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From:	Presidency
To:	JHA Counsellors (Migration, Integration, Expulsion)
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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 Compromise package on the reform of the Blue Card Directive from the Presidency in view of the informal VTC of the members of the JHA Counsellors (Migration, Integration, Expulsion - Legal Migration) on 29 - 30 March 2021.

Compromise package on the reform of the Blue Card Directive

- Discussion paper

Background

After the elections to the European Parliament in 2019 and the presentation of the Pact on Migration and Asylum in September 2020, the conditions to resume negotiations on the proposal to review the Blue Card Directive were met. The Portuguese Presidency built upon the work done by German Presidency and the previous presidencies and continued discussing with delegations and the European Parliament (EP) a number of key issues, with a view to reach an agreement on the proposal.

Over the last 5 JHA Counsellors meetings, the political trilogue and the 6 technical meetings under our Presidency, which followed 7 technical meetings, two political trilogies and 5 JHA Counsellors meetings under German Presidency, the co-legislators thoroughly revisited the entire proposal, after a 3-year hiatus. During the discussions the Presidency sought to find a balance between the aim of having more favourable conditions that contribute to have a more attractive and effective EU scheme to attract highly skilled third country nationals, the need to ensure that the legal framework contains the necessary safeguards against abuses of the system and, finally, the respect for the national competences of the Member States, such as the conditions for access to their labour markets.

Based on the discussions held over the course of the last months, the Presidency hopes to have gained a good understanding of delegations wishes and requirements for the revised Blue Card and has devised a number of compromise solutions that, in its perspective, represent a fair balance between the objective of improving the attractiveness of the Blue Card while at the same time ensuring that Member States retain a high level of control over legal migration flows and their labour markets.

In this context, in view of the meeting of JHA Counsellors of 29 March, the Presidency is submitting, for the consideration of delegations, a compromise package tackling all outstanding issues concerning the revision of the Blue Card Directive, addressing both the political issues (harmonization, scope, skills, salary threshold, labour market access and unemployment, mobility, equal treatment, rights of family members, access to long-term residents status, equal treatment and unemployment) and the technical issues (criteria for refusal, withdrawal and non-renewal, among others).

In case of agreement on the overall compromise package, the Presidency intends to submit this comprehensive proposal to the Parliament with the aim of rapidly concluding negotiations.

In that regard, the Presidency considers that, while the compromise package will certainly require some further technical adjustments before a final agreement can be reached with the Parliament, the balance that it creates and its main features will stabilise the discussion, which will mainly focus on finalisation work, on the basis of clear political lines.

For ease of reference, all the proposals outlined below (as well as a limited number of other proposed technical changes to the directive) are included in the annexed four-column document (**Annex 1**; see, in particular, the sections highlighted in green)¹. A consolidated text of the directive including the same compromise proposals is provided in **Annex 2**.

Under the compromise package, the improvements made to the Blue Card Directive can be considered significant without, however, amounting to the paradigm change previously sought by the Parliament: the focus of the Blue Card very much remains attracting *highly*-qualified third-country workers to the EU, where and when needed. Crucially, the compromise package fully maintains parallel national schemes and the flexibility they offer Member States to respond to changing labour market needs. In addition, while procedures are streamlined and the rights of Blue Card holders are, to a certain extent, enhanced, these measures are accompanied by a wide range of safeguards and robust provisions to prevent and sanction all forms of abuse.

In the Presidency's view, the compromise proposals contained in this paper must be considered in their entirety. Each provision is the product of a delicate balancing exercise aimed at responding to a broad spectrum of requirements voiced by delegations. According to the Presidency, the package also represents the minimum level of attractiveness that could be accepted by the European Parliament. With that in mind, the Presidency encourages delegations to show flexibility, in a spirit of compromise, and to recognise the wide-ranging benefits a revised Blue Card would entail for Member States.

The Presidency looks forward to a fruitful discussion and remains available to answer any questions you might have on the proposals detailed below.

¹ This document has been prepared exclusively for delegations to discuss the Presidency's compromise proposals and has not yet been shared with the European Parliament.

Table of contents

Background.....	1
1) Harmonisation	3
2) Scope.....	5
3) Skills	8
4) Salary Thresholds.....	12
5) Labour market access	14
6) Unemployment.....	17
7) Equal treatment.....	19
8) Family members of the Blue Card applicant/holder.....	21
9) Long-term Residence	22
10) Intra-EU mobility of the Blue Card holder and his/her family members.....	25
11) Other (technical) provisions part of the compromise package	28
Conclusion.....	29

1) Harmonisation

Since the start of the inter-institutional negotiations to reform the Blue Card in 2017, harmonisation has always been a sensitive topic. Initially, the Parliament and the Commission strongly held the position that the new Blue Card Directive should create a fully harmonised EU-wide scheme for highly-skilled third-country workers. On the other hand, the Council has always expressed the need to maintain parallel national schemes, as they are crucial to ensure the necessary level of flexibility and adaptability to respond to changing labour market needs.

Following the elections to the European Parliament in 2020 and the presentation of the Pact on Migration and Asylum by the new Commission, the Parliament and the Commission signalled some flexibility on the issue of harmonisation, that paved the way for the resumption of negotiations. In particular, the Parliament indicated several times that it could potentially accept that Member States keep parallel national schemes, but only if the EU Blue Card scheme were made sufficiently attractive in its different aspects (in particular with regard to intra-EU mobility) and if a level playing field was created between the EU Blue Card and national schemes that exist in Member States.

The compromise proposals laid out in the following sections of this paper must therefore be considered against this backdrop: as parallel national schemes are kept in the Directive, which the Parliament and the Commission see as a major concession to the Council, other provisions must ensure that the attractiveness of the Blue Card is sufficiently enhanced. The only viable possible compromise would have to be based on this delicate balance.

In addition, the continued existence of parallel national schemes (see line 101 of the four-column document) requires a number of provisions aimed at ensuring a level playing field with the EU Blue Card. As previously explained, such provisions are necessary to guarantee that there is no competition on benefits between the Blue Card and national schemes but only different scopes, both types of schemes being able to contribute to their full potential to a well-functioning labour market in each Member State.

At the JHA Counsellors meetings of 18 and 27 January 2021, a large majority of delegations supported the proposals made by the German Presidency in relation to the level playing field. The Portuguese Presidency has built on these proposals and suggests the following package of measures aimed at ensuring a level playing field:

- a provision allowing an easy switch from national schemes for highly qualified employment to the EU Blue Card (Article 10(7), line 173b);
- equal procedural safeguards for EU Blue Card holders compared to third-country workers benefiting from national schemes (Article 10(8), line 173c);
- no higher fees for EU Blue Card applications than for applications for national schemes (Article 11(2), line 175a);
- equal procedural rights with regard to recognised employer schemes (Article 12(4), line 183a);
- equal treatment regarding access to self-employment for Blue Card holders compared to holders of national permits for highly-skilled workers (Article 13, line 188);
- same level of equal treatment rights for EU Blue Card holders compared to holders of a national permit for highly qualified employment (Article 15(7), line 208d);
- same level of equal treatment rights for family members of EU Blue Card holders compared to family members of holders of a national permit for highly qualified employment (Article 16(11), line 220a);
- equal promotion / equal access to information with regard to the EU Blue Card compared to national schemes (Article 23, new paragraph 1a, new line 300a);
- a general clarification of the approach on harmonisation, laying out some of the principles that a level playing field entails (amended recital 5, line 14).

2) Scope

Summary:

- Exclusion of applicants for international protection from the scope
- Non-exclusion of beneficiaries of international protection (BIP)
- Mobility of BIP without time delays
- Non-exclusion of Seasonal workers
- Art 9 – applications from the territory of the Member State, no exclusion

The scope of the directive is an important element of attractiveness of the EU Blue Card: the more highly-qualified persons are potentially eligible for an EU Blue Card, the more successful the scheme will probably be. In that regard, the Parliament has always taken a particularly strong stance, for example considering that even applicants for international protection should be included in the scope of the directive.

As previously discussed with delegations (notably at the JHA Counsellors meeting of 22 February 2021), such a wide extension of the scope would not be acceptable to most delegations. On the other hand, the Presidency considers that it is counter-productive and not in the interest of Member States to excessively limit the scope of the directive, especially when there is no objective justification for doing so. In that regard, the Presidency also refers to the meeting of JHA Counsellors of 22 February 2021, at which a large number of delegations expressed support for a limited extension of the scope of the directive.

In light of the above, the Presidency makes the following compromise proposals with regard to the personal scope of the directive:

- Exclude applicants of international protection from the scope of the Directive;
- Allow beneficiaries of international protection to apply in the Member State which granted them protection, and not require them to wait for a certain time before being able to apply.

The Presidency considers that a highly-qualified person to whom a Member State has granted international protection should be able to apply and obtain a Blue Card for highly-qualified employment in the same Member State, if the conditions are met.

This possibility would reinforce their integration in the labour market and in particular, allow them to benefit from the mobility provisions of the Directive, for business activities or long-term mobility. According to the Presidency, being able to apply for a Blue Card would therefore bring substantial added value to beneficiaries of international protection, notwithstanding the fact that such persons already often enjoy a wide access to the domestic labour market.

Moreover, the Presidency is aware that the double status such a Blue Card holder would enjoy in a particular Member State could potentially entail a degree of administrative complexity in certain rare instances. However, according to the Presidency, the advantages of allowing beneficiaries of international protection to apply for a Blue Card under the conditions described above outweigh the limited disadvantages such a solution represents, especially considering the wider compromise that is achieved with the Parliament and that excludes applicants of international protection, as requested by Member States.

In that regard, the Presidency would like to underline that there are also other precedents of situations with double statuses (e.g. beneficiaries of international protection and long-term resident status) that do not seem to have led to any problems in their implementation. The Presidency is therefore convinced that the specific challenges of this particular situation of double status can be handled, based on good cooperation and adequate guidance given where necessary. As previously mentioned to delegations, the Presidency is committed to answer any legal or practical questions raised by Member States in this regard and to ensure that the final wording of the relevant provisions provide sufficient clarity.

- Not restrict the possibility of beneficiaries of international protection to apply for a Blue Card in a second Member State to those who have resided in the first Member State for a minimum of 12 months. The Presidency understands the interest of some Member States to promote the integration of beneficiaries of international protection in their labour markets. However, it seems counterproductive not to allow the application in a second Member State the first year, even in cases where that person does not find a job at his/her level of qualifications on the first Member State, and therefore does not contribute to the host society at the level of his/her capability. In that regard, an important point to note is that, like any other Blue Card holder, a beneficiary of international protection could only make use of the mobility provisions in the Blue Card Directive after twelve months of legal residence in the Member State that granted him/her a Blue Card.
- Not exclude seasonal workers from the scope of the Directive. The Presidency considers that, if a third-country worker obtains an offer for highly-qualified employment and meets the relevant criteria for obtaining a EU Blue Card (including the relevant qualifications, salary threshold, etc.), it is difficult to justify that such a person is excluded from the scope of the directive just because he/she happened to be a seasonal worker at a given moment in time. This is all the more true as other categories of third-country nationals with residence rights linked to a specific, temporarily and limited purpose (such as volunteers, trainees and Au Pairs) are allowed to apply for a Blue Card.

For this reason, the Presidency proposes to delete the provision that excludes the application of the directive to seasonal workers *ex ante* and to rather opt for a simple application of the admission criteria of the directive.

According to the Presidency, this will not lead to any multiplication of applications. First, the application procedure does not entail any right to remain on the territory during the period where the application is processed. If their right to remain expired during the application procedure, seasonal worker applying for a Blue Card would have to leave the territory: they would therefore have no incentive whatsoever to make abusive applications without meeting the admission criteria. Second, as a general rule, in the field of legal migration, removing ex ante exclusions does not lead to an increase in the number of applications: for example, seasonal workers are not excluded from the scope of application of the Students and Researchers directive and no Member State has witnessed an increase of applications from seasonal workers.

According to the Presidency, the need for a substantive compromise with the Parliament in this area deserves the best efforts of Member States: the compromise suggestions outlined above would extend the scope and reinforce the inclusiveness of the Blue Card Directive without creating any relevant pull factor that would negatively impact the work of the national administrations. Crucially, the exclusion of applicants of international protection is fully preserved.

To reflect this overall compromise, the attached four-column document includes changes to the following lines of Article 3:

- Deletion of Line 96
- Revision of Line 99a

Finally, with regard to the procedure for applying for an EU Blue Card (Article 9), a related issue has arisen during discussions with the Parliament and the Commission. While most points have already been provisionally agreed, the specific issue of applications lodged from the territory of the Member State has not yet been resolved.

In the current position of the Council, which is also reflected in the current Blue Card Directive, persons legally present on the territory of a Member State, but not on the basis of a residence permit or a long-term visa, are excluded from applying for a Blue Card. This means, for example, that persons benefiting from a visa waiver or holding a valid Schengen visa are excluded from the possibility to apply for a Blue Card (line 165).

Despite the fact that the Council mandate also proposes an optional derogation from this exclusion (line 165d), the Presidency considers this rule to be suboptimal and a potential source of administrative burden.

Neither the current Blue Card directive nor the proposal under negotiation require, as a general rule, that applications are made from outside the territory. The Presidency finds it difficult to make a convincing argument to justify allowing some third-country nationals legally present on the territory to make applications, but not others. Indeed, it is difficult to justify why a limited number of third-country nationals legally present on the territory of a Member State, that do not hold a residence permit or long-term visa, should not be able to apply for a Blue Card, without being subject to the unnecessary burden of first having to go back to their country of origin.

For example, under the current Blue Card directive, if a Canadian national visiting the EU for less than 90 days is offered a position in a Member State for which he decides to apply for a Blue Card, he or she would need to first go back to Canada to be able to submit the application. However, if the same Canadian national had been studying/or conducting research in the Member State, or been a trainee for 4 months before applying to the Blue Card, this would not be the case.

Eliminating this source of complexity (and the corresponding derogation in line 165d) would facilitate the transposition of the revised directive and contribute towards a more harmonised and predictable Blue Card scheme in the EU.

In view of an overall compromise with the Parliament, the attached four-column document includes changes to the following lines of Article 9:

- Revision of Lines 164 and 165
- Deletion of Line 165d

3) Skills

Summary:

- Inclusion of skills but only ICT sector (in an Annex)
- Three years' experience (in the last 7 years)
- No harmonised assessment procedure for skills
- Revision based on Commission report, via ordinary legislative procedure

Since the start of inter-institutional negotiations in 2017, the Parliament has repeatedly underlined that extending the scope of application of the EU Blue Card scheme to highly-skilled third-country workers without formal academic qualifications is essential to enhance the attractiveness of the Blue Card directive. The Council position has always been – and remains – that the Blue Card is first and foremost targeted at *highly-qualified* third-country workers that are able to present documents attesting their higher professional qualifications.

However, in order to enhance the digital competitiveness of the EU and ensure that critical labour market needs in Member States are adequately addressed, the Presidency considers that a very limited opening of the scope of the directive to certain highly-skilled workers, that do not have formal qualifications but can prove a considerable and relevant professional experience is justified.

By way of a compromise, the Presidency therefore proposes **to open the scope of the directive to third-country nationals with higher professional skills, but only in the ICT sector** (Information and Communications Technologies), 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). No other sectors would be listed in the directive.

This proposal responds to general concerns in the EU labour market where there is a widespread shortage of highly-skilled workers in this sector, as noted in the Eurostat report ‘ICT specialists – statistics on hard-to-fill vacancies in enterprises’² of December 2018, that indicated that *‘53 % of companies that recruited or tried to recruit ICT specialists in 2017 reported difficulties in filling vacancies’*, while *‘27% of companies in the ICT sector indicated having hard-to-fill positions in that year’*. These shortages are common to a wide range of different Member States and across different types of companies.

