



Council of the European Union
General Secretariat

Brussels, 09 March 2021

**Interinstitutional files:
2016/0176(COD)**

WK 3271/2021 INIT

LIMITE

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WORKING PAPER

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From:	General Secretariat of the Council
To:	JHA Counsellors (Migration, Integration, Expulsion)
N° prev. doc.:	WK 1529 2021 INIT; WK 2151 2021 INIT
N° Cion doc.:	10012/16 + ADD 1 - 7
Subject:	Proposal for a Directive of the European Parliament and the Council on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment

Delegations will find attached a compilation of contributions received from Member States on the abovementioned subject.

Written comments submitted by the Member States

**JHA Counsellors meeting of 22 February on the
Proposal for a Directive of the European Parliament and the Council on the
conditions of entry and residence of third-country nationals for the purposes of
highly skilled employment:
DOCUMENT WK 2151/2021 and 4-COLUMN DOCUMENT WK 1529/21**

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AUSTRIA

1. Scope

The European Parliament (EP) proposed a wide scope of application of the Directive. According to the EP, the scope of the Directive should include applicants of international protection and temporary protection, beneficiaries of international protection (without time restrictions) and seasonal workers (see EP amendments 59 to 62).

Compared to the current Blue Card directive, the Council mandate extends the scope (to beneficiaries of international protection subject to certain limitations, referred to in paragraph 2a of Article 3 of the Council mandate.

Previous exchanges with the Member States have indicated that there is a wide opposition from the Council to include applicants of international protection in the scope of the Blue Card Directive.

The Presidency proposes to maintain this position.

However, in order to move the discussion forward and possibly close the issue of scope, the Presidency asks Member States for their assessment on the possibility to show flexibility and enlarge the Blue Card scheme to other categories of third-country nationals.

1.1 As concerns beneficiaries of international protection, the EP argues that a highly qualified person for which a Member State has established that it fulfils all criteria for international protection and has obtained the international protection, should be able to apply and obtain a Blue Card for highly qualified employment, the reasoning being that this is in his/her interest but also in the interest of the Member States in terms of integration in the labour market and contribution to the economy.

Having in mind that the Council will not accept the proposal to include applicants of international protection in the scope of the Blue Card Directive, the Presidency asks Member States for flexibility regarding the right of beneficiaries of international protection that fulfil the criteria to access a Blue Card in the Member State that granted protection, as a trade off in the overall compromise.

This could concern one or more out of three following possibilities (see line 99a):

- (i) To waive the time needed for a beneficiary of international protection to be able to apply for a Blue Card in a second Member State.
- (ii) To ensure the right of the beneficiary of international protection to apply for a Blue Card in the Member State of its residence, if the conditions for the attribution of the Blue Card are fulfilled, as a "shall clause".
- (iii) To waive the time (12 months) required for a beneficiary of international protection to be able to apply for a Blue Card in the Member State that granted the protection.

Could Member States agree to one or more of the three compromise suggestions outlined above?

[AT would like to maintain the Council's text.](#)

Nevertheless, in the spirit of compromise, AT could accept the third option (iii), to waive the time (12 months) required for a beneficiary of international protection to be able to apply for a Blue Card in the Member State that granted the protection, provided this only concerns the optional application by a MS to beneficiaries to whom it granted protection as set out in Art. 3 para. 2a last sentence.

Furthermore, the EP's argumentation is not convincing when the EP states that granting beneficiaries of asylum access to the Blue Card is in the interest of labor market integration and economic contribution. The EP forgets that beneficiaries of asylum already have free access to the labor market without this complicated dual status. There is no gain by granting beneficiaries of asylum access to the Blue Card, rather it would lead to an unnecessary procedure and thus administrative burdens for employees, employers and Member States.

1.2 Regarding the exclusion of seasonal workers from the scope of the directive, the Presidency considers this exclusion rather challenging bearing in mind that other categories of third country nationals with residence rights linked to a specific purpose (such as volunteers, trainees, au pair) are not excluded.

Could Member States be flexible and accept the deletion of the exclusion from the scope of application of the Directive of seasonal workers (line 96)?

