



AD HOC QUERY ON 2019.86 Labour market tests in the migratory context

Requested by EMN NCP Spain on 12 September 2019

Responses from Austria, Belgium, Croatia, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Slovakia, Spain, Sweden, United Kingdom (21 in Total)

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1. Background information

Spain is a country with a recent tradition on economic migration, open to foreigners who want to come and work in our country. To do so they must meet some prerequisites and formalities. Among them, the Spanish law on foreigners establishes the need to apply labour market tests before granting work permits. Labour market tests in Spain determines which positions are vacant and cannot be occupied by the stock of resident workers already in the country (Spaniards, EU citizens and third country nationals with a residence permit) and in Spain are mainly characterized by the so called Catálogo de Ocupaciones de Dificil Cobertura (Catalogue of Difficult Occupation Vacancies

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This Catalogue is updated every three months and it is fed by the information managed by the Regional Employment Services. These data include job offers sent by employers to the public Employment Offices, and considers the Public Administration statistics as well, especially those regarding the job-seekers list included in the Employment Services system.

If an employer needs to cover a position included in the Catalogue, he can ask for a residence and work permit for a foreign worker. This permit will only allow the holder to work in the sector and in the province pinpointed in the Catalogue for that specific position.

In the last years, though, the Spanish labour market has evolved significantly. Added to that, the Spanish economy is also in a changing process. Both aspects have led to a situation where the Catalogue has been closed to new positions for some years now, but still the Spanish labour market has vacancies to be filled on a permanent basis.

In this context, the Spanish administration is thinking of changing the procedure and the way of implementing the system. Before starting the process, we would like to know how labour market tests are build up and applied in the migration context in the EMN countries. We are aware that there was an EMN study in 2015 about this topic, but we still would like to know if there have been any changes in the procedures since then.

2. Questions

- 1. • Does your country have a list of shortage occupations similar (or not) to the Spanish Catalogue of Difficult Occupation Vacancies?**
- 2. • What is the procedure to have that list ready?**
- 3. • In any case, how frequently is it updated?**
- 4. • Which stakeholders take part in the procedure to make the list?**
- 5. • What are the particularities which work better in your system and which are those that you would change if you could?**
- 6. • Have there been any changes in your labour market tests systems since the 2015 study?**

In case of an affirmative response, please explain the rationale, the procedure and the aim of that change of the system .

We would very much appreciate your responses by **14 October 2019**.

3. Responses

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1

		Wider Dissemination ²	
	EMN NCP Austria	No	This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further.
	EMN NCP Belgium	Yes	<p>1. Yes, in the Flemish Region.</p> <p>In Belgium, employment and economic migration are competences of the regions. Each region establishes general lists of shortage occupations on a regular basis, but these are developed for the purpose of employment rather than labour migration. As a rule, labour migration to Belgium is employer- and demand-driven (requiring case-by-case labour market tests) and is based on the community preference rule (preferring citizens from Belgium and the EEA over third-country nationals). Certain categories of third-country nationals are exempted from the labour market test requirement (e.g. highly-skilled or researchers).</p> <p>In addition to the standard system of labour market tests and exemptions, the Flemish Region created a first shortage occupation list for medium-skilled third-country nationals in December 2018. For these specific functions, Flemish employers can recruit third-country nationals irrespective of the labour market conditions.</p> <p>To date, no shortage occupation lists for economic migration exist in the Walloon Region, Brussels Capital Region and German-speaking Community. In these regions, however, third-country nationals</p>

¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."