The ICT sector, in addition to being subject to rapid technological evolution for which formal academic training may not always be necessary, is also a sector where well-established systems of training and certification already exist that can be helpful to provide evidence of sufficiently high skills for the purpose of issuing an EU Blue Card.

An additional aspect has been the definition of what is the minimum necessary **length of professional experience** for attaining such ‘higher professional skills’. Delegations expressed different views in that regard, a majority agreeing with a minimum of 3 years (within the last 7 years), but other delegations requiring 4 or 5 years of experience. The Presidency understands that, considering that degrees in this sector generally take 3 years to complete, the relevant period of on-the-job experience should correspond to such a 3-year period. This length of professional experience also appears justified given the fast pace of technological evolution in the ICT sector and the changing needs of employers. Therefore, the Presidency asks delegations to consider a period of 3 years of professional experience (obtained within the last 7 years) - and only for highly-skilled workers from the ICT sector, by way of a compromise.

According to the Presidency, the Parliament's request that the Blue Card directive contain specifications as to how such higher professional skills are to be assessed not only falls outside the scope of a legal migration directive but is also not supported by a majority of Member States. The manner in which skills are assessed for the purpose of the Blue Card should left entirely to the Member States (with, for example, the possibility of an assessment by the employer), according to their national legislation, in compliance with the principle of subsidiarity. The Presidency will therefore request the Parliament to drop the relevant amendment.

² [40327.pdf \(europa.eu\)](#)

Regarding any possible future **extension of the list of professions** accessible with ‘higher professional skills’, delegations clearly expressed their preference for the use of the ordinary legislative procedure (rather than through an implementing or delegated act adopted by the Commission).

On the other hand, the Parliament, which would make a very significant concession to the Council by agreeing to only include highly-skilled workers from the ICT sector, has repeatedly stressed the need for a simplified and flexible mechanism to adapt the list to potential changing needs of the labour market in the future.

Given the importance of the issue for the Parliament and the fact that the ordinary legislative procedure would in any case have to be used for any extension of the list, the Presidency proposes to include in the directive a specific review clause. Such a clause would require the Commission to draft a report on the needs of the labour markets three years after the implementation of the Directive (and every three years after that), and consider the need to propose a revision of the list of professions accessible with ‘higher professional skills’, via the ordinary legislative procedure.

In the meantime, Member States willing to attract highly-skilled third-country workers for employment in other sectors than the ICT sector would of course remain free to do so, as in the current Blue Card Directive (see Article 2(g)). Indeed, Member States would be able to enlarge the scope to skills in other sectors if the other provisions of the revised Directive are respected, notably that the professional experience is of a level comparable to higher education qualifications. In such cases, the concerned Blue Card holders in occupations other than the ICT sector would need to provide evidence of higher qualifications to a second Member State in case of mobility. The situation would thus stay the same as in the current Blue Card Directive. In order to allow the second Member State to know that the Blue Card has been issued on the basis of the recognition of skills in occupations outside the ICT sector, it is proposed to add as a remark on the Blue Card that it has been delivered on the basis of high professional skills for occupations not listed in the Annex.

To reflect this general compromise, the attached four-column document includes changes to the following lines:

- Article 2: changes to Lines 73, 76, 82 and 83
- Article 5: changes to Line 110a, new Line 114a
- New Article 24a: new Line 310a

With regard to the specific issue of the recognition and validation of professional skills, some delegations expressed concerns and enquired whether the implementation of the Blue Card directive would entail a situation where third-country nationals would receive **more favourable treatment** under the Blue Card compared to nationals of the Member State or EU mobile citizens.

This concern raises the question of the interplay between the evaluation of 'higher professional skills' for the purposes of delivering a Blue Card, and the validation of the knowledge, skills and competences which have been acquired through non-formal and informal learning in the context of employment policy.

First, it must be stressed that the mechanism in the Blue Card would only apply to non-regulated professions (as is the case of the ICT sector), professions for which the national law of a Member State does not require a particular title or qualification (for a definition of regulated profession, see Article 3(1)(a) of Directive 2005/36/EC).

Second, the current wording proposed does not require Member States to establish any general system for the recognition of skills, nor does it foresee that the evaluation of higher professional skills for the purpose of delivering a Blue Card can be used beyond the context of immigration procedures.

In essence, under the Blue Card directive, the evaluation of 'higher professional skills' for highly-skilled workers from the ICT sector, can be a simple evaluation, by the competent authorities, that the person has been working, for example, as a manager or a professional in the IT sector for three years at an appropriate level (the ICT directive constitute a precedent for such an evaluation, see Article 5(1)(d)). Moreover, the directive would leave it entirely to national law to define how this mechanism or arrangement should work in practice, as this remains within the national competence of the Member States.

Indeed, it will up to national law to define the mechanisms or arrangements for the evaluation of higher professional skills for the purpose of delivering a Blue Card, and if, or how, these mechanisms or arrangements interplay with the validation of non-formal and informal learning in the relevant Member State.

In light of the above, the Presidency does not consider that the proposed compromise risks creating any kind of discrimination against EU citizens. The latter have free access to the labour markets of the Member States, independently of the level of their qualifications and skills. For example, if a private bank wants to hire an ICT professional, any EU citizen can apply for that job. It will be for the bank to assess the qualification and experience of the candidate. Therefore, in contrast to Blue Card applicants, they do not require any evaluation of their skills by a public authority before being allowed to access another Member State.

The fact that Blue Card holders will need to have their higher professional skills (or qualifications) evaluated before they are allowed on the territory of a Member State and access to the labour market is not a benefit, but an extra burden which EU citizens are not subject to. The latter only see their professional experience examined by their employer. Depending on the national implementation, Blue Card holders will in principle see their qualifications and skills examined by their employer and/or by the competent national authorities, in full accordance with national law.

4) Salary Thresholds

Summary:

- Maintain the limits between 1.0-1.6 of the average gross annual salary
- Consultation social partners (no “as appropriate”)
- Do not retain 2.0 derogation
- Maintain shortages and students’ derogations – 0.8/1.0

A new and more competitive salary threshold for the admission of highly qualified workers in the EU is an important aspect of the revision of the Blue Card directive. The applicable salary threshold must reflect the objective of attracting only *highly*-qualified third-country workers, that can typically obtain well-paid positions, while at the same time ensuring that the scope of the directive is not too restrictive (also compared to national labour migration schemes) to meet labour market needs.

At the political trilogue of 11 February 2021, the European Parliament clarified its position on salary thresholds and accepted in principle that Member States require sufficient discretion in setting the applicable threshold to respond to a wide range of different labour market situation on the condition that the directive does not provide for too many derogations to the normal salary threshold.

Range

With regard to the range, Member States broadly agreed to the Presidency's proposal of a salary threshold between **1.0 and 1.6 times** the average gross annual salary in the concerned Member State (i.e. only a slight reduction from the original Council mandate that set the range at 1.1 to 1.7 times the average gross annual salary).

Involvement of social partners

In the course of the negotiations, the Parliament also made it clear that it sees some kind of involvement of social partners necessary when it comes to setting the applicable salary threshold. The Presidency made it perfectly clear that Member States could never accept that any formal agreement of social partners be required when setting the salary threshold. Social partners have widely different roles from one Member State to the other and they should therefore not be given any decision-making power in the Blue Card directive. However, as indicated previously, some level of mandatory involvement of social partners in the process is considered a red line by the Parliament.

In a spirit of compromise, the Presidency therefore proposes that social partners be consulted by Member States when setting the applicable salary threshold, in accordance with national practices. While such a consultation of social partners would be a procedural requirement, social partners would have no formal decision-making power and Member States would therefore keep their full discretion in determining the adequate salary threshold. Moreover, the applicable provision (line 115) would clearly state that such a consultation must occur "in accordance with national practices", further underlining the varying nature of the role social partners play in each Member State. It follows that Member States would also enjoy a wide discretion in determining the nature of the consultation procedure itself.

Given the above, with a view to reaching a wider agreement and taking into consideration the concessions offered by the Parliament on the applicable range, the Presidency considers that accepting such a consultation of social partners would amount to a reasonable compromise.

In that regard, the Presidency notes that some delegations previously expressed their preference for an even softer wording of the provision, indicating that the consultation could possibly be optional or only conducted 'where appropriate'. However, as indicated above, it has become apparent in the course of negotiations that, for political reasons, such a solution would not be deemed sufficient by the Parliament and would in any case not offer any real substantive advantage to Member States. While the Presidency understands the concerns raised and the specificities of each Member State, it kindly asks delegations to show flexibility on this issue and agree to what remains a mere consultation, the specific attributes of which remain at the discretion of Member States.

Derogations to the applicable salary threshold

The (optional) derogations to the salary threshold provided for in the Commission's proposal for professions which are in particular need of workers and for young professionals (lines 117 & 118) have proved to be relevant to several delegations and are fully in line with the political objective of attracting the workers most needed on the national labour markets and retaining those students that finalise their studies in the EU and are offered a highly-qualified position in a Member State after their graduation.

However, some delegations as well as the Parliament expressed the concern that, if incorrectly implemented, these derogations could potentially lead to an applicable salary threshold below the average gross annual salary in the concerned Member State, which would go against the objective of the directive. In order to address these legitimate concerns, the Presidency proposes to clarify the wording of the relevant provisions in order to specify that the application of the derogations can never lead to a salary threshold lower than 1.0 times the average gross annual salary in the concerned Member State (lines 117 and 118).

Finally, in the course of the negotiations, the Parliament has asked several times whether the Council could consider dropping the derogation corresponding to 2.0 times the average gross annual salary for Member States with less than half of the EU average gross annual salary and with strong regional differences (line 115a). Given that this derogation only concerns a small (and most likely decreasing) number of Member States and that the Parliament is willing to accept a high upper limit of 1.6 times the average gross annual salary as a general rule (in contrast to the upper limit of 1.4 proposed by the Commission), the Presidency considers that this derogation is of lesser relevance and that its deletion would be of great value within the framework of a wider compromise. In that regard, the Presidency recalls that potentially concerned Member States are free to opt for the upper limit of 1.6 times their average gross annual salary and that they also have a wide range of other safeguards, including labour market tests, at their disposal to protect their regional labour markets against unfair competition.

To reflect this general compromise, the attached four-column document includes changes to the following lines of Article 5:

- Revision of: Lines 115, 117, 118
- Deletion of: Line 115a

5) Labour market access

Summary:

- Possible to apply labour market test at the moment of the first application for a Blue Card (optional), for example in cases of high level of unemployment (not mandatory) (Article 6(3))
- Possible to apply labour market tests in case of change of employment during the first 12 months as a Blue Card holder (optional)
- Possible to apply labour market tests in case of mobility (on the same terms as 1st entry)
- Blue Card holder has access to self-employment activities if they are subsidiary
- Member States may restrict access to specific professions, notably those related to the exercise of public authority

Labour market tests

In the negotiation process, delegations clearly stated they want to retain their competences regarding the access to the national labour market, although some delegations informed that they do not apply labour market tests to highly qualified third-country nationals.

The Parliament has expressed its preference to make the application of labour market tests conditional on situations of high levels of unemployment in a given occupation or sector. The Parliament is also of the opinion that Member States should inform the Commission in advance of their intention to apply a labour market test and of its justification. In addition, according to the Parliament, the application of a labour market test should not be allowed if the Blue Card holder changes employer, even if this occurs during the first two years of employment as a Blue Card holder (Article 13).

As previously discussed, the Presidency considers that these requests of the Parliament are not acceptable to a majority of Member States as labour market tests are considered by many a crucial tool to ensure the proper functioning of national labour markets. In that regard, the Presidency considers that situations of high unemployment should only be considered an example of situations where labour market tests can be applied.

Furthermore, the Presidency considers that the prior notification of labour market tests and their justification to the Commission, or any system of prior authorisation, as requested by the Parliament, are not acceptable to Member States. The Presidency considers that the Parliament's concerns are addressed by the information on labour market tests which must be communicated (ex post) by Member States to the Commission as part of their reporting obligations under Article 23(2)(e) of the Directive (line 301).

Member States that implement this possibility to carry out a labour market test in the application process for a Blue Card, can also apply it in cases of intra-EU mobility, when they are the second Member State. This principle also applies to those cases of mobility of Blue Card holders who acquired long-term resident status (Article 17).

Change of employer

As recalled in document WK 3047/2021, delegations have also repeatedly stated they want to retain their competences regarding the access to the national labour market in the cases where Blue Card holders wish to change employer (within the same Member State).

This is why the Presidency has consistently resisted attempts by the Parliament to remove the possibility for Member States to conduct labour market tests when a Blue Card holder wishes to change employer. Blue Card holders need to be progressively integrated into the labour market and it is important for Member States to have sufficient safeguards to ensure that persons admitted as highly-qualified workers actually end up in corresponding occupations and that the EU Blue Card scheme is not used for abusive purposes by either the employers or the third-country nationals.

For this reason, the Presidency proposed to maintain the possibility of such labour market tests but to limit the period during which they can be conducted to the first 12 months of employment (line 186a) in the framework of a wider compromise (see also document WK 3047/2021). At the JHA Counsellors meeting of 11 March 2021, delegations clearly supported this proposal, which is therefore also included in this compromise package.

From a procedural perspective, the co-legislators agree that the process for changing employer should not be a full repetition of the procedures necessary for the first entry of the Blue Card holder. The Presidency proposes to clarify this in a new recital.

To reflect this general compromise, the attached four-column document includes changes to the following lines of Article 13:

- Revision of Line 186
- New text in lines 186a to 186f
- Introduction of a new paragraph 1b – replacing lines 187

Access to self-employed activities

As previously discussed (see document WK 3047/2021), the Parliament supports the possibility for Blue Card holders to pursue self-employed activities under the same conditions as nationals and other Union citizens in the Member State which issued the Blue Card.

During our meeting of 11 March 2021, delegations broadly agreed with the Presidency that there is no legal ground in EU law or precedent in the legal migration directives (except for the case of the Long-term Residents Directive, explained by the enhanced rights given to those third-country nationals with a more permanent status) to allow equal treatment of third country nationals with EU citizens with regard to self-employment. The Presidency therefore proposes to maintain the Council position in this regard, including the reference that this activity should be subsidiary to the main activity of the Blue Card holder, which should be the one that justified the issuance of the permit and which is the principal occupation of the Blue Card holder in terms of working time (line 188).

Restrictions

Finally, the co-legislators agreed in principle to keep the provisions proposed by the Council, aimed at maintaining existing (national) restrictions on access to certain professions for Union or EEA citizens. The Presidency considers that both restrictions can be merged into one provision. By way of a compromise, a recital would confirm that this provision is a standstill clause.

In this line, the following changes are proposed in the 4CT:

- *Revision of Line 189*
- *Deletion of Line 189a*

6) Unemployment

Summary:

- Withdrawal of the Blue Card after 3 months of unemployment during the 2 first years of employment in the Member State, and after 6 months beyond the first 2 years of employment;
- Clarification of the discretion that Member States enjoy if unemployment or decrease in salary is caused by illness, disability or parental leave (Recital 20)
- Obligation to communicate to the authorities the situation of unemployment
- Authorisation of the Blue Card holder to seek employment while unemployed

For political reasons, unemployment is considered one of the most critical issues of the reform of the Blue Card Directive by the Parliament. In addition to a longer period of temporary unemployment (6 months instead of 3 months as in the Council mandate) before a Blue Card can be withdrawn, the Parliament's position is that unemployment as the result of illness or disability should not be a reason for withdrawal (Amendment 97, see line 146a).

