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WORKING PAPER

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WORKING DOCUMENT

From:	Netherlands delegation
To:	Delegations
Subject:	Proposal for Directive of the European Parliament and the Council on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment

Delegations will find attached comments from the Netherlands delegation on the above-mentioned proposal.

Non-paper by The Netherlands on the proposal for a new Blue Card directive

General comments

The Netherlands remains committed to a flexible and effective European scheme to attract highly skilled migrants. The first discussions in the Working Group have shown that member states take different views in how to best achieve such a scheme, which reflects the different circumstances on the national labour markets of member states.

More favorable provisions (article 4)

The Netherlands advocates an EU-wide scheme which provides member states with the flexibility to take into account the national circumstances. Therefore the Netherlands proposes to enable member states to more favourable provisions in all articles of the directive that refer to admission conditions.

proposal:

Article 4, para 2: The directive shall not affect the right of member states to adopt or retain more favourable provisions.

With this proposal all member states could use the Blue Card Scheme, which would constitute the conditions for a highly skilled migrant to successfully apply in all EU member states. On top of this, member states that wish to attract other sorts of highly skilled migrants, could make use of more lenient conditions and procedures in order to meet the demands of their labor market and attract more highly skilled migrants. This could also address in part the concerns member states raised about the abolition of national schemes.

Extension scope to highly skilled beneficiaries of international protection (art. 3)

The Netherlands is in favour of extending the scope of the directive to beneficiaries of international protection if the applicant fulfills all other requirements. Beneficiaries of international protection in the Netherlands can already apply for a national residence permit for highly skilled migrants.

A residence permit for the length of the duration of the contract (art. 5)

The Netherlands proposes to provide blue cards for the duration of their contract. This would mean that highly skilled migrants with a job contract for 4 months would also qualify for a Blue Card.

Proposal:

art 5, 1, (a): present a valid work contract [...] of more than 90 days in the member state concerned.

Art 8, 2: Member states shall provide a Blue Card for the length of the duration of the work contract etc...

Salary requirement (article 5)

The Netherlands agrees in general with the current proposal for the salary threshold(s) in article 5 and has two additional remarks.

- 1) Member states should have the possibility to check if the salary of the applicant fits the job. For instance if an applicant will work as a bar tender and receives the salary of the threshold, this could be a signal for abuse. Member states should be able to refuse such applications.
- 2) The proposal should leave more room to member states to set lower thresholds for young and recently graduated applicants. The proposal under article 5, paragraph 5 is certainly the right direction. But the proposal should take - even more than now - into account the salaries that young professionals make.

Requirement of higher professional qualifications (article 5)

The Netherlands feels that in order to qualify as a highly skilled migrant, the educational background is not *the* determinable factor. Businesses themselves are capable of determining which they value and are in shortage of. This could very well be talented third country nationals with skills unrelated to their education. CEO's of some of the leading businesses in their field do not have a college degree. We therefore fully support the provisions in article 12 on recognized employers.

Applications for admission (article 9)

The Netherlands proposes to enable only applicants with a valid residence permit to apply from within the member state. Short term visa holders should be excluded from this scope, as this could be an incentive to misuse the possibilities of short term visa.

Recognized Employers (article 12)

The Netherlands stresses the importance of this article to have accelerated procedures for recognized employers. In the Netherlands, businesses are required to become a recognized employer in order to attract highly skilled migrants via the national scheme. We would like to retain this structure as an optional mechanism for all member states.

Long term residency (article 17)

We support the proposal to allow Blue Card holders to apply for an EU-long term residence status after three years of legal residence in a member state. Member states must be in a position to demand a certain level of integration of the Blue Card holder that applies for a long term residence status.