

COMMENTS AND RECOMMENDATIONS OF THE
14TH STANDING COMMITTEE
(*European Union Policies*)
Pursuant to Senate Rule 144(1)

Rome, 16 September 2010

Opinion on the Community Document:

Proposal for a directive of the European Parliament and of the Council on the conditions of entry and residence of third-party nationals for the purposes of seasonal employment (COM (2010) 379 final).

The 14th Standing Committee, following consideration of the aforementioned Document;

[...]

expresses a favourable opinion, in so far as its remit is concerned, with the following qualifications:

the proposal appears to comply with the principle of subsidiarity. Albeit including detailed provisions on criteria, procedures and sanctions to apply in Member States, the proposal leaves Member States free to determine the specific sectors meeting the criteria for seasonal work and to designate a competent authority to receive applications for permits. The inclusion of such detailed provisions is justified by the need to attain a common legislative framework, enabling all Member States to make the most of the opportunities of seasonal employment on an equal footing and to ensure consistent rights and sanctions;

the proposal appears to comply with the principle of proportionality, in that the measures contained therein, although detailed, are consistent with the goals pursued;

the legal basis of the proposal for regulation appears to be correctly identified in Article 79(2) a) and b) of the Treaty on the Functioning of the European Union whereby, among the instruments to be adopted to ensure a common immigration policy, the Union may adopt measures on the conditions of entry and residence, standards on the issue by Member States of long-term visas and residence permits

and standards defining the rights of third-country nationals residing legally in a Member State;

as to the substance of the proposal, the Committee fully endorses the decision to introduce a 30-day procedure for examining applications for seasonal employment. It should be noted, however, that the Italian civil service would have to complete a complex and burdensome process of adaptation in order to comply with such time-limit, wherefore it would be reasonable to introduce a transitional regime to phase in a full implementation of the directive;

it should also be noted that a six-month duration of seasonal stays, as envisaged by the proposal, may not meet the requirements of the Italian economic system, for many seasonal workers admitted in our country are employed in the agricultural sector, where production cycles (especially the gathering of agricultural produce) span up to nine months; an amendment of the relevant provision to this effect would thus be more than welcome;

still on the substance of the proposal, the Committee reaffirms that – as an essential prerequisite for the implementation of the proposal – all third-country workers, all other workers and all employers are obliged to comply with European and Member States regulations on health and safety at work, with no exemptions.

Irene Aderenti

SENATE OF THE REPUBLIC

16TH PARLIAMENT- 11TH STANDING COMMITTEE (LABOUR, SOCIAL SECURITY)
Minutes no 173 of 29 Sept 2010

RESOLUTION AGREED BY THE COMMITTEE ON DOCUMENT COM (2010) 379 FINAL
SUBJECT TO REASONED OPINION ON SUBSIDIARITY COMPLIANCE
(Doc. XVIII, n. 52)

The Labour and Social Security Committee, following consideration of the aforementioned Document,

whereas

the proposal appears to comply with the subsidiarity principle [...];

the proposal appears to comply with the proportionality principle [...];

expresses, insofar as its remit is concerned, a positive opinion with the following qualifications:

the 30-day deadline to make a decision on an application in the framework of a single procedure might be difficult to implement in some Italian public agencies, where the appropriate IT structures are not available. Over the past few years, delays and lack of resources by competent authorities have often hindered the recruitment of legally-employed third-country seasonal workers. Although welcoming the effort to streamline administrative procedures to issue permits, the Committee believes that a transitional regime might usefully be put in place, introducing a longer deadline to process applications.

The Committee also notes that a temporary stay of six months per calendar year may not meet the needs of the agricultural sector – especially the livestock and flower and nursery plants sectors – where management and production cycles span nine months. The Committee believes that, in respect of the agricultural sector alone, permits should span a period of nine months, as presently envisaged by the Italian legislation for those sectors where there is a demand for seasonal workers.

OBSERVATIONS OF THE 3rd STANDING COMMITTEE

(Foreign Affairs and Emigration)

Pursuant to Senate Rule 144(1)

(Rapporteur: Sen. LIVI BACCI)

Rome, 29 July 2010

Observations on the Community Document:

Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-party nationals for the purposes of seasonal employment (COM (2010) 379 final).

The Foreign Affairs and Emigration Committee, following consideration of the aforementioned Document;

Noting its compliance with the subsidiarity principle, [...]

Expresses a favourable opinion, in so far as its remit is concerned, with the following qualifications:

- the Committee responsible by subject matter should ascertain whether the 30-day deadline for completing the entire procedure is particularly burdensome for the authorities concerned to adapt, and whether the period of validity of the permits (6 months) might not be wholly adequate to meet the requirements of the common economic system, since many seasonal workers admitted to Italy are engaged in agriculture, whose production cycle (particularly with reference to crop harvesting) extends for up to 9 months;
- the Committee responsible by subject matter should also ascertain whether it might be possible for entry permits for the purposes of working in one country in the European Union to enable workers to take employment elsewhere in the Union, without changing the period of validity of the permit. This could facilitate seasonal workers, particularly those engaged in agriculture, tourism and specific events.