As discussed in previous meetings of JHA Counsellors, the Presidency is committed to making sure that the revised Blue Card does not lead to any excessive burden on the social security systems of Member States. It has therefore repeatedly rejected the Parliament's request to extend the authorised period of unemployment to 6 months as a general rule.

However, the Presidency considers that, in certain situations, where a Blue Card holder is already strongly integrated into the labour market of a Member State and has paid into the social security system for a long period of time, it is reasonable to extend the period of unemployment beyond the normal 3-month period.

For this reason, the Presidency proposes, by way of a compromise, that the maximum period of temporary unemployment should be three months in cases where the third-country national has held a Blue Card for less than two years but that, in cases where he/she has been a Blue Card holder for two years or more, the maximum period of temporary unemployment should be six months.

In exchange, the Presidency will ask the Parliament to drop its amendment 97, referred to above and agree to dissolve the content of Article 14 on temporary unemployment into other provisions Article 7(2) and Article 13(1) (without changing the substance of the provision).

Thanks to the support expressed by a wide majority of delegations for this approach, this proposal is included in the compromise package.

In addition, the compromise package includes a number of other elements on which the co-legislators have been able to provisionally agree, in particular with regard to the possibility for Blue Card holders to seek new employment and their responsibility to inform the competent authorities of the beginning and the end of their period of unemployment.

To reflect this general compromise, the attached four-column document includes changes to the following lines:

- Revision of lines 146a and 148b.

7) Equal treatment

Summary

- In line with the Blue Card Directive and other legal migration directives
- Reference to non-discrimination added
- Reference to exception of family benefits for family members outside the EU from the equal treatment principle not retained
- References to employers and abuse not retained

The approach to equal treatment of Blue Card holders with nationals of Member States in the proposal for the revised directive is very much in line with the current Blue Card directive as well as with other recent legal migration directives.

Many provisions of Article 15 have already been agreed by the co-legislators. Article 15, for example, includes relevant restrictions to equal treatment regarding 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, procedures for obtaining housing, etc. The Parliament also agreed to drop several amendments relating to the responsibility and sanctions for employers and obligations on monitoring and inspection of the concerned abuses (notably see lines 208a to 208c).

However, two main issues remain, where the approach differs from previous directives: provisions on non-discrimination and exceptions to equal treatment with Member States' nationals regarding family benefits of family members not residing in the EU.

Restriction to equal treatment as regards family benefits

Regarding the position of the Council to introduce in the revised directive the possibility of Member States to restrict equal treatment as regards family benefits in relation to family members who reside in a third country (line 203a), the Presidency understands and shares the concerns raised by Member States that wish to retain full control over their welfare systems and avoid that family benefits are unduly exported to family members of third-country nationals residing in a third-country. However, the Presidency considers that in the specific case of Article 15(2) (line 203a) of the revised Blue Card directive, the text initially proposed by the Council is not adequate.

Indeed, nothing in the proposal for a revised Blue Card directive entails any obligation whatsoever to export of family benefits. Under the proposal, Member States are only subject to an obligation of equal treatment. This means that, if they export family benefits to family members in third-countries for their own nationals they must also do so for family members of Blue Card holders in third-countries.

According to the Presidency, such equal treatment is necessary for several reasons. Firstly, no other legal migration directive in force (including the Single Permit directive) contains any similar restriction on equal treatment in relation to family benefits. Keeping the restriction proposed by the Council therefore means explaining to the Parliament and the Commission that the Council can accept equal treatment for *low* and *medium*-skilled third-country workers but cannot do so for *highly*-qualified workers. In addition, no such restriction in relation to family benefits exists in the current Blue Card directive. Keeping the restriction in the revised Blue Card directive would therefore mean explaining to the Parliament and the Commission that the Council wants *more* restrictive equal treatment provisions in the *new* revised Blue Card than it previously agreed for the *current* Blue Card.

Considering that the stated aim of the inter-institutional negotiations since 2017 has always been to make the Blue Card more attractive and seen in the wider context of an overall compromise with the Parliament, keeping such a restriction on equal treatment does not appear to be a realistic option, for obvious political reasons. In light of the relatively small impact of a right of equal treatment, that is fully in line with the current Blue Card as well as other legal migration directives, the Presidency asks delegations to please show sufficient flexibility on this issue and agree to delete the concerned restriction in line 203a.

Non-discrimination

Regarding non-discrimination, the Parliament has proposed a reference to the directives that are currently in force in this area (Directives 2000/43/EC and 2000/78/EC) in this provision (line 202b). In the course of the negotiations, the Parliament has accepted that the relevant references to these directives are made in a recital, and not in the article on equal treatment itself.

Following the discussion of this issue in the JHA Counsellors meeting of 11 March 2021 and the concerns expressed by some delegations that the reference to directives 2000/43/EC and 2000/78/EC in the relevant recital (Recital 5a) might have the effect of enlarging the scope of these directives, the Presidency would like to confirm that such concerns are not justified from a legal perspective: the reference to the directives do not in any way modify the scope of application of the two directives. On the one hand, both Directives are applicable to third-country nationals (Recital 13 of 2000/43/EC and Recital 12 of Directive 2000/78/EC), which also benefit from the prohibition on discrimination on the grounds of racial or ethnic origin, and prohibition on discrimination on the grounds of religion or belief, disability, age or sexual orientation as regards employment and occupation. On the other hand, the proposed recital indicates that this is in accordance ‘in particular’ (i.e. not only) with those directives, which indeed do not cover all the grounds referred in the recital.

Following the Council’s position that this reference should not be made in the articles of the directive, and bearing in mind that case-law confirms that references in recitals provide guidance for the interpretation of the intention of the co-legislators but do not entail a binding legal effect, the Presidency considers that the reference in the recital should be maintained.

The following changes are to be introduced in the four-column document:

- Retain Council text in Line 200
- Delete Line 202b and reflect elements in Recital 5a
- Revise Recital 5a in Line 14a
- Delete line 203a

8) Family members of the Blue Card applicant/holder

Summary

- Facilitated family reunification (as derogation from the family reunification directive)
- Definition of family members according to family reunification directive (by Member State)
- No further facilitation of time for processing of applications (90 days)
- No labour market tests to family members

The co-legislators have always considered that favourable conditions for family reunification of Blue Card holders are an essential element of attractiveness of the EU Blue Card scheme. Due to the special contribution they make to meet labour market needs, their high qualifications and their high level of income, Blue Card holders should enjoy some (limited) advantages compared to other third-country nationals legally present on the territory of the Member States. Such advantages are also necessary to attract highly-qualified workers to the EU labour markets rather than to other labour markets, within the framework of the ‘global race for talent’.

For highly qualified workers, when deciding whether to move to another country, the possibility for their partners or spouses to be able to integrate the labour market of the receiving country will weight strongly. Amongst others, this reality has already been recognised in the Intra-Corporate Transferees directive, which has ensured to the family members of the intra-corporate transferee full access to employment and self-employment in the territory of the Member State which issues the family member residence permit.

A large majority of Member States agreed with the Presidency’s initiative to reinforce this attractiveness, notably by agreeing to remove the possibility of applying labour market tests prior to allowing family members of Blue Card holders to take up employment and integrate into the labour market (line 216). The Presidency intends to maintain this position, which will no doubt be considered an important element of attractiveness by the Parliament.

On the other hand, there was insufficient support to allow for a shorter period for processing of the application of those family members that do not apply for family reunification at the same time as the Blue Card applicant. For this reason, the Presidency proposes to maintain the current 90-day processing time in such cases (instead of 30 days, as requested by the Parliament).

To sum up, the Family Reunification directive will apply to the family members of Blue Card applicants and holders, but with a series of derogations intended to make the scheme more attractive regarding safeguards, procedures and rights.

These derogations include: allowing that family reunification is not dependent on evidence that the EU Blue Card holder has reasonable prospects of obtaining permanent residence or of a minimum period of residence (that can be up to 2 years in the Family Reunification directive); applying integration measures only after the persons have been granted family reunification; allowing for simultaneous application and issuing of the permit with the Blue Card applicant; reducing time for processing for cases where there is no simultaneous application from up to 9 months to up to 90 days; ensuring the same duration of the permit as the one of the Blue Card holder; allowing unrestricted access to the labour market, with no waiting period or labour market test applied.

The same logic applies to the family members accompanying the Blue Card holder to a 2nd Member States in the framework of intra-EU mobility (also see section on intra-EU mobility).

Changes introduced to the four-column document:

- Delete Line 216 /article 16(6) 2nd subparagraph)
- Changes to Lines 217 (maintain EC text), 219 and 220 (maintain Council text
- (Introduction of Line 220a – harmonisation)

9) Long-term Residence

Summary

- No shortened 3 years' path to access Long Term Residence Status
- Simplified and more inclusive accumulation of periods of residence in case of mobility, including for beneficiaries of international protection, holders of residence permits issued under national schemes for highly skilled third country nationals and high education students
- Alignment of the treatment of the status of Blue Card holders who have long-term residence status with the status of 'ordinary' Blue Card holders

The proposal of the Commission and of the Parliament for Member States to grant long-term residence status to Blue Card holders after 3 years of residence (instead of 5 years) was included as an element of attractiveness for highly skilled workers to the EU. According to the Council's mandate, Member States initially supported this proposal but only as an optional clause, and with a series of safeguards in line with the Commission proposal. These, in fact, entailed a differentiated treatment of long-term residents who were Blue Card holders during the first 2 years of their new status, allowing the withdrawal of their long-term resident status should they not have sufficient resources to maintain themselves and their family members.

The Presidency concluded that the proposal for an optional provision granting long-term residence after 3 years of residence did not have sufficient support from delegations and considered that such an approach would entail a high level of legal uncertainty and administrative complexity, as raised by some delegations, without providing any real advantage to the Blue Card holder. Indeed, Member States can already offer a more favourable treatment in the context of their national permanent residence permits.

For the reasons outlined above, the Presidency therefore believes that it would be preferable to delete the provisions referring to this reduced period of residence for obtaining long-term residence status.

However, given the importance of the issue for the Parliament in terms of improving the attractiveness of the EU Blue Card by offering Blue Card holders advantages that other third-country nationals do not enjoy, removing the possibility to obtain long-term residence status already after 3 years will necessarily be conditional upon a set of other compromise proposals aimed at ensuring a sufficient degree of attractiveness. In particular, the Presidency considers that the rules on cumulating residence periods accrued under certain other schemes will have to be broadened, to allow Blue Card holders exercising mobility to benefit from a facilitated access to long-term resident status and not create any disincentive to exercise mobility.

To this end, the Presidency considers that the following periods of residence of the Blue Card holder (before becoming a Blue Card holder) should be taken into account for the purpose of obtaining long-term residence in a second Member State: periods of residence as a holder of a national permit for highly-qualified workers; periods of residence as higher education students or as researchers; and periods of residence as beneficiaries of international protection.

As explained in document WK 3047/2021, the first two proposals – regarding national schemes for highly qualified workers and authorisations as a higher education students or as researchers – would be an improvement compared to the situation in the current directive where only periods as EU Blue Card holders are counted for long-term residence in case of mobility and would therefore be considered by the Parliament as a useful step to enhance the attractiveness of the Blue Card and encourage intra-EU mobility. Of course, the periods spent as a higher education student would be taken into account according to the provisions of the Long-Term Residents Directive: only half of the periods of residence for study purposes would be counted (Article 4(2) of the Long-Term Residents Directive).

Regarding the third proposal concerning periods of residence of the Blue Card holder as a beneficiary of international protection, the Presidency intends to respond to a concern of the Parliament that, for these third country nationals, the need to restart counting the period of residence in case of mobility, in the second Member State, would be a strong deterrent for the person to exercise mobility. He/she would be disadvantaged compared to a person in the same circumstances that would opt not to move to a second Member State. Indeed, a beneficiary of international protection that has been present in the first Member State, maybe already for several years, and becomes a Blue Card holder in that Member State, would be discouraged from exercising mobility to meet labour market needs in a second Member State as the periods of residence accrued in the first Member State would be lost.

The agreed safeguard provision requiring two years of legal and continuous residence immediately prior to the submission of the relevant application would be maintained in all cases.

In addition, the Presidency proposes the following measures to improve the situation of former Blue Card holders that have already acquired long-term residence status. These measures appear necessary to increase the overall attractiveness of the Blue Card and to avoid the paradoxical situation in which a former Blue Card holder would be in a less favourable position after having acquired long-term residence status than he was as a mere Blue Card holder.

In light of the above, the Presidency makes the following compromise proposals:

- Accept the longer period of allowed absence from the territory of 24 months, without specifying the list of reasons for this absence;

In the current proposal, this derogation to the Long-Term Residents Directive is only applicable in certain cases, notably when the concerned person is absent from the territory of the Member State to exercise an economic activity or to study in his country of origin. The Presidency considers that this rule provides no real benefit to Member States and creates an additional administrative burden, both for Blue Card holders and for Member States that will have to deal with procedures involving the assessment of a wide range of supporting documents.

- Align the treatment of Blue Card holders who acquired long-term resident status with the treatment of the Blue Card holders' status when this is more favourable (also see WK 3047/2021).

To reflect this general compromise, the 4CT in attachment includes changes to the following lines of Article 17:

- Deletion of: Lines 233 to 238 (paragraph 2) and Line 234
- Revision of: Lines 230, 235, 236

10) **Intra-EU mobility of the Blue Card holder and his/her family members**

Summary

- Short term mobility/business as an important facilitation
- Facilitated application procedure for long-term mobility (30 days for processing, work after 30 days, simplified evidence on qualifications, simplified procedure for family members)
- Safeguards to deal with possible abuse

The facilitated intra-EU mobility of EU Blue Card holders is one of the key elements for an agreement between both institutions for the revision of the Directive. It is possibly the only aspect of the approach on the attraction of talent to the EU that can be dealt with exclusively at EU level, and showcases the clear added-value of having a scheme at EU-level, offering access not to a specific territory but to the whole of the EU internal market³.

Short-term mobility

While the recent negotiations have focused on the mobility of Blue Card holders for long-term periods in other Member States, or definitive changes of residence, the mobility package covers also shorter-term missions that are essential for economic operators. The co-legislators agreed (as early as 2017) on the list of activities considered ‘business activity’ (this list is not exhaustive; see Article 2(l), line 86).

Given that there is a general agreement on the approach on this aspect of mobility, this issue has not been discussed in our last meetings, but the value of the agreed approach for the highly-skilled sectors of the EU economy should not be underestimated.

Long-term mobility

That being said, as discussions in our meeting of 11 March 2021 showed, the possibility for a Blue Card holder to exercise long-term mobility and move to respond to labour market needs in another Member State is an even more crucial element of added-value of the directive.

Without resolving the issue of long-term mobility, no agreement on the revised Blue Card is possible.

³ With the exception of Denmark and Ireland.

As already discussed in detail in document WK 3047/2021, the Parliament's position with regard to long-term mobility can be summarised as follows:

- Blue Card holders should be able to exercise mobility according to a quick and easy notification procedure;
- they should have the possibility to start working immediately in the second Member State;
- they should only have to provide a copy of their new work contract meeting the salary threshold (but not any proof of qualifications, sickness insurances, etc.).

While the Presidency shares the objective of facilitating intra-EU mobility and agrees that this issue is crucial for the attractiveness of the Blue Card and, more generally, for justifying the existence of an EU-wide scheme, it considers that the proposals made by the Parliament are too far-reaching. Member States should retain a sufficiently high level of control over who enters their labour market and when. In addition, Member States should retain the ability to verify relevant supporting documents submitted by the Blue Card holder in order to make sure that the concerned person meets the applicable admission criteria.