An extension of the scope to seasonal workers cannot be supported, especially since this would not bring any practical added value.

Seasonal work is typically not highly qualified work, thus a transfer from seasonal work directly to the EU Blue Card is therefore not relevant in practice. However, the systematical approach of the Austrian Settlement and Residence Act (holders of visas for commercial/employment purposes are generally excluded from the scope of application of this Act) would be opened up without need. This demarcation line has proven itself in practice, because an essential prerequisite for issuing a visa is the short-term nature of the stay and the certainty that the person will be able to leave the country again. Enabling seasonal workers to switch to an EU Blue Card would of course mean that other groups would also have to be able to switch, which would in turn undermine the visa policy.

1.1.1 2. Skills

The German Presidency (document 13407/20) presented a compromise proposal envisaging an opening of the scope of the Directive to TCNs with higher professional skills in the ICT sector, limited to the following 'higher' positions: Information and Communications Technology Services Managers (ISCO-08 classification 133) and Information and Communications Technology Professionals (ISCO-08 classification 25).

Furthermore, Member States were asked about (i) their position on the minimum necessary length of professional experience for attaining ‘higher professional skills’ (3 or 5 years), (ii) whether the proposal should contain specific provisions on how higher professional skills are to be assessed and (iii) how should a future extension of the list of professions accessible with ‘higher professional skills’ be adopted.

Based on the written replies and the discussions held on the JHA Counsellors meeting of 7 December 2020, the Presidency’s understanding is that a large majority of Member States could support the opening of the directive to the aforementioned professionals, based on their high professional skills. However, most Member States consider that 5 years is the minimum length of experience required for attaining higher professional skills and that the Blue Card Directive should not contain any specifications as to how higher professional skills are to be assessed. Such assessment should be made by the Member States or, where the national legislation so provides, by the employer.

In the inter-institutional discussions, the EP welcomed the possibility of a partial extension of the scope of application of the Directive to third-country nationals with high professional skills in the ICT sector, but signalled that this was still too far from its own position to accept it.

In order to have clear position for the future negotiations, the Presidency would like to hear Member States views on the following possible compromise solutions:

2.1 The Presidency understands that, as a general rule, 5 years of professional experience is the minimum length of time required for attaining higher professional skills. However, in the ICT sector, notably due to the fast pace of technological evolution, a shorter period of 3 (or 4) years might be sufficient to acquire such skills.

In a spirit of compromise, could Member States agree to lower the length of the required professional experience to 3 years or 4 years (instead of 5 years) just for highly skilled workers from the ICT sector?

In the event that, at some point in the future, the co-legislators decided to also include highly skilled workers from other sectors in the scope of the directive, they could then of course require a higher length of professional experience (5 years or more).

[The proposal is not acceptable.](#)

[We would like to repeat, that in our view, access to the national labor market via the Blue Card System should be limited to workforce highly qualified also regarding formal education. Therefore, if the scope of the directive will be opened up to Third Country Nationals \(TCN\) lacking high formal education, their non-formal qualification should meet the highest possible standards.](#)

2.2 The Presidency also committed to the European Parliament to explore with Member States their flexibility regarding the possibility to extend the mandatory acceptance of TCN with high professional skills to other sectors. Do Member States accept such an extension?

No, this proposal is not acceptable.

2.3 Regarding the question as to how the list of professions accessible with ‘higher professional skills’ could be revised in the future, Member States expressed their preference for the use of the ordinary legislative procedure (rather than through an implementing or delegated act).

The EP expressed its readiness to accept a more limited list of sectors, but requested a simplified and flexible mechanism to adapt it to the changing needs of the labour market.

Bearing in mind a possible compromise with the EP, the Presidency proposes to include in the Directive a specific review clause. It would require the Commission to prepare a report on the operation of the mechanism and the needs of the labour markets, three years after the implementation of the Directive, and consider the need to propose a revision of the list of professions accessible with ‘higher professional skills’, via the ordinary legislative procedure.

Could Member States agree with this approach?

We do not agree with this approach.

