



EUROPEAN COMMISSION

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*Mr Radek VONDRÁČEK
President of the
Poslanecká sněmovna
Sněmovní 4
CZ – 118 26 PRAGUE 1*

Dear President,

The Commission would like to thank the Poslanecká sněmovna for its Opinion on the Communication from the Commission to the European Parliament and the Council Enhancing legal pathways to Europe: an indispensable part of a balanced and comprehensive migration policy. A contribution from the European Commission to the Leaders' meeting in Salzburg on 19-20 September 2018 {COM(2018) 635 final}.

The Communication forms part of the Union's efforts to achieve a fair and balanced European Union migration policy which aims to reduce irregular and manage regular migration flows in a comprehensive manner. In its June 2018 conclusions¹, the European Council reconfirmed that a functioning European Union migration policy needs to be based on such a comprehensive approach, where actions both on the internal and external sides go hand in hand to ensure an effective control of the Union's external borders, a firm return policy and a well-managed legal migration and asylum policy.

Controlled legal migration is and should remain an indispensable part of a balanced and comprehensive migration policy, as also set out in the European Agenda on Migration. For this reason, the Communication spells out the Commission's priorities in the area of legal pathways, namely labour migration, resettlement, and cooperation with third countries. These are the essential elements in order to further promote legal pathways to Europe.

The Commission takes note of the concerns raised by the Poslanecká sněmovna regarding the competence for the legal framework for the management of legal migration in the area of admission of legal migrants to the labour market, including highly qualified workers, students and researchers, as well as the supposed transfer of Member States' competences to the Union level in the field of legal migration.

¹ <https://www.consilium.europa.eu/media/35936/28-euco-final-conclusions-en.pdf>

The Commission stresses that the Communication on enhancing legal pathways does not entail or foresee any transfer of competences in the area of legal migration away from Member States. The Communication reiterates that Member States remain competent on volumes of labour migrants to admit from third countries, fully in line with Article 79 of the Treaty on the Functioning of the European Union. The Commission emphasises that third-country nationals who apply to come to the European Union for the purposes of studies do not fall under volumes of admission for labour migrants. Third-country nationals who come to the European Union for the purpose of research fall under volumes of admission for labour migrants when they come to the European Union as workers.

The Commission hopes that the clarifications provided in this reply address the issues raised by the Poslanecká sněmovna and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Dimitris Avramopoulos
Member of the Commission*