

PARLIAMENT OF ROMANIA

CHAMBER OF DEPUTIES

**DECISION**  
**approving the Opinion on**

**the Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment**

**COM(2016) 378 final**

Pursuant to the provisions of Articles 67 and 148 of the Romanian Constitution, republished, of Law No 373/2013 on cooperation between Parliament and the Government in the area of European affairs, and of Articles 160 to 185 of the Rules of Procedures of the Chamber of Deputies, republished,

**the Chamber of Deputies** hereby adopts this Decision.

Sole Article - Having regard to Opinion No 4c-19/1033 adopted by the Committee for European Affairs at its meeting of 21 September 2016:

1. We underline that more ambitious measures to activate, train and develop the skills of the existing labour force should be taken as a priority at EU level before having recourse to labour from third countries, in order to address structural skills shortages and discrepancies between qualifications in certain sectors, as these may limit growth, productivity and innovation.

2. We consider that full advantage has not been taken of the potential of lifelong learning, teleworking and working arrangements enabled by the digital economy to meet the needs of the Union's highly skilled labour force and that the European Union should take more decisive action to benefit from the capacity of these methods to provide training that is faster than the traditional education system and adapted to immediate needs.

3. We consider that the potential to initiate or set up new businesses, stimulated by the flow of third-country nationals holding highly skilled positions in the Union, should be harnessed more efficiently by preparing and implementing policies that support entrepreneurship and target specifically these opportunities, thereby contributing to job creation.

4. We point out that the Directive should provide for efficient administrative procedures for managing data flows relevant to the labour market and the free movement of workers, for the purpose of reinforcing the operation of the EU Blue Card System by making available a larger amount of reliable, detailed and up-to-date information.

5. We express concern that the Union is not as effective in retaining skilled and well-educated people as other developed economies and invites the European Commission to analyse carefully the reasons for such a situation and identify measures to counter this phenomenon, which has a strong impact on less developed Member States.

6. We point out that a clear distinction should be made, at least when analysing the use of the Blue Card, between citizens who want to hold a highly skilled position for a limited period of time and those who want to stay in the Union for an extended period of time, in practice, permanently.

7. We consider that the proposal for a directive will make the conditions of admission of third-country nationals for the purposes of highly qualified employment more flexible for the applicants, but at the same time there is a risk that it will increase the administrative burden on the Member State concerned.

8. We consider that it is necessary to introduce minimum requirements for education and training corresponding to those laid down in the Member State's national legislation with regard to access to higher education, and to take into account 3 years of professional experience from the date when such requirements were met.

9. We express concern about the fact that there are no indications that the greater mobility obtained on the basis of the proposal for a directive will increase the number of Blue Card holders moving to areas that have labour force shortages.

10. We consider that in order to avoid creating inequalities on the labour market between higher-education graduates, who only have access to entry-level positions on the basis of their qualifications, and those with equivalent skills, it is necessary to avoid the double recognition of professional experience of a minimum of three years, first to assess the level of qualification and then again for promotion.

11. We reject limiting the salary threshold to 1.4 times the average salary, which would abolish the Member State's right to determine the salary level for third-country nationals in order to protect the national labour market and considers that if professional experience is equated with higher education, the salary threshold for highly qualified workers should be kept at a higher level.

12. We consider that setting the salary threshold at 1.4 times the average salary might transform Member States with a low average salary into gateways where a Blue Card could be more easily obtained than in the Member States that are the final destinations of the workers.

13. We draw attention to the fact that the recognition of diplomas, certificates and professional qualifications, which is to be done in accordance with the relevant national procedure, does not automatically secure equal treatment in cases where access to the labour market is subject to two distinct national recognition procedures, depending on the person's nationality, namely one procedure for European nationals and another one for foreign nationals (third-country nationals).

14. We consider that it is unjustified to permit a person to work in another Member State immediately after submitting an application to do so, since the applicant knows in advance that he or she will be going to another Member State and the processing time of the application in the other Member State is sufficiently short, i.e. 30 days; in addition, if a Blue Card is not granted, there would be legal difficulties relating to the termination of the employment contract.

15. We consider that, in order to avoid an increase in the administrative burden, it is not necessary to submit every year information on salary levels and lists of professions if there have been no changes to the national system.

*This Decision was adopted by the Chamber of Deputies at the session of ....., in compliance with Article 76(2) of the Romanian Constitution, republished.*

**PRESIDENT  
OF THE CHAMBER OF DEPUTIES  
Florin Iordache**

Bucharest, 27 September 2016  
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