As we are opposed to opening the scope of the directive to TCN lacking high formal education, a review clause aiming at broadening such an approach is against our interests.

1.1.2 3. Unemployment

The Council accepted the proposal of the European Parliament to delete Article 14 and, thus, its provisions were moved to other provisions of the proposal: paragraph 1 (impact of unemployment in the withdrawal of the permit) was moved to Article 7 (2) (fa) [L146a], paragraphs 2 (allowing seeking employment) and 3 (communication to the competent authorities) to Article 13 (1c) [L187a] and paragraph 4 to a new subparagraph 2 of Article 13(1b) [Line 186f].

During the trilogue of 11 February 2021, the rapporteur stated that a key element of an overall compromise lies on how the subject of unemployment is addressed.

Besides a longer period of temporary unemployment (6 months instead of the 3 months in the Council mandate) until a EU Blue Card is withdrawn, the Parliament’s position is that unemployment as the result of illness or disability, should not be a reason for withdrawal (Amendment 97 in L 146a).

In light of previous discussions on this subject, Member States’ rejection of the Parliament's proposal were related to concerns regarding the excessive burden that such a period of time (6 months) could place on the social security systems of the Member States.

The Presidency would like Member States to reconsider the proposal of the German Presidency (document 13407/20), according to which the maximum period of temporary unemployment shall remain three consecutive months in cases where the TCN has held the EU Blue Card for less than two years. However, in cases where the TCN has been an EU Blue Card holder for two years or

more, the maximum period of temporary unemployment shall be six consecutive months. The reasoning is that after a significant period of insertion on the labour market and of corresponding contributions to the relevant social protection system the Blue Card holder should benefit from more favourable conditions.

If Member States can agree, the Presidency would, in exchange, ask the Parliament to drop its amendment 97, referred to above.

The proposal is acceptable.

CROATIA

1. Scope

We support the Presidency proposal **to exclude applicants of international protection** from the scope of the Blue Card Directive.

We support the Presidency proposal to include seasonal workers in the scope of the Directive.

We can support the Presidency proposals as regards i).

(i) To waive the time needed for a beneficiary of international protection to be able to apply for a Blue Card in a second Member State.

We can't support the proposal under ii):

(ii) To ensure the right of the beneficiary of international protection to apply for a Blue Card in the Member State of its residence, if the conditions for the attribution of the Blue Card are fulfilled, as a "shall clause".

We can support for (ii) to remain a may provision, and along with that line, if (ii) remains a may provision, we can support (iii).

2. Skills

We have scrutiny reservation for the higher professional skills in the ICT sector, ('higher' positions: Information and Communications Technology Services Managers (ISCO-08 classification 133) and Information and Communications Technology Professionals (ISCO-08 classification 25), pending inter-ministerial consultations.

We can't accept at the moment, any extension of the list of professions accessible with 'higher professional skills.

Concerning Presidency questions:

(i) position on the minimum necessary length of professional experience for attaining 'higher professional skills' (3 or 5 years), - **at least 5 years** of professional experience for attaining 'higher professional skills'

(ii) whether the proposal should contain specific provisions on how higher professional skills are to be assessed – **No, it should be left to national competence and system for assessment of the skills.**

It is our understanding that proposal for Directive would not preclude MS of establishing systems that would include recognition of prior learning even at the level of HEI, for the purpose of BC.

iii) how should a future extension of the list of professions accessible with 'higher professional skills' be adopted –

In case of the possible future expansion of the list (for which we are not in favour), list could be expanded only through ordinary legislative procedure.

As regards to the above (iii), we can support the proposal to include review clause in the text of the Directive.

3. Unemployment

We accept Presidency compromise proposal.

We have to point out that the right to unemployment benefits are not granted in the period of holding EU BC; but only if person holds valid residence permit and fulfils other requirements- usually it depends on the period of previous legal employment on the basis of residence permit.

