance with Articles 20 and 21, the information provided shall, in addition, specify the Member State of previous residence.	
310.	2. For the purpose of the implementation of paragraphs Article 5(2), (4) and (5), reference shall be made to data sent to	Amendment 183 2. For the purpose of the implementation of Article [...] 5, reference shall be made to data sent to	2. For the purpose of the implementation of paragraphs Article 5(2), (4) and (5), reference shall be made to	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL

	Eurostat in accordance with Regulation (EU) No 549/2013 ³⁵ .	Eurostat in accordance with Regulation (EU) No 549/2013 ³⁵ .	data [...] provided by Member States to Eurostat in accordance with Regulation (EU) No 549/2013 ³⁵ and, where appropriate, national data.	
311.	<i>Article 25 Reporting</i>	(shared competence)	<i>Article 25 Reporting</i>	
312.	Every three years, and for the first time by [<i>five years after the date of entry into force of this Directive</i>], the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States, in particular the assessment of the impact of Articles 5, 12, 19 and 20, and the impact of this Directive on the national labour market situations. The Commission shall propose any amendments that are necessary.	Amendment 184 Every three years, and for the first time by [<i>five years after the date of entry into force of this Directive</i>], the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States, in particular the assessment of the impact of Articles 3, 5, 10, 12, 15, 19 and 20, and the impact of this Directive on the national labour market situations. The Commission shall propose any amendments that are necessary. <i>As part of its assessment the Commission shall evaluate</i>	Every three years, and for the first time by [<i>five years after the date of entry into force of this Directive</i>], the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States, in particular the assessment of the impact of Articles 5, 12 [...] and Chapter V, and the impact of this Directive on the national labour market situations. The Commission shall propose any amendments that are necessary.	POLITICAL ISSUE

³⁵ Regulation (EU) No 549/2013 of the European Parliament and of the Council of 21 May 2013 on the European system of national and regional accounts in the European Union (OJ L 174, 26.6.2013, p. 1).

		<i>the suitability of similar schemes for labour migration to other employment sectors, in particular low and medium-wage sectors.</i>		
313.	The Commission shall notably assess the relevance of the salary threshold set out in Article 5 and of the derogations provided for in that Article, taking into account, among others, the diversity of the economical, sectorial and geographical situations and the labour market impact within the Member States.	Amendment 185 The Commission shall notably assess the relevance of the salary threshold set out in Article 5 [...], taking into account, among others, the diversity of the economical, sectorial and geographical situations and the labour market impact within the Member States.	The Commission shall notably assess the relevance of the salary threshold set out in Article 5 and of the derogations provided for in that Article, taking into account, among others, the diversity of the economical, sectorial and geographical situations [...].	TO BE DISCUSSED AT TECHNICAL LEVEL
314.	<i>Article 26 Cooperation between contact points</i>		<i>Article 26 Cooperation between contact points</i>	
315.	1. Member States shall appoint contact points which shall be responsible for receiving and transmitting the information needed to implement Articles 17, 19, 20 and 23 and shall cooperate effectively with each other.		1. Member States shall appoint contact points which shall be responsible for receiving and transmitting the information needed to implement Articles 17, 19, 20 and 23 and shall cooperate effectively with each other.	
316.	2. The Member States' contact points shall in particular cooperate effectively regarding validation arrangements with stakeholders in the education, training,		2. The Member States' contact points shall in particular cooperate effectively regarding	

	employment and youth sectors, as well as other relevant policy areas, needed to implement Articles 5(1)(c) and 5(6).		validation arrangements with stakeholders in the education, training, employment and youth sectors, as well as other relevant policy areas, needed to implement Articles 5(1)(c) [...].	
317.	3. Member States shall provide appropriate cooperation in the exchange of the information and documentation referred to in paragraph 1. Member States shall give preference to exchanging information via electronic means.		3. Member States shall provide appropriate cooperation in the exchange of the information and documentation referred to in paragraph 1. Member States shall give preference to exchanging information via electronic means.	
317a		Amendment 186 <i>Article 26a Amendment to Directive (EU) 2016/801</i>		
317b		<i>In Article 2 of Directive (EU) 2016/801, point (g) is replaced by the following: "(g) who apply to reside in a Member State for the purpose of highly skilled employment within the meaning of Directive (EU) 2017/...^{*,+}.</i> <i>* Directive (EU) .../... of the European Parliament and of the</i>		<i>Agreement confirmed at trilogue on 27.11.17:</i> <i>In Article 2 of Directive (EU) 2016/801, point (g) is replaced by the following: "(g) who apply to reside in a Member State for the purpose of highly skilled employment within the meaning of Directive (EU) 2017/...^{*,+}.</i>

		<i>Council of ... on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment (OJ L ..., p. ...)."</i> ⁺ <i>OJ: Please insert in the text the number of the Directive contained in document under interinstitutional code (2016/0176(COD)) and insert the number, name, date and OJ reference of that Directive in the footnote.</i>		[*] <i>Directive (EU) .../... of the European Parliament and of the Council of ... on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment (OJ L ..., p. ...)."</i> ⁺ <i>OJ: Please insert in the text the number of the Directive contained in document under interinstitutional code (2016/0176(COD)) and insert the number, name, date and OJ reference of that Directive in the footnote.</i>
318.	Article 27 Repeal of Directive 2009/50/EC		Article 27 Repeal of Directive 2009/50/EC	
319.	Directive 2009/50/EC is repealed with effect from ... [two years+1 day after the date of entry into force of this Directive].		Directive 2009/50/EC is repealed with effect from ... [[...] 2.5 years+1 day after the date of entry into force of this Directive].	TO BE DISCUSSED AT TECHNICAL LEVEL
320.	References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation tables in Annex [].		References to the repealed Directive shall be construed as references to this Directive and shall be read in accordance with the correlation tables in Annex [].	

321.	<i>Article 28 Transposition</i>		<i>Article 28 Transposition</i>	
322.	1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [<i>Two years after the date of entry into force of this Directive</i>]. They shall forthwith inform the Commission thereof.		1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [...] <i>2.5 years after the date of entry into force of this Directive</i>]. They shall forthwith inform the Commission thereof.	<i>Council wishes to maintain its text</i> TO BE DISCUSSED AT TECHNICAL LEVEL
323.	When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.		When Member States adopt those provisions, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. Member States shall determine how such reference is to be made.	
324.	2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.		2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.	
325.	3. By way of derogation from paragraph 1, Member States shall bring into force the laws, regulations and administrative	Amendment 187 <i>deleted</i>	<i>deleted</i>	TO BE DISCUSSED AT TECHNICAL LEVEL

	provision necessary to comply with points (g) and (i) of Article 2 with regard to recognising higher professional skills as higher professional qualifications by [2 years after the general transposition deadline].			
326.	<i>Article 29</i> <i>Entry into force</i>		<i>Article 29</i> <i>Entry into force</i>	
327.	This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .		This Directive shall enter into force on the twentieth day following that of its publication in the <i>Official Journal of the European Union</i> .	
328.	<i>Article 30</i> <i>Addressees</i>		<i>Article 30</i> <i>Addressees</i>	
329.	This Directive is addressed to the Member States, in accordance with the Treaties.		This Directive is addressed to the Member States, in accordance with the Treaties.	
330.	Done at Strasbourg,		Done at Strasbourg,	
331.	<i>For the European Parliament</i> <i>The president</i>		<i>For the European Parliament</i> <i>The president</i>	
332.	<i>For the Council</i> <i>The President</i>		<i>For the Council</i> <i>The President</i>	