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*Mr Stanisław KARCZEWSKI
The Marshal of Senat
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Dear President,

The Commission would like to thank the Senat for its opinion on the Proposal for a Directive on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment {COM(2016) 378 final}.

Through this proposal, the Commission is delivering on the commitment in President Juncker's Political Guidelines to address the shortcomings of the EU Blue Card Directive¹ and to increase its effectiveness in attracting more highly skilled workers to the EU. The proposed revision of the EU Blue Card is also one of the key actions envisaged in the European Agenda on Migration².

The EU is competing with a growing number of destination countries for the same global pool of talent. Currently the overall number of permits in the EU – be it national permits or EU Blue Cards – issued by Member States to highly skilled workers is low compared to other developed economies while the EU's attractiveness rates are high in surveys amongst potential highly skilled migrants.

The impact assessment accompanying the proposal³ found that the current arrangements of a combined system of the existing EU Blue Card and the Member States' national schemes has many inherent weaknesses, is insufficiently attractive and is simply not performing well enough. Therefore, there is a clear need to upgrade the EU's highly skilled migration system through further EU action.

¹ OJ L 155, 18.6.2009, pp. 17–29.

² COM(2015) 240 final.

³ SWD(2016) 193 final.

With the revised EU Blue Card scheme, the Commission proposes an EU-wide scheme for highly skilled workers that would make the EU more competitive by offering clear and simple admission conditions as well as fast and flexible procedures. The proposed reform would benefit both employers and highly skilled workers thus stepping up the ability of the Union and its Member States to make their labour markets more visible and competitive in the global race for talent.

The Commission welcomes the Senat's support for the overall aims of the proposal but notes its reservations regarding the replacement of the national schemes for highly skilled workers with the EU Blue Card. The Commission is pleased to have this opportunity to provide further explanations regarding its proposal and trusts that these will help alleviate the Senat's concerns.

The Commission firmly believes that in the global competition for talent the EU can be a stronger player if it acts with one shared voice instead of all Member States acting individually. The current complex and confusing system of many parallel sets of rules for the same category of persons is simply not efficient or clear from the viewpoint of migrants, employers or Member States' administrations. On the contrary, a single, transparent, streamlined and flexible EU instrument in the form of the EU Blue Card would increase its attractiveness, efficiency and branding value for employers and third-country workers. To achieve this goal the Commission has learnt from best practices across Member States and proposed substantial changes to the existing Directive that are designed to make the EU scheme more inclusive, flexible and attractive.

The proposed EU Blue Card scheme thus aims to combine harmonisation and inclusiveness with sufficient flexibility for Member States to adapt the scheme to their national priorities, needs and labour market situation. Moreover, for categories of workers not covered by the EU Blue Card, – namely non-highly skilled workers, – issuing national residence permits would remain possible. Therefore, the Commission believes that the proposed measures comply with the principle of proportionality.

The observations made above are based on the initial proposal presented by the Commission which is currently in the legislative process involving both the European Parliament and the Council.

The Commission hopes that the reasoning provided in this reply addresses the concerns raised by the Senat and looks forward to continuing our political dialogue in the future.

Yours faithfully,

*Frans Timmermans
First Vice-President*

*Dimitris Avramopoulos
Member of the Commission*