FRANCE

1. champ d'application

1.1 Bénéficiaires de la protection internationale

- À titre liminaire, la France soutient fermement l'exclusion des demandeurs de protection internationale de la possibilité d'accéder à la CBE. Ouvrir cette possibilité conduirait à des détournements massifs puisque des demandes de CBE pourraient ainsi être déposées dans le seul but de prolonger le séjour dans l'UE (et de faire échec à la mesure d'éloignement consécutive au rejet de la demande de protection).
- Concernant les trois possibilités évoquées dans le compromis, la France peut soutenir les points de compromis (ii) et (iii). L'un des objectifs du RAEC étant d'assurer un accès aux droits équivalent pour tous les bénéficiaires d'une protection internationale quel que soit l'État membre qui leur a accordé une protection, le point (ii) du compromis prévoyant une *shall clause* pour l'accès à la CBE dans tous les États membres qui ont accordé la protection internationale peut être retenu en priorité parmi les options proposées.
- Toutefois, nous sommes opposés au point (i) relatif à la suppression du délai nécessaire pour qu'un bénéficiaire de la protection internationale puisse demander à un second État membre la délivrance d'une CBE. En effet, si nous soutenons la mobilité intra-UE, une telle disposition va à l'encontre de la logique d'intégration inhérente à l'octroi de la protection internationale, que ce soit pour le bénéficiaire de la protection internationale qui n'est pas incité à demeurer dans l'État membre qui lui a accordé une protection internationale ou pour l'État dont les mesures d'intégration ne produiraient pas les résultats escomptés, et présente un risque en termes de mouvements secondaires.

1.2 Les travailleurs saisonniers

- la CBE est un titre d'installation au sein d'un État-membre à la différence du titre de séjour « *travailleur saisonnier* » qui ne permet qu'un séjour limité de 6 mois maximum par an pendant 3 ans (le titulaire conserve donc sa résidence principale dans son pays d'origine). Dès lors l'exclusion des travailleurs saisonniers du champ d'application de la Directive CBE est justifiée.

2. compétences

2.1 Réduction de la durée minimale d'expérience professionnelle dans le secteur des ICT

- La France rappelle que la CBE vise un public de « *travailleurs hautement qualifiés* », tant en regard des qualifications de départ, que des compétences effectives. Nous considérons qu'un haut niveau de compétence nécessite *a minima* 5 années d'exercice professionnel, quel que soit le secteur professionnel concerné.
- La France entend l'argument de l'évolution rapide des techniques dans le domaine ICT, mais n'est pas convaincue par l'argumentaire, et ne peut donc accepter une réduction de la durée d'exercice pour les ICT, de 5 à 4 ou même à 3 années :
 - on ne peut sérieusement soutenir qu'un demandeur dépourvu de diplôme pourrait, en 3 ans, acquérir les mêmes compétences techniques que le titulaire d'un *Bachelor* ou d'un Master en lien avec l'emploi visé ;
 - Par ailleurs, et très justement, c'est la capacité d'adaptation à ces changements, sur des durées d'exercice stables, qui est de nature à qualifier l'acquisition de compétences effectives ;

- Enfin, et surtout, la coexistence de durées différentes d'expériences professionnelles requises selon les secteurs d'activité complexifierait inutilement le droit applicable, tant pour les administrations que pour les usagers.

2.2 Reconnaissance obligatoires des compétences professionnelles dans des secteurs autres que les professions ICT

- La France ne peut pas accepter l'extension proposée. Elle a déjà fait preuve d'ouverture en acceptant la reconnaissance obligatoire des compétences pour certains métiers liés aux technologies de l'information et de communication et ne souhaite pas que cette obligation soit étendue à d'autres secteurs.

2.3 Clause de révision

- Tout d'abord, la France rappelle qu'en vertu du principe de subsidiarité, les États membres sont les mieux placés pour apprécier l'état de leurs marchés du travail.
- Toutefois, nous ne marquons pas d'opposition à une clause prévoyant un rapport de la Commission sur les besoins du marché du travail, dès lors qu'il ne s'agira que d'un avis, qui pourrait faire l'objet de discussions par le Conseil.

3. chômage

- La France peut soutenir la proposition de la présidence allemande reprise par l'actuelle Présidence portugaise, qui est préférable à l'amendement 97 (cf possibilité de retrait du titre CB-UE en fonction i) de la durée de détention du titre ; ii) de la durée passée au chômage).