With that in mind, in a spirit of compromise, the Parliament (as well as a number of Member States) recently indicated its willingness to accept an application procedure (rather than a notification procedure) on the condition that the new application procedure is more effective and efficient than the one provided by the current directive and that it does not amount to a full repetition of the initial application for a Blue Card (with a full verification of all the same documents, with identical processing times, etc.).

As discussed during our meeting of 11 March 2021, the Presidency considers that a simplified application procedure is clearly the best option as it provides greater legal certainty, fewer opportunities for abuse and less administrative burden.

In light of the constructive discussions held at our meeting of 11 March 2021 and given the great importance of the mobility provisions for the overall agreement to be reached by the co-legislators, the Presidency asks Member States to agree to the compromise package on mobility detailed in WK 3047/2021, which creates a simplified but effective application procedure accompanied by a wide range of safeguards to avoid fraud and abuse.

The main features of the mobility package can be summarised as follows:

- A shortened time for processing the applications for intra-EU mobility of 30 days, with an optional clause to extend this period by an additional period of 30 days (60 days in total), in cases justified by the complexity of the application. This processing time would also apply to family members that join the EU Blue Card from the 1st Member State and do not have their applications examined simultaneously.
- In exchange, the Presidency would ask the Parliament to drop all other requests for reducing processing times (first application, family reunification, recognised employers).

- The possibility for Blue Card holders to start working 30 days after submitting their complete application, instead of the right to start working immediately as requested by the Parliament, in line with the previous proposal on processing time.
- A simplification of the procedure with regard to the documents to be presented to attest the qualifications in case of unregulated professions. The Presidency proposes to keep the requirement for evidence of sickness insurance but:
 - to waive the presentation of documents attesting the qualifications concerning non-regulated professions, in cases where the EU Blue Card holder has already worked for at least 2 years in one Member State before applying for mobility;
 - with regard to regulated professions, the Presidency proposes to simplify the procedure by providing for equal treatment with Union citizens with respect to the recognition of professional qualifications: a Blue Card holder exercising a regulated profession based on a diploma obtained in a third country would have access to the recognition procedure in a second Member State on the same terms as a Union citizen who obtained the same diploma in a third-country (also see the example in WK 3047/2021). This rule would only apply if the Blue Card holder has worked at least 3 years in the concerned profession in the first Member State (as foreseen by Directive 2005/36/EC).

By way of a reminder, the Parliament was seeking to entirely waive all requirements for providing evidence of qualifications and sickness insurance. The Presidency's compromise proposal therefore appears to be a reasonable solution.

It is recalled that this procedural simplification for mobility would not apply for Blue Cards delivered on the basis of a recognition of skills, on the basis of national law, in occupations outside of the ICT sector. Those Blue Card holders would still need to present to the second Member State documents attesting their qualifications, in order to allow that Member State to check whether the applicant fulfils its requirements.

- Finally, recognising that favourable conditions for intra-EU mobility of the family members accompanying the Blue Card holder are essential, the Presidency proposes that for families already constituted in the first Member State, such family members can apply simultaneously or not with the Blue Card holder and benefit from a simplified procedure, while fully maintaining the possibility for Member States to verify if the conditions for mobility are fulfilled.

In addition to the proposals outlined above, the revised directive would contain a set of procedural safeguards, giving the second Member State the necessary tools to deal efficiently with cases of fraud or abuse. As discussed at several meetings of JHA Counsellors, these safeguards would notably include an obligation for the second Member State to notify the first Member State of the reasons for rejecting a mobility application when the ground for rejection is related to public policy, public security, public health, fraudulently acquired or falsified documents (line 264).

11) Other (technical) provisions part of the compromise package

In addition to the main elements of the overall compromise package detailed above, the Presidency also draws delegations' attention to a series of lines of the four-column document outlined below.

These lines contain further proposed modifications and/or comments on provisions that are part of the overall compromise proposal. These (mostly technical) provisions are not discussed in detail in this paper, in order to allow an in-depth focus on the main political elements of the compromise solution. However, the Presidency remains at the disposal of delegations to answer any questions raised by these provisions and their relation to the proposed compromise package.

Provision	Remarks / modifications
Recitals	14, 15, 23, 26, 29, 30, 33a, 41, 46, 57a, 57b
Article 1	/
Article 2	73, 76, 82, 83
Article 3	91, 92, 96, 99a, 101
Article 4	105
Article 5	110a, 114a, 115, 115a, 116, 116a, 117, 118, 119, 120, 120a, 123b
Article 6	127, 127b, 128, 130a, 131, 133a, 133d, 133e
Article 7	138, 139, 140, 142, 142a, 142b, 144, 146, 146a, 146b, 148, 148a, 148b
Article 8	153
Article 9	164, 165, 165d
Article 10	167, 168, 169, 170, 171, 171a, 172, 173a
Article 11	175a
Article 12	177, 179, 181
Article 13	186, 186a, 186b, 186c, 186d, 186e, 186f, 187, 187a, 188, 191
Article 14	192, 193, 194a
Article 15	200, 202a, 202b, 203a, 208d
Article 16	211, 213, 215, 216, 219, 220, 220a

Article 17	223, 224, 225, 226, 227, 228, 230, 233, 234, 235, 236
Article 18	/
Article 19	/
Article 20	245, 246, 247, 248, 249, 252, 252a, 254, 254a, 254c, 254d, 255, 257, 258c, 259, 261, 262, 263, 264, 265
Article 21	268, 271, 272, 273, 274, 275, 277
Article 22	284a, 286, 286a, 287, 289, 292a, 292b
Article 23	299a, 305, 305a
Article 24	307, 310
Article 25	312, 313
Article 26	/
Article 27	319
Article 28	322, 325
Article 29	/
Article 30	/

Conclusion

The Presidency considers that the opportunity should now be seized to conclude negotiations on this file on the basis of a balanced, reasonable compromise that addresses the main concerns of all interested parties and achieves the common objective of an improved Blue Card.

With that in mind, the Presidency calls on delegations to show the necessary flexibility and consider the individual proposals in their wider context with the aim of reaching a comprehensive agreement on the file.

The Presidency looks forward to a constructive discussion on the compromise proposal detailed above and remains available to answer any questions delegations might have.

Four-column table with compromise package**[Presidency compromise proposals 19 March 2021)]****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 ⁴ ,		Having regard to the opinion of the European Economic and Social Committee,	
7.	Having regard to the opinion of the Committee of the Regions ⁵ ,		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.		Amendment 1		

⁴ OJ C , , p. .

⁵ OJ C , , p. .

	(1) The Commission's Communication of 3 March 2010 entitled 'Europe 2020: A strategy for smart, sustainable and inclusive growth'⁶ 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.	(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 <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.	(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 with demand. Measures to facilitate the admission of third-country national highly [...] qualified workers have to be seen in that broader context.	
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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 ⁷ 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.	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 specifies that a 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.	

⁷ 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).

		(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/EC⁴ 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, <i>with a view to economic growth and a more competitive Union economy</i>.		
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 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>	
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12b		Amendment 4 <i>(3b) The working-age population in the Union is projected to decline by 7,5 million by 2020⁸ and projections on the development of labour market needs in the Union point to emerging and future shortages in specific fields.</i>		
13.	(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.	Amendment 5		

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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. <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.	
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 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.		Amendment 8		<i>Compromise package:</i>

	(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.	(5) <i>A clear and transparent</i> EU-wide admission system to attract and retain highly skilled workers into the Union <i>and promote mobility</i> 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 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.	(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 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	<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 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</i>
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			additional rights and benefits which may be provided by national law, and which are compatible with this Directive.	<i>which are compatible with this Directive. However, Member States should apply a level playing field between the EU Blue Card and such national residence permits, in terms of procedural and equal treatment rights, procedures and access to information. In particular, Member States should ensure that EU Blue Card holders and their family members do not enjoy a lower level of procedural safeguards and rights than holders of national residence permits. They should also ensure that applicants for an EU Blue Card are not in a less favourable position than applicants for national residence permits with regard to recognition procedures for employers, and that they pay a comparable amount of fees for the handling of their application. Finally, Member States should ensure that the EU Blue Card benefits of the same level of information, promotion and advertisement activities than the national residence permits, for example through information on the national websites on legal</i>
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				<i>migration, information campaigns and training programmes for the competent migration authorities.</i>
14a		Amendment 9 <i>(5a) In so far as it does not undermine the spirit of this Directive, Member States are encouraged to 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 support when using the platform.</i>		
15.		Amendment 11 (shared competence)	deleted	<i>Compromise package:</i> <i>Reject amendment</i>

	(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 2012⁹, the validation of learning outcomes, namely competences (knowledge, skills and attitudes)¹⁰ 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 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.	(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, <i>the</i> transposition period <i>for this</i>		
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		<i>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. 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.</i>		
15a		Amendment 12		See remarks under Art. 2(b)

⁹ 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).

¹⁰ 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).

		<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 needs of the Union labour market, Members 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 qualification and/or professional skills.</i>		
16.		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. 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.	(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.		Amendment 16		

	(8) Beneficiaries of international protection as defined in Article 2(a) of Directive 2011/95/EU of the European Parliament and of the Council¹¹ 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/EC¹².	(8) Beneficiaries of international protection [...] and certain categories of applicants for international protection have a [...] set of rights including labour market access in the Member State having granted them protection or responsible for their application for international 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, or applicant for 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	(8) Beneficiaries of international protection as defined in Article 2(a) of 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 period of at least 12 months as a [...] beneficiary of international protection should be required before this Directive becomes applicable	
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		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/EC⁹.	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		

¹¹ 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).

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

		<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 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 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 Council¹³. 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.		(10) In order to facilitate the independent intra-EU mobility and business activities of those highly [...] qualified third-country 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 highly qualified employment,	
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¹³ 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).

			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 countries or between the Union and third countries.	
20.		Amendment 19		<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 Council¹⁴ 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.	(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. <i>Equally, legally residing EU Blue Card holders should be 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>	(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 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	(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 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. legally 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
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			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.	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.

¹⁴ 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).

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 education qualifications or higher professional skills .	(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.	

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.	<i>Compromise package:</i> (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 (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. Member States are encouraged to facilitate the recognition of documents attesting the relevant higher education qualifications
24.		Amendment 21 (shared competence)		

	(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.	(15) <i>In addition to the [...] conditions [...] 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. Member States [...] 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>	(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 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.		Amendment 22 (shared competence) <i>deleted</i>		

	(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.		(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 (shared competence) <i>deleted</i>		<i>Compromise package:</i>

	(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.		(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 gained sufficient professional experience in order to fulfil the regular salary threshold.	(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 or EQF levels 6, 7 and 8, 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 gained sufficient professional experience in order
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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	
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			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.		Amendment 24		<i>Compromise package:</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. 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.	(20) Member States should be entitled to reject applications for an EU Blue Card and be allowed to withdraw or refuse to renew an EU Blue Card [...] where there is a proven 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 [...] while the third-country national [...] is an EU Blue Card holder should not constitute [...] a 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 States should have the possibility not to withdraw or not to refuse to renew 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. 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 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
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			where the applicable salary threshold is temporarily not attained due to illness, disability or parental leave.	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 Member States and beginning employment immediately while it is clear that the conditions will not be fulfilled and the application will be refused.	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 [...].		<i>Linked to Art. 7(2)(f), line 146</i> <i>Compromise package:</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 or has [...] 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.	(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, including the use of mobility rights in an abusive manner, for example by not respecting the period allowed for carrying out a business activity or by not submitting an application for long-term mobility within the requested time frame in second Member States, or 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.
31.		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 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.	(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.	
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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		<i>Agreement confirmed at trilogue on 13.12.17:</i>

		(24) The rules on processing times for EU Blue Card applications should [...] <i>reflect the objective of facilitating the admission of highly skilled third-country nationals.</i> 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>To modernise and simplify the EU Blue Card application procedure, Member States should consider accepting electronic applications.</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.	(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 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.
33a.				<i>Compromise package:</i>

				<i>(24a) 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 EU Blue Card renewal procedure.</i>
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34.	(25) The format of the EU Blue Card should be in accordance with Regulation (EC) No 1030/2002 ¹⁵ , 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 ¹⁶ , 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 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.		Amendment 28		

¹⁵ 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).

¹⁶ 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).

	(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.	(26) The Member State concerned should ensure that applicants have the right to challenge before a court or tribunal a decision rejecting an application for an EU Blue Card, or [...] a decision not to renew or to withdraw an EU Blue Card. [...] Member States might also 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 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.	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 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.	(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 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	
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			should only be possible if that Member State has also introduced checks for first applications for third-country nationals 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	<i>deleted</i>	

		(28) In [...] <i>the event that a</i> Member [...] <i>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 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</i>	
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		<i>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.		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. 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 Personnel¹⁷ 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".	(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 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	(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. 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	
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		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”.	maximise positive impacts of highly [...] qualified immigration on developing 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.		Amendment 32		

¹⁷ 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](#).

	(30) A simplified procedure for employers which have been recognised for that purpose should be provided, 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. 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.	(30) A simplified procedure for employers which have been recognised for that purpose 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.	(30) A simplified procedure for employers which have been recognised for that purpose should be provided, 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.		Amendment 33 (EMPL)		

	(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-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.	(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-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>	(31) In order to promote innovative entrepreneurship, third-country nationals admitted under this 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.	
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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.	
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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 ¹⁸ . 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 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.	<i>Compromise package:</i> (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 social security to the third-country nationals falling within its scope.
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¹⁸ 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).

42.	(33) In the event of mobility between Member States, Regulation (EU) No 1231/2010 of the European Parliament and of the Council ¹⁹ 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.	
43.		Amendment 34 (shared competence)		

¹⁹ 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).

	(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 Council²⁰. 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) [...] Education qualifications, professional skills and professional experience 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.	
43a		Amendment 35 (shared competence)		

²⁰ 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).

		<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 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.	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> 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</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 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>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 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.		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. 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.	(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 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.	(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 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,
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			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.	(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/EC²¹ should be provided for in order to give EU Blue Card holders an easier access to EU long-term resident status.	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		Compromise package:

²¹ 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).

		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 'sufficient resources' requirement, provided that this does not undermine the	(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.
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			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 regional imbalances. Mobility within the Union should be facilitated.		(39) The occupational and geographical mobility of third-country highly [...] qualified workers should be recognised as an important contributor to improving labour market efficiency 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.		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 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 for up to 90 days in any 180-day period based on the EU Blue Card.	(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 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 Council²² and the Schengen Borders Code.</i>	(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 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.		Amendment 42		

	(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 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.		(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 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.	
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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).

		(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 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</i> second Member State <i>should retain the right to object to the mobility, but</i> 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	
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		Member State should not have the need to control all the same details for a second time. 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 Council²³, 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</i> EU Blue Card [...].	
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²³ 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).

			(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.	
53.		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 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 Council²⁴, has been issued in that system.	(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 Parliament and of the Council²¹, has been issued in that system.	(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.	
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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).

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 Council²⁵. 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 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	
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			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 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.	

²⁵ 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).

		(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 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.		
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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 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>Compromise package: Amendment rejected</i>

		<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 ensure that appropriate mechanisms are in place for the monitoring of the Directive.</i>		<i>Compromise package: Amendment rejected</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.	
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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 ²⁶ , 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 such documents to be justified.	

²⁶ OJ C 369, 17.12.2011, p. 14.

