



**SEIMAS OF THE REPUBLIC OF LITHUANIA
COMMITTEE OF EUROPEAN AFFAIRS
CONCLUSION**

**REGARDING COMPLIANCE WITH THE PRINCIPLES OF SUBSIDIARITY AND PROPORTIONALITY OF THE PROPOSAL TO
ADOPT THE DIRECTIVE ON THE CONDITIONS OF ENTRY AND RESIDENCE OF THIRD-COUNTRY NATIONALS FOR THE
PURPOSES OF SEASONAL EMPLOYMENT**

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Relevance of the Proposal to Lithuania: **very relevant**

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Regarding potential incompliance with the principle of subsidiarity of the Proposal:	There is no potential incompliance with the principle of subsidiarity.
	<p>The Committee on European Affairs, <i>Having considered</i> the position of the Ministry of the Interior (POZ – 376) and <i>having assessed</i> the additional information presented by the Ministry of Social Security and Labour as well as the Ministry of the Interior; <i>Having considered</i> the conclusions presented by the Seimas Committees on Social Affairs and Labour, on Human Rights and on Foreign Affairs; <i>Having assessed</i> the conclusions presented by the Legal Department of the Office of the Seimas and the European Law Department under the Ministry of Justice: Has decided as follows: The European Commission's Proposal to adopt the directive on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment is in compliance with the principle of subsidiarity, but is potentially inconsistent with the principle of proportionality enshrined in the Treaties of</p>

the European Union in the light of the following arguments:

1. The provisions of the European Commission's Proposal, which **dissociate the validity of a residence permit from the validity of a work contract concluded with a single employer**, are not appropriate or necessary for achieving the goals set in the Proposal. This is likely to create conditions for abuse and "trade in employers". It would also be difficult to prevent exceeding the maximum duration of a seasonal worker permit, the arrival of low-skilled workers and the growing threat of illegal migration.

2. The provisions of the European Commission's Proposal, which will allow **third-country nationals to change the terms and conditions of their work contract or their employer during the period of validity of their seasonal worker permits**, are disproportionate to and inconsistent with the scope of the Proposal. The aforementioned provisions cannot prevent employers from abusing this situation. In our opinion, an employer should decide in advance on how long a worker is needed, to conclude a work contract of appropriate duration, and to ensure that the income of a seasonal worker covers his costs of stay in an employment country and return to the country of origin.

3. The provisions of the European Commission's Proposal, which create **legal conditions for issuing residence permits to seasonal workers in the form of a residence card**, are inflexible and create an administrative burden, which in its turn increases financial costs of enforcement and impedes the attainment of the goals set in the proposed measure, may downgrade the attractiveness and openness of the European Union labour market and disproportionately extend the scope of the Proposal.

4. The provisions of the European Commission's Proposal, which would allow **multi-seasonal permits to be issued to third-country nationals**, are not appropriate or necessary for achieving the goals set in the Proposal. These provisions would be difficult to enforce because it is complicated to forecast and assess the future situation in the labour market as well as the future demand for workers. We think that the facilitation of re-entry for the same purpose in subsequent seasons would be more appropriate and effective.

The aforementioned provisions of the European Commission's Proposal are not appropriate or necessary for achieving the goals set, and when transposed into the national law, may increase the administrative burden and financial costs of enforcement. Additionally, the conditions established by this European Union document tend to have a horizontal effect of a European Union regulation rather than the vertical effect of a directive. Therefore, the provisions of the **Directive on the conditions of entry and residence of third-country nationals for the purposes of seasonal employment** are potentially inconsistent with the **principle of proportionality**.

Chairman of the Committee



Česlovas Vytautas Stankevičius