4. dérogations possibles aux seuils salariaux

- Afin de soutenir la démarche de compromis menée par la Présidence portugaise, la France peut accepter, si elles demeurent optionnelles, les dérogations au seuil salarial proposées dans le cadre du groupe MIE CBE du 27 janvier 2021, et plus précisément la possibilité de baisse à 80% du seuil salarial retenu par l'État membre pour les professions en difficulté de recrutement ou pour les jeunes diplômés.

5. Délais d'instruction de la demande de titre CBE lors d'une mobilité de longue durée

- Dans un esprit constructif visant à l'atteinte d'un compromis avec le Parlement européen, la France pourrait reconsidérer la réduction à 30 jours du délai d'instruction de la demande de titre CBE lors d'une mobilité de longue durée (cf. *working paper* du 3 février 2021, *applications for long-term mobility* [L262]).
- La France rappelle néanmoins qu'une telle réduction serait un risque de contentieux fondé sur le non-respect du délai d'instruction des demandes.
- Pour cette raison, la France souhaite que, par exception au principe, une prolongation soit ouverte à l'État membre, notamment pour les motifs suivants : forte activité/engorgement des services traitants ; vérifications de sécurité complémentaires ; complexité avérée de la demande.

1. Scope

1.1 Beneficiaries of international protection

- First, the French authorities strongly support excluding applicants for international protection from obtaining the European Blue Card (EBC). Providing access to the card would lead to widespread fraud as EBC applications could be made for the sole purpose of extending a stay in the EU (nullifying a removal order issued following the rejection of an application for protection).
- As regards the three options referred to in the compromise, France can support compromise points (ii) and (iii). As one of the objectives of the CEAS is to ensure all beneficiaries of international protection equal access to rights regardless of the Member State granting them protection, of the options proposed, priority can be given to point (ii) of the compromise which provides for a *shall clause* for EBC entitlement in all those Member States that have granted international protection.
- However, we are opposed to point (i) on dropping the requisite time limit for beneficiaries of international protection applying to a second Member State for a EBC. If we support intra-EU mobility, such a provision runs counter to the rationale of integration being an inherent part of the granting of international protection, regardless of whether this applies to the beneficiary of international protection who is not encouraged to remain in the Member State granting international protection or the State whose integration measures would not deliver the desired results, and it poses a risk in terms of secondary movements.

1.2 Seasonal workers

- The EBC enables residence within a Member State, and differs from a seasonal worker's residence permit, which allows only a limited stay of up to 6 months per year for 3 years (the holder's country of origin therefore remains his/her primary residence). The exclusion of seasonal workers from the scope of the EBC Directive is therefore justified.

2. Skills

2.1 Reduction of the minimum length of work experience in the ICT sector

- We would point out that the EBC is aimed at ' highly qualified workers ', both in terms of starting qualifications and actual skills. We consider that a high level of competence requires at least 5 years of work experience, regardless of the occupational sector.
- We understand the argument of rapid technological developments in the ICT field, but are not convinced by the reasoning, and therefore cannot accept a reduction in ICT professional experience from 5 to 4 or even to 3 years:
 - it cannot seriously be argued that an applicant without a diploma could, within 3 years, acquire the same technical skills as the holder of a Bachelor or a Master's degree in an ICT-related job;
 - Moreover, and quite rightly, it is the ability to adapt to such developments, over stable periods of employment, that leads to the acquisition of the requisite skills;
 - Last but not least, the use of different periods of work experience required for different sectors would unnecessarily complicate the applicable law for authorities and users alike.

2.2 Mandatory recognition of professional skills in sectors other than ICT professions

- **We cannot accept the proposed extension.** We have already shown openness in accepting the mandatory recognition of skills for certain ICT professions and we do not want this to be extended to other sectors.

2.3 Review clause

- First, we would point out that, in line with the subsidiarity principle, Member States are best placed to assess the state of their labour markets.
- However, we do not object to a clause providing for a Commission report on labour market needs, as this will only be an opinion, which could be discussed by the Council.