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 [...] employment [...] in a position demanding higher professional qualifications, where the employed person:	<i>Compromise package:</i> <i>b) "highly [...] qualified skilled employment" means [...] the employment [-...]-in-a-position demanding higher professional qualifications, where the employed of a person who:</i>
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>Compromise package:</i> - <i>has the required [...] higher professional qualifications as attested by evidence of higher education qualifications or higher professional skills;</i>

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, and pursuant to Directive 2003/86/EC his or her family members , 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.		Amendment 52 (shared competence) deleted		<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>

	(g) "higher professional qualifications" means qualifications attested by evidence of higher education qualifications or higher professional skills;		(g) "higher professional qualifications" means qualifications attested by evidence of higher education qualifications or, where provided for by national law , higher professional skills;	<i>Compromise package:</i> (g) "higher professional qualifications" means qualifications attested by evidence of higher education qualifications or higher professional skills;
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 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 [...], according to national law;	<i>Compromise package:</i> (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;

		(h) “higher education qualifications” means any diploma, certificate or other <i>supporting</i> 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;		
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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>Compromise package:</i> (i) "higher professional skills", as concerns the occupations listed in the Annex, means knowledge, skills and competences attested by 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, and which has been acquired over the duration defined in the Annex for each relevant occupation ; as concerns other occupations, only 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>ANNEX I – List of occupations referred to in Article 2, point (i)</i>
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				- <i>Information and communications technology managers and professionals, belonging to the following groups in the ISCO-08 classification:</i> - <i>133 Information and communications technology service managers (duration: 3 years within the last 7 years)</i> - <i>25 Information and communications technology professional (duration: 3 years within the last 7 years).</i>
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.		Amendment 55		<i>Agreement confirmed at trilogue on 13.12.17:</i>

	(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;	(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;	(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 applicable, as defined in national law;	(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.
87a		Amendment 57		<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>(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>		“A threat to public health is to be understood in line with Regulation (EU) 2016/399.”
88.	Article 3 Scope		Article 3 Scope	
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 Member State on the basis of Directive (EU) 2016/801.</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>
90.	2. This Directive shall not apply to third-country nationals:		2. This Directive shall not apply to third-country nationals:	
91.		Amendment 59		<i>Compromise package:</i> <i>Keep Council text</i>

	(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 ²⁷ in a Member State;	(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>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</i> ²⁸ ;	(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;	
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 are beneficiaries of protection in accordance with national law, international obligations or practice of the Member State;	Amendment 60	(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 are beneficiaries of protection in accordance with national law, international obligations or practice of the Member State;	<i>Compromise package: Keep Council text</i>

²⁷ 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).

²⁸ ***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).***

		(b) who seek protection in accordance with <i>the</i> national law, international obligations or practice of 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> ;		
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 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 ²⁹ ;		(e) who enter a Member State under commitments contained in an international 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 ³⁰ ;	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>Compromise package: Delete provision</i>
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;	

²⁹ 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).

³⁰ 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).

98.	(h) who are covered by Directive 96/71/EC of the European Parliament and of the Council ³¹ as long as they are posted on the territory of the Member State concerned;		(h) who are covered by Directive 96/71/EC of the European Parliament and of 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.

³¹ 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).

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 international protection to whom they granted international protection, after having resided for at least 12 months on their territory.	<i>Compromise package:</i> 2a. This Directive shall apply to beneficiaries of international protection where, 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 shall apply the provisions of this Directive to beneficiaries of international protection to whom they granted international protection.
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>		<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>

			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.	
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 in the other Member States as provided for in this Directive.	<i>Compromise package:</i> 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 in the other Member States as provided for in this Directive.
102.	<i>Article 4 More favourable provisions</i>		<i>Article 4 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 countries before the date of entry into force of this Directive.		(b) bilateral or multilateral agreements [...] concluded between one or more Member States and one or more third countries [...];	<i>Compromise package : Keep Council mandate</i>
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).	
106 a				<i>Compromise package</i>

				3. Where an EU Blue Card is issued by a Member State on the basis of higher professional skills in occupations not listed in the Annex, it shall enter the following remark in that third-country national's EU Blue Card, under the heading "Remarks": "Delivered on the basis of high professional skills for occupations not listed in the Annex".
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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>Agreement confirmed at trilogue on 11.02.21:</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;
110 a			<u><i>new (moved from point c)</i></u>	<i>Compromise package:</i>

			(aa) present the documents attesting relevant higher professional qualifications in relation to the work to be carried out as provided for in national law;	(aa) for unregulated professions, present the [documents] attesting relevant higher education professional qualifications or, where provided for by national law, higher professional skills in relation to the work to be carried out [...];
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;	Agreement confirmed at trilogue on 27.11.17: (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 <i>written</i> evidence attesting higher <i>education qualifications or higher</i> professional [...] <i>skills</i> ;	<i>deleted (moved under point aa)</i>	Agreement confirmed at trilogue on 27.11.17: <i>This provision will be deleted, as moved under point aa).</i>
113.		Amendment 67		Agreement confirmed at trilogue on 13.12.17:

	(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;	(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>or evidence that an application for international protection or for protection under national law is pending</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. Member States may require the period of validity of the travel document to cover at least the initial duration of the residence permit.	(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 corresponding entitlement to benefits are provided in connection with, or resulting from, the work contract.		(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 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.	<i>Agreement confirmed at trilogue on 27.11.17:</i> (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 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.		Amendment 68 (shared competence) <i>deleted</i>		<i>Compromise package:</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 1.0 times but not higher than 1.4 times the average gross annual salary in the Member State concerned.		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.	2. In addition to the conditions laid down in paragraphs 1 and 3, 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 according to national practices, 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	<i>Compromise package:</i> <i>Delete Council proposal</i>

			- there is a significant difference in the levels of the average gross annual salary between regions in 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>Compromise package:</i> Keep Council mandate
116a		Amendment 69 (shared competence)		<i>Compromise package:</i> Reject amendment 69

		<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 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>	
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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>		
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 threshold set by the Member State concerned in accordance with paragraph 2.	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 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.	<i>Compromise package:</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 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, which in any event shall not be lower than 1.0 times the average gross annual salary in the Member State concerned.
118.		Amendment 71		

	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.	<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>Compromise package:</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 set [...] by the Member State concerned in accordance with paragraph 2, which in any event shall not be lower than 1.0 times the average gross annual salary in the Member State concerned.
119.		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 [...]: (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.	<i>Compromise package:</i> Keep Council mandate

	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 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.			
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 qualifications and higher professional skills to be verified</i> pursuant to point (c) of paragraph 1.	<i>Deleted</i>	<i>Compromise package: (new recital:)</i> Member States should develop the tools required to facilitate the validation and recognition of documents attesting the relevant higher professional qualifications in unregulated professions.
120a		Amendment 73		<i>Compromise package: Reject amendment 73</i>

		<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 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>Agreement confirmed at trilogue on 11.02.21 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.		Amendment 75 <i>Deleted</i>		<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 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.		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, 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.	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, 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>Compromise package:</i> <i>Keep Council mandate</i>
124.	<i>Article 6</i> <i>Grounds for refusal</i>		<i>Article 6</i> <i>Grounds for refusal</i>	
125.		Amendment 76		<i>Agreement confirmed at trilogue on 18.10.17:</i>

	1. Member States shall reject an application for an EU Blue Card in any of the following cases:	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:	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.	<i>Compromise package:</i> <i>Reject amendment 78</i>
127a				<i>Agreement confirmed at trilogue on 11 Feb 21</i> [c] where the third-country national is considered to pose a threat to public policy, public security or public health; or <i>(See also line 149f)</i>
127b				<i>Compromise package:</i> <i>[Keep the text added by the Council during the negotiations]</i>

				(d) where the employer's business was established or operates for the main purpose of facilitating the entry of third-country nationals.
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.	<i>Compromise package:</i> Accept to be moved to paragraph 3
129.		Amendment 79 <i>deleted</i> (moved to Art. 6(3), AM 86)	<i>Deleted</i>	<i>Compromise package:</i> Keep Council mandate

	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.			
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 [...]:
130 a				<i>Compromise package:</i>

				(a) where the competent authorities of the Member State, after checking the labour market situation, for example where there is a high level of unemployment , 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 wishing to move to that Member State for highly [...] qualified employment in accordance with Chapter III of Directive 2003/109/EC;
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>Compromise package:</i> <i>Keep Council text</i> (aa) where the employer has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;
132.		Amendment 82		<i>Agreement confirmed at trilogue on 18.10.17:</i>

	(b) the employer's business is being or has been wound up under national insolvency laws or no economic activity is taking place; or	(b) where the employer's business is being or has been wound up under national insolvency laws or no economic activity is taking place; [...]	(b) the employer's business is being or has been wound up under national insolvency laws or no economic activity is taking place; or	(b) where the employer's business is being or has been wound up under national insolvency laws or no 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 ³² , or for undeclared work or illegal employment according to national law.	Amendment 83 (c) where 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) where 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</i>		<i>Compromise package: Reject amendment 84.</i>

³²

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>(moved from Art. 6(1)(b))</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>		
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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>		<i>Compromise package:</i> Reject amendment 86
133e			(d) the Member State has evidence or serious and 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>Compromise proposal:</i> <i>To be moved as a ground for withdrawal or non-renewal (Article 7, line 142b).</i> [Rationale:

				The text is not new in the legal migration acquis. It is already in ICT (article 8 (1) (b)) and Students and researchers (article 21 (1) (d)) directives as a ground for non-renewal or withdrawal of the permit. The presidency proposal is to adopt the same approach on the Blue Card directive and move this ground to a new lit of paragraph 2 of Article 7.]
133f		Amendment 87 <i>3a. Member States shall, where appropriate after consulting social partners, list those sectors of 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>		<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> "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.	<i>Article 7</i> <i>Withdrawal or non-renewal of the EU Blue Card</i>	Amendment 90 <i>Article 7</i> <i>Withdrawal of the EU Blue Card</i>	<i>Article 7</i> <i>Withdrawal or non-renewal of the EU Blue Card</i>	
137.	1. Member States shall withdraw or refuse to renew an EU Blue Card where:	Amendment 91	1. Member States shall withdraw or refuse to renew an EU Blue Card where:	

		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>		
138.	(a) the EU Blue Card or the documents presented have been fraudulently acquired, or have been falsified or tampered with;	Deleted (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>Compromise package:</i> Keep Council mandate
139.	(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 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.	Deleted (integrated into para 1 - see AM 91)	(b) the third-country national no longer holds a valid work 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>Compromise package:</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 (aa) 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 and without prejudice to the situation in which the third-country national is unemployed.
139a			(c) the reasons of public policy, public security or public health so require.	<i>15/01/21: The EP proposes to support this move</i> <i>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> <i>Agreement confirmed at trilogue on 11 Feb 21 to move this provision to Article 7(2)a)</i>

140.	2. Member States may withdraw or refuse to renew an EU Blue Card issued on the basis of this Directive in any of the following cases:	Amendment 92 Member States may withdraw [...] an EU Blue Card issued on the basis of this Directive [...]:	2. Member States may withdraw or refuse to renew an EU Blue Card [...] in any of the following cases:	<i>Compromise package: Keep Council mandate</i>
141.	(a) for reasons of public policy, public security or public health;		<i>Deleted</i>	<i>Agreement confirmed at trilogue on 11 Feb 21 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: 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>
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>Compromise package: Keep Council mandate</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 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;	<i>Compromise package:</i> Keep Council mandate
142b				<i>Compromise package:</i> (bb) where the EU Blue Card holder is residing in the Member State concerned for purposes other than those for which he or she was authorised to reside.

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;	15/01/21: The EP would agree to reintroduce this provision in Art. 7a as an optional ground for non-renewal (after 149h). Agreement confirmed at trilogue on 11 Feb 21, however final wording will depend on the outcome of the political discussions on the “skills” issue.
144.	(d) where the third-country national has not communicated the changes referred to in Article 13(1), where applicable, and in Article 14(3);	Amendment 94	(d) where the third-country national has not communicated the changes referred to in Article 13(1) [...];	<i>Compromise package:</i> (d) where the [...] EU Blue Card holder has not [...] complied with the relevant procedures as provided for in Article 13 (1a) (a), (1b), and (1c);
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 had 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: (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 had set a reasonable deadline for the third-country national concerned to obtain and present a valid travel document;</i>
146.		Amendment 96		<i>Compromise package:</i>

	(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.	(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.	(f) where the third-country national fails to comply with the conditions of mobility under [...] Chapter V. <i>[Also see compromise proposal for recital 21, line 30]</i>
146a		Amendment 97 <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>Compromise proposal:</i> Reject amendment 97
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>Compromise package:</i> Reject amendment 98
147.		Amendment 99 <i>deleted</i>		<i>Agreement confirmed at trilogue on 18.10.17:</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.		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.	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>Compromise package:</i> 3. The lack of communication pursuant to point (b) of the first subparagraph of Article 13(1b), the third subparagraph of Article 13(1b) or Article 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>Compromise package:</i> Keep Council text
148aa				<i>Compromise package:</i> 3aa. Unemployment shall not constitute a reason for withdrawing an EU Blue Card, unless: (a) the Blue Card holder cumulates a period of unemployment exceeding three months, where the third-country national has held a Blue Card for less than two years, (b) the Blue Card holder cumulates a period of unemployment exceeding six months, where the third-country

				national has held a Blue Card for more than two years.
148b				<i>Compromise package:</i> 3ab. 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 period to seek employment shall be six months where the EU Blue Card holder has been previously employed for, at least, two years.
149.		Amendment 101		<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 respect the principle of proportionality.	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 circumstances of the case and [...] <i>shall be proportionate.</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 respect the principle of proportionality.	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.
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			<i>Article 7a Sanctions for non-compliance with conditions of admission</i>	<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.	<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>

			2. The Member State concerned shall provide for sanctions where the employer is held responsible in accordance 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>		
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 EP 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)</i>

				<i>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>
149 g		<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>		<i>15/01/21 - See line 139 - The EP 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.</i>
149 h		<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 fraudulently acquired, or have been falsified or tampered with;</i>		<i>15/01/21 The EP 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 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 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>Compromise package:</i> 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. [Rationale: Commission proposal is in line with Article 5(3) of the Students and Researchers directive]
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		<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 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. [...]	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>
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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 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.		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 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.	
155 a			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 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.		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 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.	
156 a		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":</i> <i>"Applicant for International Protection in [name of the Member State] as from [date of lodging of application for international protection]."</i>		
156 b		<i>Should the EU Blue Card holder decide to withdraw his or her application for international protection upon obtaining the EU Blue Card, a new EU Blue Card shall be issued not containing that remark.</i>		

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]" [...].
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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 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.		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 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.	<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 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.
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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.	
159 a		Amendment 105 <i>5a. Where an EU Blue Card is issued by a 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>		

159 b		<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 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</i> <i>Applications for admission</i>		<i>Article 9</i> <i>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 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.	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>Compromise package:</i> <i>[Keep Council mandate and add a new recital 24a, as follows]</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 EU Blue Card renewal procedure."
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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>Compromise package:</i> 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.
165 a		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, the date on which the EU Blue Card was issued and its duration.</i>		

165 b		<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>		
165 c		<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.</i> <i>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>		

165 d			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>Compromise package:</i> Deleted
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>Compromise package:</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.
168.		Amendment 109		<i>Compromise package:</i>

	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.	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 [...] 15 days of the date of submission of <i>an initial application 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.	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.
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>Compromise package: Keep Council mandate</i>
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 provided within the deadline, the application may be rejected.	Amendment 110		<i>Compromise package: Reject amendment 110</i>

		3. Prior to rejecting an application for an EU Blue Card or an application to renew an EU Blue Card, where the information or documents supplied in support of the <i>initial</i> application or the application for renewal 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 provided within the deadline, the application may be rejected.	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 provided within the deadline, the application may be rejected.	
171.		Amendment 111		<i>Compromise package:</i>

	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.	4. Any decision rejecting an application for an EU Blue Card, <i>any decision to withdraw an EU Blue Card,</i> or <i>any</i> decision not to renew an EU Blue Card shall be notified in writing to the third-country national concerned and, where relevant, to his <i>or her</i> employer in accordance with the notification procedures set out in the relevant national law. The notification shall specify the reasons, <i>in fact and in law,</i> 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. <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</i>	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.	4. Any decision rejecting an application for an EU Blue Card, <i>any decision to withdraw an EU Blue Card,</i> or <i>any</i> decision not to renew an EU Blue Card shall be notified in writing to the third-country national concerned and, where relevant, to his <i>or her</i> 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. <i>Compromise package: New recital 22a added</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.
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		<i>pursuant to points (a), (b) and (c) of Article 6(3).</i>		
171 a		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 of the Member State concerned. Member States shall ensure that such notification occurs at least 30 days before the withdrawal takes effect.</i>		<i>Compromise package: Reject amendment 112</i>
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>Compromise package: Keep Council mandate</i>
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		<i>Agreement confirmed at trilogue on 13.12.17:</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 <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.	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>
173 a		Amendment 114		<i>Compromise package: Reject amendment 114</i>

		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/EEC ³³ , Council Directive 2000/43/EC ³⁴ and Council Directive 2000/78/EC ³⁵ .		
173 b				<i>Compromise package (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 highly qualified employment issued by the same Member State, the concerned Member State shall not:

³³ 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)

³⁴ 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).

³⁵ 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).

				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.
173 c				<i>Compromise package (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.
175 a				<i>Compromise package:</i>

				Where Member States issue national permits for the purpose of highly skilled employment, they shall not require EU Blue Card to pay higher fees than those required from applicants under national 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>Compromise package: Keep Council mandate</i>

178.	Where a Member State decides to provide for 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.		Where a Member State decides to provide for 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>Compromise package:</i> The recognition procedures shall not entail disproportionate or excessive administrative burden or costs for the employers, in particular for small and medium-sized enterprises.
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	<u><i>Moved to 3.</i></u> 3. Member States may refuse to recognise an employer pursuant to paragraph 1, where the employer has been sanctioned for [...]:	<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 [...]:

		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 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>	(a) employment of illegally staying third-country 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	(a) employment of illegally staying third-country 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.		Amendment 119		<i>Compromise package:</i>

	The simplified procedures shall include processing of applications as provided for in the second subparagraph of Article 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).	The simplified procedures shall include processing of applications as provided for in the second subparagraph of Article 10(1). Applicants shall be exempt from presenting the evidence referred to in <i>point</i> [...] (e) of Article 5(1) [...].	2. The simplified procedures shall include processing of applications as provided for 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).	2. The simplified procedures shall include processing of applications as provided for in the second subparagraph of Article 10(1). Applicants shall be exempt from presenting one or more pieces of evidence referred to in points [...] (aa) [...] 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 [...] <i>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</i> 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 the recognition has been fraudulently acquired.	<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 this Directive or in cases where the recognition has been fraudulently acquired.
183 a				<i>Compromise package (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.
183 b				<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	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>Compromise package:</i> 1. EU Blue Card holders shall have [...] access to highly [skilled/qualified] employment in the Member State concerned under the conditions provided for in this Article.

		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 fulfilment of the criteria for admission as set out in Article 5 are communicated in accordance with procedures laid down by national law.		
186 a			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>Compromise proposal:</i> Deleted
186 b			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>Compromise proposal:</i> Deleted

186 c			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>Compromise package:</i> 1a. During the first twelve months of legal employment as an EU Blue Card holder, Member States may: (a) require that a change of employer or a change which may affect the fulfilment of the criteria for admission as set out in Article 5 be communicated to the competent authorities in the Member State concerned, in accordance with procedures laid down in national law, and (b) require that a change of employer be subject to the check of the labour market situation, where Member States carry out such a check in accordance with Article 6(3)(a). The right of the Blue Card holder to pursue the employment may be suspended for a maximum of 30 days while the Member State concerned checks that the conditions for admission laid down in Article 5 are fulfilled and that the vacancy concerned could not be filled by the persons listed in Article 6(3)(a).
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186 d			(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 request made by the EU Blue Card holder; or	<i>Compromise package:</i> Deleted
186 e			(b) communicated by the EU Blue Card holder or his or her prospective employer in accordance with procedures laid down by national law.	<i>Compromise package:</i> Deleted
186f				<i>Compromise package:</i> <i>[Keep Council text (moved from 14(4), line 194a)]</i> Where Member States require a prior authorisation pursuant to point (a), 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 shall not suspend the right of the EU Blue Card holder to pursue the employment.	<i>Compromise package:</i> 1b. After these first twelve months, Member States may only require that a change of employer or a change affecting the fulfilment of the criteria for admission as set out in Article 5 be communicated in accordance with procedures laid down by national law. The communication procedure shall not suspend the right of the EU Blue Card holder to pursue the employment.
187 a				<i>Agreement confirmed at trilogue on 11 Feb 21</i> to move Article 14(2) and (3) here with the following wording (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):

				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>Compromise package: Keep Council text</i>
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)		<i>Compromise package: [Keep Council text and add the last sentence of the EP amendment, and a new subparagraph with a view to ensure a level playing field regarding the access to self-employed activities, as set out in the following text]</i>

		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 highly skilled employment. <i>Any such activity shall be subsidiary to their employment under the EU Blue Card.</i>	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 States are entitled to limit the scope of allowed self-employed activity.	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 States are entitled to limit the scope of allowed self-employed activity. Any such activity shall be subsidiary to their employment under the EU Blue Card. Where Member States issue national residence permits for the purpose of highly qualified employment, they shall guarantee EU Blue Card holders access to self-employed activities under no less favourable conditions than those provided for under the national scheme.
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188 a			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.	Agreement confirmed at trilogue on 11 Feb 21
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.	Agreement confirmed at trilogue on 11 Feb 21 on the following text, provided a recital confirms that this is a standstill clause: 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>

189 a			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>Agreement confirmed at trilogue on 11 Feb 21 on merged text in line 189, provided a recital confirms that this is a standstill clause.</i> <i>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>
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190.	4. This Article shall apply without prejudice to the principle of preference for Union citizens where applicable under the provisions of the relevant Acts of Accession.	(EMPL)	4. This Article shall apply without prejudice to the 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>Compromise proposal: Delete Article</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>Compromise proposal: Delete Article Moved to Article 7(2)(fa) [= line 146a].</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.	deleted	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>Compromise proposal: Delete Article Moved to Article 13(1c) [= new line 187a].</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 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>Agreement confirmed at trilogue on 11 Feb 21 on deletion</i>

194 a			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.	<i>Compromise proposal: Delete Article Moved to new subparagraph 2 of Article 13(1b) [= line 186f].</i>
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, <i>including the non-formal acquisition of skills</i> , in accordance with the relevant national procedures;	(d) recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures;	<i>Compromise text:</i> <i>Keep Council mandate</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 available to the public, including procedures for obtaining housing, as well as information and counselling services afforded by employment offices.	(EMPL)	(f) access to goods and services and the supply of goods and services made available to the public, including procedures for obtaining housing, as well as information and counselling services afforded by employment offices.	
202 a		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>Agreement confirmed at trilogue on 11 Feb 21 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.” <i>Compromise package:</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. For the principle of non-discrimination to be effective, EU Blue Card holders should be able to seek legal redress and lodge complaints as provided for national law, if they face any kind of discrimination, including in the labour market.
202 b		Amendment 126 (EMPL) <i>(fb) non-discrimination on the grounds of origin, gender, religion or belief, disability, age or sexual orientation.</i>		<i>Compromise package:</i> Reject amendment

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.	
203 a			With respect to point (e) of paragraph 1, the Member State concerned may restrict equal treatment as regards family benefits in relation to family members who reside in a third country.	<i>Compromise package: Delete Council proposal</i>
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.	
208 a		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>
208 b		<i>The Member State concerned shall provide for sanctions where the employer is held responsible. Those sanctions shall be effective, proportionate and dissuasive.</i>		<i>To be deleted, part of compromise for new Article 12a.</i>
208 c		Amendment 128 (EMPL)		<i>To be deleted, part of compromise for new Article 12a.</i>

		<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>		
208 d				<i>Compromise package (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>Compromise package: Keep Council mandate</i>
211 a		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 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 at the latest within 60 days from the date on which the application was submitted.	Amendment 130		<i>Compromise package:</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 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 at the latest within [...] 30 days from the date [...] <i>of submission of</i> the application [...].	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 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.	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 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.
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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>Compromise package: Council to propose a recital to clarify the nature of the requirements under national law referred to.</i>
216.		Amendment 131 <i>deleted</i>		<i>Compromise package: provision 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 EU long-term residents wishing to move to that Member State for employment in accordance with Chapter III of Directive 2003/109/EC.		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.	
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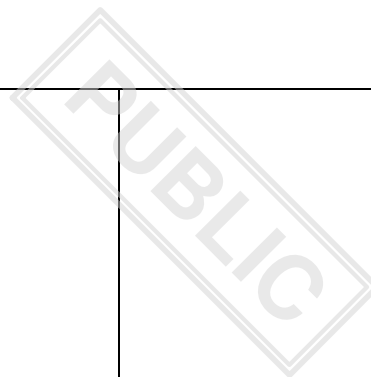
217.	7. By way of derogation from Article 15(1) of Directive 2003/86/EC, for the purposes of calculation of the five years of residence required for the acquisition of an autonomous residence permit, residence in different Member States shall be cumulated.		7. By way of derogation from Article 15(1) 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.	
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>Compromise package: Keep Council text</i>

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>Compromise package:</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.
220 a				<i>Compromise package (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>Compromise package:</i> Deleted
224.	The EU long-term resident status granted in accordance 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 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.	Amendment 133 <i>deleted</i>		<i>Compromise package:</i> Deleted

			The EU long-term resident status granted in accordance 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.	
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>Compromise package: Deleted</i>

226.	(a) is temporarily unable to work as the result of an illness or accident;	Amendment 134 <i>deleted</i>	<i>deleted</i>	<i>Compromise package:</i> Deleted
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>	<i>Compromise package:</i> Deleted
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>	<i>Compromise package:</i> Deleted
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	<i>Compromise package:</i>



				(a) five years of legal and continuous residence as a holder of an EU Blue Card, of a national permit for highly skilled workers, an authorisation as a student or researcher in accordance with Directive (EU) 2016/801 or as a beneficiary of international protection within the territory of the Member States; <i>[As part of the compromise package, a recital would clarify that the rules of the Long-Term Residence Directive must apply accordingly, for example for students only half of the periods of residence for study purposes may be taken into account.]</i>
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 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.	Amendment 135 <i>deleted</i>	5. By way of derogation from Article 9(1)(c) of Directive 2003/109/EC, Member States 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.	<i>Compromise package: Keep Council mandate</i>

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>Compromise package:</i> Delete
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 remark referred to in Article 18(2).	<i>Compromise package:</i> 7. Point (f) of Article 15(1), Article 15(3), 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).

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>Compromise package:</i> 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) of that Directive shall not apply. The second Member State may apply measures in accordance with Article 20(6) of this Directive.
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> <i>Short-term mobility</i>
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 activity other than the EU Blue Card issued by the first Member State.	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-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>	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 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>Agreement confirmed at trilogue on 11 Feb 21 to move the provision in Article 22 (1) to this provision with the following wording:</i>
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				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 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.
244.		Amendment 139		<i>Agreement confirmed at trilogue on 27.11.17:</i>

	<i>Article 20 Application for an EU Blue Card in a second Member State</i>	[...] Long-term mobility for EU Blue Card holders [...]	<i>Article 20 Long-term mobility in a second Member State</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>Compromise package: [Agreed with EP (except qualified/skilled)]:</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 employment on the basis of the EU Blue Card and a valid travel document under the conditions set out in this Article.
245 a				<i>Agreement confirmed at trilogue on 11 Feb 21 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 ('skills' vs 'qualified' still to be decided at political level):</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.
246.		Amendment 141		<i>Compromise package:</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 <i>or her</i> employer or both shall [...] <i>notify</i> [...] the competent authority of that <i>second</i> Member State <i>of his or her employment in that Member State</i> and <i>shall</i> present [...] the documents <i>required under</i> 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 <i>or her</i> 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.	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 <i>or her</i> employer or [...] either of the two 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.
247.	The EU Blue Card holder shall be allowed to work in the second Member State immediately after submitting the application.	Amendment 142 The EU Blue Card holder shall be allowed to work in the second Member State immediately after submitting the [...] <i>notification</i> .	The second Member State may allow the EU Blue Card holder [...] to start working immediately after submitting the application.	<i>Compromise package:</i> The EU Blue Card holder shall be allowed to work in the second Member State at the latest 30 days after the submission of the complete application.
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 [...] <i>notification</i> 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.	<i>Compromise package:</i> keep the COM/Council text

249.	3. For the purposes of the application referred to in paragraph 2, the EU Blue Card holder shall present:	Amendment 144 3. For the purposes of the [...] notification referred to in paragraph 2, the EU Blue Card holder shall present:	3. For the purposes of the application referred to in paragraph 2, the EU Blue Card holder shall [...]:	<i>Compromise package:</i> 3. For the purposes of the application referred to in paragraph 2, the EU Blue Card holder shall present:
250.	(a) the valid EU Blue Card issued by the first Member State;		(a) present the valid EU Blue Card issued by the first Member State;	<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>
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>Compromise package:</i>

				(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. For the purpose of applying for an EU Blue Card in a second Member State, EU Blue Card holders shall enjoy equal treatment with Union citizens as regards recognition of professional qualifications, in accordance with applicable EU and national law.
252 a			(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>Compromise proposal: Delete provision; See may clause in Line 254d</i>
253.	(d) a valid travel document, as determined by national law;		(d) present a valid travel document, as determined by national law;	<i>Council wishes to maintain its text</i>
254.		Amendment 145		<i>Compromise package:</i>

	(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.	(e) <i>where necessary</i> , evidence of meeting the salary threshold set in the second Member State in application of <i>Article 5(2)</i> or, where applicable, of <i>Article 5(4)</i> or (5).	(e) present evidence of meeting the salary threshold set in the second Member State in application of paragraph 2 or, where applicable, of paragraphs 4 or 5 of Article 5;	(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.
254 a			(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>Compromise package: Delete provision; See may clause in Line 254e</i>
254aa				<i>Compromise package:</i>

				Where the EU Blue Card has been issued in the first Member State on the basis of higher professional skills for occupations not listed in the Annex, the EU Blue Card holder shall present the documents attesting higher professional qualifications in relation to the work to be carried out, as provided for in the national law of the second Member State.
254 b		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>Agreement confirmed at trilogue on 11 Feb 21 to move this provision to a new provision in Article 20(1a) (see line 245a).</i>
254 c				<i>Compromise package:</i>

				3a. For the purposes of the application referred to in paragraph 2, the Member State concerned may require the EU Blue Card holder:
254 d				<i>Compromise package:</i> (a) where the EU Blue Card holder worked for less than two years in the first Member State , to present the documents attesting higher professional qualifications in relation to the work to be carried out as provided for in national law;
254 e				(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.		Amendment 147		<i>Compromise package:</i> Reject amendment 147

	4. The second Member State shall reject an application for an EU Blue Card in any of the following cases:	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:	
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>Compromise package:</i> <i>Reject amendment 148</i>
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);	
258 a		Amendment 149 (ca) <i>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.