3. Unemployment

- We can support the German Presidency's proposal taken up by the current Portuguese Presidency, which is preferable to amendment 97 (cf. option of withdrawing the EBC depending on (i) the length of time the ECB is held; (ii) the length of time spent unemployed).

4. Possible derogations from salary thresholds

- With a view to supporting the compromise approach adopted by the Portuguese Presidency, we can accept, **provided they remain optional**, the derogations from the salary threshold proposed by the JHA Counsellors (Integration, Migration and Expulsion) on 27 January 2021, and more specifically the option of reducing to 80 % the salary threshold set by the Member State for professions which have difficulty recruiting staff or for young graduates.

5. Deadlines for processing EBC applications in the case of long-term mobility

- In a constructive spirit aimed at reaching a compromise with the European Parliament, we could reconsider reducing the deadline for processing EBC applications to 30 days in the case of long-term mobility (see working paper of 3 February 2021, *applications for long-term mobility* [L262]).
- We would point out, however, that such a reduction would entail a litigation risk on the grounds of non-compliance with the deadline for processing applications.
- For this reason, as an exception to the principle, we would request the option of an extension for Member States, in particular for the following reasons: high workload/excessive pressure on the departments dealing with applications; additional security checks; proven complexity of the application.

GERMANY

1. Scope

1.1 beneficiaries of international protection (line 99a)

(i) To waive the time needed for a beneficiary of international protection to be able to apply for a Blue Card in a second Member State.

In the spirit of compromise, GER can accept the proposal as part of a package deal.

(ii) To ensure the right of the beneficiary of international protection to apply for a Blue Card in the Member State of its residence, if the conditions for the attribution of the Blue Card are fulfilled, as a “shall clause”.

In the spirit of compromise, GER can accept the proposal as part of a package deal.

(iii) To waive the time (12 months) required for a beneficiary of international protection to be able to apply for a Blue Card in the Member State that granted the protection.

In the spirit of compromise, GER can accept the proposal as part of a package deal.

1.2 seasonal workers (line 96)

We still do not see a need for applying the Blue Card to seasonal workers since they are usually not highly qualified and only temporarily in the EU. Furthermore, there is a risk of potential misuse by attempting to prolong the stay in the EU with unfounded applications and subsequent appeal procedures.

However, in the spirit of compromise, GER can accept the proposal as part of a package deal.

2. Skills

2.1 Minimum length of professional experiences

Germany supports the Presidency’s proposal to lower the necessary minimum length of professional experiences to 3 (or 4 years) for the professions in the IT and communications technology sector (ISCO-08 classifications 133 and 25). However, we suggest adding an additional requirement: The 3 (or 4) years of professional experiences must have been acquired during the last 7 years.

2.2 Mandatory extension to other sectors?

Germany cannot accept extending the *mandatory* admittance of TCNs with higher professional skills to sectors other than the IT and communications technology sector (ISCO-08 classifications 133 and 25). This is a highly sensitive issue for Germany. From what we know, it is so far only the IT and communications technology sector which employs a considerable amount of workers with higher professional skills and which signalled this specific need. Moreover, it should be kept in mind that Member States always have the *option* to issue EU Blue Cards also to TCNs with higher professional skills in other sectors.

2.3 Presidency proposal: review clause (Commission report 3 years after implementation; possible extension in the ordinary legislative procedure)

Germany supports this compromise proposal. Only the ordinary legislative procedure guarantees that the very sensitive political question (to what extent TCNs with higher professional skills have access to an EU Blue Card) is decided by all three institutions on an equal footing. Germany welcomes that the compromise proposal does not put the question of extending the list of professions which are accessible with higher professional skills on hold for a long time, but is reconsidered 3 years after the end of the implementation period on the basis of a Commission report.

3. Unemployment

Presidency proposal: Maximum period of temporary unemployment shall remain three consecutive months in cases where the TCN has held the EU Blue Card for less than two years. However, in cases where the TCN has been an EU Blue Card holder for two years or more, the maximum period of temporary unemployment shall be six consecutive months. In exchange, the Parliament would drop its amendment 97.

Germany supports this Presidency proposal.