258 b		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>Agreement at trilogue on 11 Feb 21 to delete this line.</i>
258 c		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>Compromise package:</i> <i>4a. In respect of any application procedure for the purpose of long-term mobility, the procedural safeguards set out in Article 10 (3) and (4) shall apply accordingly. Without prejudice to paragraph 1, a decision to reject an application for long term mobility shall take account of the specific circumstances of the case and respect the principle of proportionality.</i>
259.		Amendment 152		<i>Compromise package:</i>

	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.	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>	Reject amendment 152
260.	6. The second Member State may reject an application for an EU Blue Card on the 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.	Amendment 153	6. The second Member State may reject an application for 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.	Agreement confirmed at trilogue on 13.12.17*: 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.

		6. <i>Where a [...] second Member State [...] objects 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>		
261.		Amendment 154		<i>Compromise package:</i> Delete

	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 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>7. Where the EU Blue Card holder has exercised mobility pursuant to this Article and wishes to 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>	7. The second Member State may reject an application for an EU Blue Card where the third-country national [...] 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. [...] 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>Compromise package:</i> 8. The second Member State shall adopt a decision on an application for an EU Blue Card to either:

		8. By way of derogation from Article 10(1), the second Member State shall adopt a decision on [...] the notification and inform the EU Blue Card [...] holder and [...] the first Member State in writing at the latest within 30 days of the date of submission of the [...] notification of its decision to either:		
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>Compromise package:</i> Keep Council mandate
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>Compromise package:</i>

				(b) where the applicant has failed to comply with the conditions for mobility laid down in this Article, reject the application and oblige the applicant and his family members, in accordance with the procedures provided for in national law, to leave its territory. By way of derogation from Article 10(1), the second Member State shall notify the applicant and the first Member State in writing of its decision as soon as possible, but at the latest within [...] 30 days of the date of submission of the complete application. Under exceptional and duly justified circumstances linked to the complexity of the application, Member States may extend the maximum period by 30 days. They shall inform the applicant of the extension before that maximum period has expired.
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				In its notification to the first Member State, the second Member State shall specify the reasons for rejecting the application when the decision was due to the grounds referred to in (b) and (d) of paragraph 4. [Recital 21 and article 7 (2) (f) amended accordingly]
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 [...] renewal of the EU Blue Card has been taken by the competent authorities.	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.	<i>Compromise package:</i> Keep Council mandate

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.		Amendment 159		<i>Compromise package:</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

	1. Where the EU Blue Card holder moves to a second Member State in accordance with Article 20 and where the family was already constituted in the first Member State, the members of his or her family shall be authorised to accompany him or her and to enter and stay in the second Member State based on the valid residence permits obtained as family members of an EU Blue Card holder in the first Member State.	1. Where the EU Blue Card holder moves to a second Member State in accordance with Article 20 and where the family [...] <i>has joined the EU Blue Card holder or where the family has been</i> constituted in the first Member State, the members of [...] <i>the EU Blue Card holder's</i> family shall be [...] <i>entitled</i> to accompany him or her and to enter and stay in the second Member State based on valid residence permits obtained as family members of [...] <i>the</i> EU Blue Card holder in the first Member State. <i>Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full and the family members of an EU Blue Card holder join him or her when crossing an external border for the purpose of moving to a second Member State, the second Member State shall be entitled to require that family members present their residence permits in the first Member State as family</i>	1. Where the EU Blue Card holder moves to a second Member State in accordance with Article 20 and where the family was already constituted in the first Member State, the members of his or her family shall be [...] entitled to accompany or join him or her and to enter and stay in the second Member State based on the valid residence permits obtained as family members of an EU Blue Card holder in the first Member State and a valid travel document under the conditions set out in Article 16 and paragraphs 2 to 8 of this Article.	the first Member State, the members of his or her family shall be entitled to accompany or join the EU Blue Card holder. Directive 2003/86/EC and Article 16 shall apply, subject to the derogations provided for in paragraphs 1a to 8. Where the family was not already constituted in the first Member State, Article 16 shall apply. <i>Compromise package:</i> 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 [...] entitled [...] 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 Card holder
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		<i>members of the EU Blue Card holder.</i>		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.
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>Agreement at trilogue on 11 Feb 21:</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.

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 [...] transmit , with their application [...], their residence permit in the first Member State together with a valid travel document, or certified copies thereof.	3. The second Member State may, in particular , require the family members concerned to present with their application for a residence permit:	<i>Compromise package:</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 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) of Article 7(1) of Directive 2003/86/EC.
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>Compromise package:</i> deleted
273.	(b) evidence that they have resided as members of the family of the EU Blue Card holder in the first Member State.	Amendment 162 <i>Deleted</i>	(b) evidence that they have resided as members of the family of the EU Blue Card holder in the first Member State.	<i>Compromise package:</i> Deleted
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>Compromise package:</i> 4. Where the conditions set out in this Article are fulfilled and the applications were submitted simultaneously, the second Member State shall issue the residence permits for family members at the same time as the EU Blue Card.

				By way of derogation from Article 16(4)], where the conditions set out in this Article are fulfilled and the family members join the EU Blue Card holder after the EU Blue Card has been granted to him or her, residence permits for family members shall be granted at the latest within 30 days from the date on which the application was submitted. In duly justified circumstances linked to the complexity of the application, Member States may extend period by a maximum of 30 days.”
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>Compromise package:</i> Deleted
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.		Amendment 163		<i>Compromise package:</i>

	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 than the Member State which granted them international protection.	7. This Article shall apply to EU Blue Card holders who are beneficiaries of international protection both when they move to reside in a Member State other than the Member State which granted them international protection and if they stay in that Member State.	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 than the Member State which granted them international protection.	7. 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 move to reside in a Member State other than the Member State which granted them international protection.
278.	8. This Article shall not apply to EU Blue Card holders who are beneficiaries of the right to free movement under Union law in the second Member State.		8. This Article shall not apply to family members of those EU Blue Card holders who are beneficiaries of the right to free movement under Union law in the second Member State.	<i>Agreement confirmed at trilogue on 11 Feb 21:</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>	
280.		Amendment 164 <i>deleted</i>		<i>Provisional agreement found to move this provision under Articles 19 and 20.</i>

	1. Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full and the EU Blue Card holder crosses an external border for the purpose of mobility as referred to in Articles 19 and 20, the second Member State shall be entitled to require as evidence of the mobility of the EU Blue Card holder:		1. Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full and the EU Blue Card holder crosses an external border for the purpose of mobility as referred to in Articles 19 and 20, the second Member State shall be entitled to require as evidence of the mobility of the EU Blue Card holder:	
281.	(a) the valid EU Blue Card issued by the first Member State;	<i>deleted</i>	(a) the valid EU Blue Card issued by the first Member State;	<i>Agreement confirmed at trilogue on 11 Feb 21 to move this provision under Articles 19 and 20.</i>
282.	(b) for the purpose of Article 19, evidence of the business purpose of the stay;	<i>deleted</i>	(b) for the purpose of Article 19, evidence of the business purpose of the stay;	<i>Agreement confirmed at trilogue on 11 Feb 21 to move this provision under Articles 19 and 20.</i>
283.	(c) for the purpose of Article 20, a work contract or a binding job offer for highly skilled employment of at least six months in the second Member State.	<i>deleted</i>	(c) for the purpose of Article 20, a work contract or a binding job offer for highly [...] qualified employment of at least six months in the second Member State.	<i>Agreement confirmed at trilogue on 11 Feb 21 to move this provision under Articles 19 and 20.</i>
284.		Amendment 165		<i>Agreement confirmed at trilogue on 27.11.17:</i>

		<i>1a. Member States shall provide for measures to 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>
284a				<i>Compromise package</i> 1a. The first Member State shall not withdraw an EU Blue Card on the basis that an EU Blue Card holder crosses an external border for the purpose of mobility, or during the process for that purpose in the second Member State, until the first Member State has ascertained that the second Member State has granted long-term mobility to that EU Blue Card holder.
285.		Amendment 166 <i>deleted</i>		<i>Provisional agreement found to move this provision under Article 21 (1).</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.		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.	
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>		<i>Compromise package:</i> Keep Council mandate [also see proposal in line 284a]

			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. [...]	
286 a	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>Compromise package: Keep Council text</i>
287.		Amendment 169 (EMPL)		<i>Compromise package:</i>

	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.	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.
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>Compromise package: Amendment rejected</i>

		<i>5a. 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>	
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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 the remark shall reply within one month after receiving the request for information.	<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 Member State. The Member State mentioned in the remark shall reply within one month after receiving the request for information.
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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, where that person fulfils the conditions specified in Article 21(2) of Directive 2011/95/EU.	<i>Compromise package: Keep Council mandate</i>
292 a		Amendment 173		<i>Compromise package: Reject amendment</i>

		<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>		
292 b		<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 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>		<i>Compromise package: Reject amendment</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>Provisional agreement at technical meeting of 4 March 2021:</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, <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.
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.		Amendment 175		<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.	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.	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.
296 a		Amendment 176		<i>Agreement confirmed at trilogue on 13.12.17:</i> <i>EP Amendment withdrawn</i>

		<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 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.	
299 a		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>Compromise package Reject amendment 177</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) <i>Where</i> 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 2(l), for the application of Article 19; d) information on legislative or regulatory measures in accordance with Article 5a,
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				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 Commission and to the other Member States a duly justified decision indicating the countries and sectors concerned.	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.	<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 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(1), 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(1), 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>
304 a			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>
304 b			Where Member States have made use of the possibility under Article 6(2), they shall communicate it each year to the Commission.	<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>
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>Compromise package:</i> 3. Member States shall monitor the impact of this Directive on the national labour markets and shall communicate the relevant information to the Commission for inclusion into its report under Article 25 on the impact of this Directive on the national labour markets.
305 a		Amendment 181		<i>Compromise package</i> Reject amendment 181

		<i>3a. The Commission shall submit the information it receives pursuant to paragraphs 2 and 3 to the European Parliament on an annual basis.</i>		
306.	<i>Article 24 Statistics</i>		<i>Article 24 Statistics</i>	
307.		Amendment 182		<i>Compromise package:</i>

	1. Annually, and for the first time by ...³⁶ at the latest, Member States shall, in accordance with Regulation (EC) No 862/2007³⁷, communicate to the Commission 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, 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.	Annually, and for the first time by ...³³ at the latest, Member States shall, in accordance with Regulation (EC) No 862/2007³⁴, communicate to the Commission 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	1. Annually, and for the first time by ...³³ at the latest, Member States shall, in accordance with Regulation (EC) No 862/2007³⁴, communicate to the Commission statistics on the 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	1. Annually, and for the first time by ...³³ at the latest, Member States shall, in accordance with Regulation (EC) No 862/2007³⁴, communicate to the Commission statistics on the numbers of third-country nationals who have been granted an EU Blue Card and 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
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		international protection, beneficiaries of the right to free movement, <i>applicants for international protection, former holders 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.	protection, beneficiaries of the right to free movement and those who have acquired EU long-term resident status in accordance with Article 17.	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.
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.		Amendment 183		<i>Compromise package: Retain Council mandate</i>

³⁶ Four years after the date of entry into force of this Directive.

³⁷ 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).

	2. For the purpose of the implementation of paragraphs Article 5(2), (4) and (5), reference shall be made to data sent to Eurostat in accordance with Regulation (EU) No 549/2013 ³⁸ .	2. For the purpose of the implementation of Article [...] 5, reference shall be made to data sent to Eurostat in accordance with Regulation (EU) No 549/2013 ³⁵ .	2. For the purpose of the implementation of paragraphs Article 5(2), (4) and (5), reference shall be made to 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 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.	<i>Compromise package:</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. This report shall, in particular, assess the impact of Articles 5, 12 [...] and Chapter V , and the impact of this Directive on the national labour market situations.

³⁸

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).

		Every three years, and for the first time by [five years after the date of entry into force of this Directive], 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 the suitability of similar schemes for labour migration to other employment sectors, in particular low and medium-wage sectors.</i>		The Commission shall also assess the operation of Article 2, point i), and examine the relevance of occupations beyond those listed in the Annex, where professional experience that may justifiably be considered equivalent to formal educational qualifications for the purpose of this Directive, could be taken into account as a criterion for deciding on an application for a Blue Card. The Commission shall propose any amendments that are necessary.
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		<i>Compromise package:</i>

		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 [...].	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.
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, employment and youth sectors, as well as other relevant policy areas, needed to implement Articles 5(1)(c) and 5(6).		2. The Member States' contact points shall in particular cooperate effectively regarding 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 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>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>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.	<i>Article 27 Repeal of Directive 2009/50/EC</i>		<i>Article 27 Repeal of Directive 2009/50/EC</i>	
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].	<i>Compromise package:</i> Directive 2009/50/EC is repealed with effect from ... [two years+1 day after the date of entry into force of this Directive].
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>Compromise package:</i> 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.
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.		Amendment 187 <i>deleted</i>	<i>deleted</i>	<i>Compromise package</i> <i>Retain Council mandate</i>

	3. By way of derogation from paragraph 1, Member States shall bring into force the laws, regulations and administrative 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 Entry into force</i>		<i>Article 29 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 Addressees</i>		<i>Article 30 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 The president</i>		<i>For the European Parliament The president</i>	
332.	<i>For the Council The President</i>		<i>For the Council The President</i>	

Consolidated text of the Blue Card Directive

Greened text

Presidency compromise package

Existing Council mandate

Article 1: Subject matter

This Directive lays down:

(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;

(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.

Article 2: Definitions

For the purposes of this Directive:

(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**;

b) "highly [...] qualified employment" means [...] the employment [...] of a person who:

- 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;

- is paid; and

- has the required [...] higher professional qualifications as attested by evidence of higher education qualifications or, for the occupations specified in the Annex, higher professional skills;

(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;

(d) "first Member State" means the Member State which first grants a third-country national an "EU Blue Card";

(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;

(f) "family members" means third-country nationals as defined in Article 4(1) of Directive 2003/86/EC;

(g) "higher professional qualifications" means qualifications attested by evidence of higher education qualifications or higher professional skills;

(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.

(i) "higher professional skills", as concerns the occupations listed in the Annex, means knowledge, skills and competences attested by professional experience of a level comparable to higher education qualifications, which is relevant in the profession or sector specified in the work contract or binding job offer, and which has been acquired over the duration defined in the Annex for each relevant occupation ; as concerns other occupations, only **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;

ANNEX I – List of occupations referred to in Article 2, point (i)

- Information and communications technology managers and professionals, belonging to the following groups in the ISCO-08 classification:

- 133 Information and communications technology service managers (duration: 3 years within the last 7 years)

- 25 Information and communications technology professional (duration: 3 years within the last 7 years).

(j) "professional experience" means the actual and lawful pursuit of the profession concerned;(k) "regulated profession" means a regulated profession as defined in Article 3(1) (a) of Directive 2005/36/EC;

(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;

(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.

Article 3: Scope

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.

2. This Directive shall not apply to third country nationals:

(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/EC²⁴ in a Member State;

(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 are beneficiaries of protection in accordance with national law, international obligations or practice of the Member State;

(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;

(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;

(e) who enter a Member State under commitments contained in an international 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 Council²⁶;

(g) whose expulsion has been suspended for reasons of fact or law;

(h) who are covered by Directive 96/71/EC of the European Parliament and of the Council as long as they are posted on the territory of the Member State concerned;

(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.

2a. This Directive shall apply to beneficiaries of international protection where, 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 shall apply the provisions of this Directive to beneficiaries of international protection to whom they granted international protection

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 in the other Member States as provided for in this Directive.

Article 4: More favourable provisions

1. This Directive shall be without prejudice to more favourable provisions of:

(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;

(b) bilateral or multilateral agreements [...] concluded between one or more Member States and one or more third countries [...].

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).

3. Where an EU Blue Card is issued by a Member State on the basis of higher professional skills in occupations not listed in the Annex, it shall enter the following remark in that third-country national's EU Blue Card, under the heading "Remarks": "Delivered on the basis of high professional skills for occupations not listed in the Annex".

Article 5: Criteria for admission

1. As regards the admission of a third-country national [...] under this Directive, the applicant shall:

(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;

(aa) for unregulated professions, present the [documents] attesting relevant higher professional qualifications in relation to the work to be carried out [...];

(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;

(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.

(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 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.

2. In addition to the conditions laid down in paragraphs 1 and 3, 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 according to national practices, 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.

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.

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, 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, which in any event shall not be lower than 1.0 times the average gross annual salary in the Member State concerned.

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 set [...] by the Member State concerned in accordance with paragraph 2, which in any event shall not be lower than 1.0 times the average gross annual salary in the Member State concerned.

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 [...]:

- (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.

7. [...] Third-country nationals who are considered to pose a threat to public policy, public security or public health shall not be admitted.

8. Member States may require the third-country national concerned to provide his or her address in their territory.

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, 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.

Article 5a : Volumes of admission

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.

Article 6: Grounds for refusal

1. Member States shall reject an application for an EU Blue Card [...]:

(a) where [...] Article 5 is not complied with; [or]

(b) where the documents presented have been fraudulently acquired, or falsified or tampered with;

(c) where the third-country national is considered to pose a threat to public policy, public security or public health; or

(d) where the employer's business was established or operates for the main purpose of facilitating the entry of third-country nationals.

3. Member States may reject an application for an EU Blue Card [...]:

(a) where the competent authorities of the Member State, after checking the labour market situation, for example where there is a high level of unemployment, 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 wishing to move to that Member State for highly [...] qualified employment in accordance with Chapter III of Directive 2003/109/EC;

(aa) **where** the employer has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;

(b) **where** the employer's business is being or has been wound up under national insolvency laws or no economic activity is taking place; [...]

(c) where 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 Council²⁹, or for undeclared work or illegal employment according to national law;

(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.

4. Deleted

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.

Article 7: Withdrawal or non-renewal of the EU Blue Card

1. Member States shall withdraw or refuse to renew an EU Blue Card where:

(a) the EU Blue Card or the documents presented have been fraudulently acquired, or have been falsified or tampered with;

(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 (aa) 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 and without prejudice to the situation in which the third-country national is unemployed.

2. Member States may withdraw or refuse to renew an EU Blue Card [...] in any of the following cases:

a) for reasons of public policy, public security or public health;

(b) where appropriate, where the employer has failed to meet its legal obligations regarding social security, taxation, labour rights or working conditions;

(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 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;

bb) where the EU Blue Card holder is residing in the Member State concerned for purposes other than those for which he or she was authorised to reside.

(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;

(d) where the [...] EU Blue Card holder has not [...] complied with the relevant procedures as provided for in Article 13 (1a) (a), (1b), and (1c);

(e) where the third-country national no longer holds a valid travel document, provided that prior to withdrawing the EU Blue Card, the Member State had set a reasonable deadline for the third-country national concerned to obtain and present a valid travel document;

(f) where the third-country national fails to comply with the conditions of mobility under [...] Chapter V.

3. The lack of communication pursuant to point (b) of the first subparagraph of Article 13(1b), the third subparagraph of Article 13(1b) or Article 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.

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.

3aa. Unemployment shall not constitute a reason for withdrawing an EU Blue Card, unless:

- (a) the Blue Card holder cumulates a period of unemployment exceeding three months, where the third-country national has held a Blue Card for less than two years,

(b) the Blue Card holder cumulates a period of unemployment exceeding six months, where the third-country national has held a Blue Card for more than two years.

3ab. 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 period to seek employment shall be six months where the EU Blue Card holder has been previously employed for, at least, two years.

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.

Article 8: 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.

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.

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.

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 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.

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.

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 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.

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]" [...].

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 **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.

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.

6. During the period of its validity, the EU Blue Card shall entitle its holder to:

(a) enter, re-enter and stay in the territory of the Member State issuing the EU Blue Card;

(b) enjoy the rights recognised in this Directive.

Article 9: Applications for admission

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.

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.

Article 10: Procedural safeguards

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.

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.

2. Deleted

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 provided within the deadline, the application may be rejected.

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 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.

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.

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.

7. Where an application for an EU Blue Card concerns a third-country national who holds a national residence permit for the purpose of 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.

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.

Article 11: Fees

Member States may require the payment of fees for the handling of applications in accordance with this Directive. The level of fees required by a Member [...] State for the processing of applications shall not be disproportionate or excessive.

Where Member States issue national permits for the purpose of highly skilled employment, they shall not require EU Blue Card to pay higher fees than those required from applicants under national permits.

Article 12: Recognised employers

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.

Where a Member State decides to provide for 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.

The recognition procedures shall not entail disproportionate or excessive administrative burden or costs for the employers, in particular for small and medium-sized enterprises.

2. The simplified procedures shall include processing of applications as provided for in the second subparagraph of Article 10(1). Applicants shall be exempt from presenting one or more pieces of evidence referred to in points [...] (aa) [...] or (e) of Article 5(1) [...] or in Article 5(8).

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 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.

Member States may [...] 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.

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.

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.

Article 13: Labour market access

1. EU Blue Card holders shall have [...] access to highly [skilled/qualified] employment in the Member State concerned under the conditions provided for in this Article.

1a. During the first twelve months of legal employment as an EU Blue Card holder, Member States may:

(a) require that a change of employer or a change which may affect the fulfilment of the criteria for admission as set out in Article 5 be communicated to the competent authorities in the Member State concerned, in accordance with procedures laid down in national law, and

(b) require that a change of employer be subject to the check of the labour market situation, where Member States carry out such a check in accordance with Article 6(3)(a).

The right of the Blue Card holder to pursue the employment may be suspended for a maximum of 30 days while the Member State concerned checks that the conditions for admission laid down in Article 5 are fulfilled and that the vacancy concerned could not be filled by the persons listed in Article 6(3)(a).

Where Member States require a prior authorisation pursuant to point (a), they shall allow the EU Blue Card holder to remain on their territory until the necessary authorisation has been granted or denied.

1b. After these first twelve months, Member States may only require that a change of employer or a change affecting the fulfilment of the criteria for admission as set out in Article 5 be communicated in accordance with procedures laid down by national law. The communication procedure shall not suspend the right of the EU Blue Card holder to pursue the employment.

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.

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 States are entitled to limit the scope of allowed self-employed activity. Any such activity shall be subsidiary to their employment under the EU Blue Card.

Where Member States issue national residence permits for the purpose of highly qualified employment, they shall guarantee EU Blue Card holders access to self-employed activities under no less favourable conditions than those provided for under the national scheme.

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.

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.

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.

4. This Article shall apply without prejudice to the principle of preference for Union citizens where applicable under the provisions of the relevant Acts of Accession.

Article 14: Deleted

Article 15: Equal treatment

1. EU Blue Card holders shall enjoy equal treatment with nationals of the Member State issuing the EU Blue Card, as regards:

(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;

(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;

(c) education and vocational training;

(d) recognition of diplomas, certificates and other professional qualifications in accordance with the relevant national procedures;

(e) branches of social security, as defined in Article 3 of Regulation (EC) No 883/2004;

(f) access to goods and services and the supply of goods and services made available to the public, including procedures for obtaining housing, as well as information and counselling services afforded by employment offices.

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.

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.

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.

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.

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.

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.

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.

Article 16: Family members

1. Council Directive 2003/86/EC shall apply with the derogations laid down in this Article.

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.

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.

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 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.

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.

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.

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.

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.

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.

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.

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.

Article 17: EU long-term resident status for EU Blue Card holders

1. Directive 2003/109/EC shall apply with the derogations laid down in this Article.

2. Deleted

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:

(a) five years of legal and continuous residence as a holder of an EU Blue Card, of a national permit for highly skilled workers, an authorisation as a student or researcher in accordance with Directive (EU) 2016/801 or as a beneficiary of international protection within the territory of the Member States;

(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.

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.

5. By way of derogation from Article 9(1)(c) of Directive 2003/109/EC, Member States 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.

6. Deleted

7. Point (f) of Article 15(1), **Article 15(3)**, 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).

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) of that Directive shall not apply. The second Member State may apply measures in accordance with Article 20(6) of this Directive.**

Article 18: Long-term residence permit

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.

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".

Chapter V: MOBILITY BETWEEN MEMBER STATES

Article 19: Short-term mobility

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.

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 **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.**

Article 20: Long-term mobility

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** employment on the basis of the EU Blue Card and a valid travel document under the conditions set out in this Article.

1a. Where the EU Blue Card is issued by a Member State not applying the Schengen acquis in full and the EU Blue Card holder crosses, for the purpose of long-term-mobility, an internal border where controls have not yet been lifted, the second Member State applying the Schengen Acquis in full may require the EU Blue Card holder to provide the valid EU Blue Card issued by the first Member State and a work contract or a binding job offer for highly qualified employment of at least six months in the second Member State.

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** 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.

The EU Blue Card holder shall be allowed to work in the second Member State **at the latest 30 days** after the submission of the complete application.

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.

3. For the purposes of the application referred to in paragraph 2, the EU Blue Card holder shall present:

(a) the valid EU Blue Card issued by the first Member State;

(b) 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;

(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. **For the purpose of applying for an EU Blue Card in a second Member State, EU Blue Card holders shall enjoy equal treatment with Union citizens as regards recognition of professional qualifications, in accordance with applicable EU and national law.**

(d) present a valid travel document, as determined by national law;

(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.

Where the EU Blue Card has been issued in the first Member State on the basis of higher professional skills for occupations not listed in the Annex, the EU Blue Card holder shall present the documents attesting higher professional qualifications in relation to the work to be carried out, as provided for in the national law of the second Member State.

3a. For the purposes of the application referred to in paragraph 2, the Member State concerned may **require** the EU Blue Card holder:

(a) **where the EU Blue Card holder worked for less than two years in the first Member State**, to present the documents attesting higher professional qualifications in relation to the work to be carried out as provided for in national law;

(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.

4. The second Member State shall reject an application for an EU Blue Card in any of the following cases:

(a) paragraph 3 is not complied with;

(b) the documents were fraudulently acquired, or falsified or tampered with;

(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);

(d) the EU Blue Card holder poses a threat to public policy, public security or public health.

4a. In respect of any application procedure for the purpose of long-term mobility, the procedural safeguards set out in Article 10 (3) and (4) shall apply accordingly. Without prejudice to paragraph 1, a decision to reject an application for long term mobility shall take account of the specific circumstances of the case and respect the principle of proportionality.

5. Deleted

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.**

7. Deleted

8. The second Member State shall adopt a decision on an application for an EU Blue Card to either:

(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

(b) where the applicant has failed to comply with the conditions for mobility laid down in this Article, reject the application and oblige the applicant and his family members, in accordance with the procedures provided for in national law, to leave its territory.

By way of derogation from Article 10(1), the second Member State shall notify the applicant and the first Member State in writing of its decision as soon as possible, but at the latest within [...] 30 days of the date of submission of the complete application.

Under exceptional and duly justified circumstances linked to the complexity of the application, Member States may extend the maximum period by 30 days. They shall inform the applicant of the extension before that maximum period has expired.

In its notification to the first Member State, the second Member State shall specify the reasons for rejecting the application when the decision was due to the grounds referred to in (b) and (d) of paragraph 4.

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.

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 Articles 20 and 21**, "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.

Article 21: Residence in the second Member State for family members

1. Where the EU Blue Card holder moves to a second Member State in accordance with Article 20 and where the family was already constituted in the first Member State, the members of his or her family shall be **entitled** to accompany or join **the EU Blue Card holder. Directive 2003/86/EC and Article 16 shall apply, subject to 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 [...] entitled [...] 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 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.

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.

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.

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 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) of Article 7(1) of Directive 2003/86/EC.

4. Where the conditions set out in this Article are fulfilled and the applications were submitted simultaneously, the second Member State shall issue the residence permits for family members at the same time as the EU Blue Card.

By way of derogation from Article 16(4)], where the conditions set out in this Article are fulfilled and the family members join the EU Blue Card holder after the EU Blue Card has been granted to him or her, residence permits for family members shall be granted at the latest within 30 days from the date on which the application was submitted. In duly justified circumstances linked to the complexity of the application, Member States may extend period by a maximum of 30 days.

5. Deleted

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7. 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** move to reside in a Member State other than the Member State which granted them international protection.

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.

Article 22: Safeguards and sanctions in cases of mobility

1. [Provision moved under Articles 19 and 20]

1a. The first Member State shall not withdraw an EU Blue Card on the basis that an EU Blue Card holder crosses an external border for the purpose of mobility, or during the process for that purpose in the second Member State, until the first Member State has ascertained that the second Member State has granted long-term mobility to that EU Blue Card holder.

2. [Provision moved under Article 21(1)]

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. [...]

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.

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.

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 Member State. The Member State mentioned in the remark shall reply within one month after receiving the request for information.

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.

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.

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.

Chapter VI: Final provisions

Article 23: Access to information and monitoring

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.

This information shall also include information:

- (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;
- (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.

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.

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 2(1), 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.**

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 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)**

3. Member States shall monitor the impact of this Directive on the national labour markets and shall communicate the relevant information to the Commission for inclusion into its report under Article 25 on the impact of this Directive on the national labour markets.

Article 24: Statistics

1. Annually, and for the first time by [*Four years after the date of entry into force of this Directive*] at the latest, Member States shall, in accordance with Regulation (EC) No 862/2007, communicate to the Commission statistics on the numbers of third-country nationals who have been granted an EU Blue Card and 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 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 admitted family members shall be communicated in the same manner, except as regards information on their occupation and the economic sector.

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.

2. For the purpose of the implementation of paragraphs Article 5(2), (4) and (5), reference shall be made to data **[...] provided by Member States** to Eurostat in accordance with Regulation (EU) No 549/2013³⁵ **and, where appropriate, national data.**

Article 25: Reporting

Every three years, and for the first time by [*five years after the date of entry into force of this Directive*], the Commission shall report to the European Parliament and the Council on the application of this Directive in the Member States.

This report shall, in particular, assess the impact of Articles 5, 12 [...] and Chapter V, and the impact of this Directive on the national labour market situations.

The Commission shall also assess the operation of Article 2, point i), and examine the relevance of occupations beyond those listed in the Annex, where professional experience that may justifiably be considered equivalent to formal educational qualifications for the purpose of this Directive, could be taken into account as a criterion for deciding on an application for a Blue Card.

The Commission shall propose any amendments that are necessary.

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.

Article 26: Cooperation between contact points

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.

2. The Member States' contact points shall in particular cooperate effectively regarding 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) [...].

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.

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/...*+.

*** 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. ...)."**

+ 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.

Article 27: Repeal of Directive 2009/50/EC

Directive 2009/50/EC is repealed with effect from ... [two years+1 day after the date of entry into force of this Directive].

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 [].

Article 28: Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [Two years after the date of entry into force of this Directive]. They shall forthwith inform the Commission thereof.

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.

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.

Article 29: Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 30: Addressees

This Directive is addressed to the Member States, in accordance with the Treaties.

Done at Strasbourg,

For the European Parliament

The president

For the Council

The President