HUNGARY

Clear distinction should be made between regulated and not regulated professions as regulated on national level. Concerning regulated professions, we cannot dispense with the evidence attesting of qualification in any case. For Hungarian citizens, it is obligatory to prove existence of required qualification with documents for a job in a regulated profession. Professions in the field of ICT are not regulated professions in HU, however, we oppose to name special professions in the directive. This should be decided on national level with view on the profession and not on the person. For this, we cannot agree to any list of professions accessible on EU level, in the field of migration.

ITALY

Scope

Italy agrees with a possible extension of the scope of application of the Blue Card Directive to seasonal workers and beneficiaries of international protection that fulfil the criteria to access a Blue Card. The Italian current legislation in fact allows the possibility to request the issuance of the Blue Card to third-country nationals, legally residing in the national territory, that fulfil the conditions for the attribution of the Blue Card. As for seasonal workers, the request must be presented within the period of validity of the residence permit (maximum duration: 9 months). As regards beneficiaries of international protection (line 99a), Italy is in favor of the introduction of the “shall clause” which would allow them to apply for the Blue Card in the Member State of residence and is also in favor of waiving the time of 12 months of residence for being able to apply for the Blue Card in the Member State that granted the international protection.

Skills

Italy agrees to lower the minimum length of the required professional experience from 5 to 3 years for highly skilled workers from the ICT sector. Italy is also in favor of the provision of a specific revision clause that allows, via the ordinary legislative procedure, to review in the future the list of professions included in the scope of the Directive with a view to a possible future extension to other sectors not currently envisaged.

Unemployment

The Italian law provides for a maximum period of 12 months in which the non-EU citizen, legally resident in the national territory, who loses his job, can be registered in the employment lists for the residual validity period of the residence permit. Therefore, the proposal to provide for a maximum period of temporary unemployment of 3 consecutive months for the third-country national who has held the Blue Card for less than two years and to provide for a maximum period of 6 months in the event that the third-country national has held a Blue Card for two years or more would introduce a less favorable regime for Blue Card holders compared to other categories of non-EU citizens. Nevertheless Italy does not oppose the introduction of this provision, since article 4.2 of the proposal for Directive allows Member States to adopt or retain within their own legal systems more favourable provisions for the Blue Card beneficiaries also in respect of article 14 (*Temporary unemployment*).

SLOVAKIA

The Slovak Republic disagrees with the recognition of professional skills as a confirmation of higher qualification, also in the selected IT sector. We are of the opinion that a professional skill cannot be a sufficient equivalent of university degree. Higher qualifications should be required for the performance of highly qualified employment. As part of mobility, third-country nationals with recognized higher professional skills in another Member State enter the Member State, where we then see discrimination against the Member State's own citizens.

SWEDEN

Scope - the right of beneficiaries of international protection to apply for a Blue Card in the Member State of residence

We have strong objections when it comes to the proposal to let beneficiaries of international protection apply for a Blue Card in the MS of residence. At the meeting, the COM mentioned the fact that double status already exist in regard to EU long-term resident status, but that is not the same as having two residence permits on different grounds. In our view, this proposal has few advantages and the consequences should be thoroughly investigated.

Beneficiaries of international protection can already work in highly-qualified professions in the Member State of residence. If they find employment in another Member State ,they should be able to apply for a Blue Card there. This would ensure that highly-qualified beneficiaries of international protection can work in any Member State where they find employment.

All Member States have different schemes for work, studies, protection etc. In Sweden, at least, it is not possible to have more than one kind of residence permit at a time. Which kind of residence permit a person has will affect the access to the labour market, the possibility for family members to be granted a permit, maintenance requirements for family members, the possibilities to be granted a permanent residence permit etc. What would apply for a third country national who has a residence permit based on protection *and* a residence permit as a Blue Card holder?

Skills

We can accept the PRES proposal regarding applicants with professional skills in certain IT-professions. We prefer 4 years of professional experience but can, if necessary to reach an agreement, also accept 3 years of experience.

Finally , we were wondering if line 203a (art. 15.2) will be discussed in the upcoming meetings.