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			<p>with long-term resident status in another EU Member State are exempted from the labour market test requirement if their occupation figures on the general shortage occupations list.</p> <p>2. The Flemish shortage occupation list for economic migration is based on a more extensive shortage occupation list composed by the regional employment service VDAB. This extensive list is established every year on the basis of statistical data and consultations with labour market experts, sector managers and social partners. During the determination procedure, the VDAB takes into account quantitative shortages (for instance due to student shortages), qualitative shortages (candidates not possessing the required skills or competences), and specific labour circumstances (such as irregular schedules, unhealthy and arduous work, low wages, or stress). On the basis of the extensive list by VDAB, the competent Flemish minister determines which of the medium-skilled profiles included in the list are eligible for the more restricted list targeted at third-country nationals. The minister consults the Flemish advisory commission of the social and economic council SERV before establishing this list.</p> <p>3. The Flemish shortage occupation list for economic migration is updated every two years.</p> <p>4. See Q2: the Flemish employment service VDAB, the advisory commission of the social and economic council SERV, and the competent Flemish minister.</p> <p>5. -</p> <p>6. Yes. In December 2018, the Flemish Region introduced a shortage occupation list for medium-skilled third country nationals given the need of technical personnel in certain sectors such as construction, transportation and healthcare (see attached document). The procedure to establish this list is explained under Q2 to Q4. By contrast, the special procedure for EU long-term residents in shortage occupations no longer exists in the Flemish Region. Today, this category of third-country nationals should use the standard economic migration procedure (including labour market tests and exemptions for certain categories of workers). shortage_occupations_list_flanders_2018.pdf</p>
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	<p>EMN NCP Croatia</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. In line with the Croatian's Aliens Act, a quota system regarding the employment of third country nationals is in place in the Republic of Croatia. The Government of the Republic of Croatia sets (by a number) the annual quota for the employment of foreigners by the Decision for each year, for extension of the already issued work permits within quota and for new employment, in line with the situation on the labour market. 2. See answer number 1 3. Annually, but amendments to the quota can be made. In 2019, three amendments to the Decision on determining the annual quota for employment of foreigners for the calendar year 2019 were adopted, based on the increased need for foreign workers. 4. Several authorities are involved in the process of determining the annual quota. Ministry responsible for labour affairs makes a proposal for the annual quota for employment of foreigners on the basis of the opinion of Croatian Employment Institute, Croatian Chamber of Economy, Croatian Chamber of Crafts and representatives of social partners, and is determined in accordance with the conditions on the labour market. Within the annual quota, activities and professions where new employment is to be permitted and the number of work permits for each of these activities are determined. With this Decision, a quota for seasonal employment can also be determined, as well as quota for ICTs. 5. N/A 6. We are currently revising the quota system, but we are not able to specify the exact model.
	<p>EMN NCP Czech Republic</p>	<p>Yes</p>	<ol style="list-style-type: none"> 1. Yes. The Czech Republic grants labour migrants from third countries who want to work in the country for more than 90 days

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			<ul style="list-style-type: none">· 2 types of residence permits: Employee Card, EU Blue Card (both cards are single permits to work and stay in the Czech Republic for up to 2 years with the possibility of extension)· 2 types of long-term visas: Long-term Seasonal Work Visa, Extraordinary Work Visa (both visas require separate work permits) <p>In practice, 98 % of admitted long-term labour migrants are granted Employee Cards. Annual quotas were introduced for the intake of applications for Employee Cards at Czech embassies. A shortage occupation list was introduced for Long-term Seasonal Work Visas. Both a quota and a shortage occupation list are probably going to be introduced for Extraordinary Work Visas in the near future.</p> <p>There is also the work permit issued by the regional branch of Labour Office in the Czech Republic connected with short-term Schengen visa. No quota or list of shortage occupations is applied to this employment permit.</p> <p>How does the system looks like: Employers are obliged to report all job vacancies which they are willing to fill with third country nationals to the Labour Office of the Czech Republic. Labour market test applies to all these vacancies. After the test</p> <ul style="list-style-type: none">a) vacancies are registered in the daily-updated pools called Register of Vacancies in case of Foreigner's Employment Permit or "Central Register of Job Vacancies Available for Employee Cards" and "Central Register of Job Vacancies Available for EU Blue Cards" and third-country nationals may apply for Employee Cards / EU Blue Cards for these registered vacanciesorb) third-country nationals may be granted work permits for these vacancies and they may apply for Long-term Seasonal Work Visas or Extraordinary Work Visas; work permits and visa can be granted only if the vacancies correspond with shortage occupation lists separately created for these 2 types of visas. <p>2. Shortage occupation lists are created on the basis of the monthly-analysis of statistical and qualitative data on job vacancies and jobseekers registered by the Labour Office. Shortage occupation lists are introduced in the form of a decree of the Ministry of Labour and Social Affairs (Long-term Seasonal Work Visas) or a government regulation (Extraordinary Work Visas).</p>
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			<p>These lists are prepared monthly in the Ministry of Labour by the labour market analysts (https://portal.mpsv.cz/sz/stat/nz/mes).</p> <p>3. The general rule is that shortage occupation lists are updated if the situation in the labour market requires so. In practice, it depends on recent economic growth or downturn.</p> <p>4. Shortage occupation lists are drafted by experts of the Ministry of Labour and Social Affairs who always closely cooperate with experts from:</p> <p>a) Ministry of the Interior (grants long-term visas), Ministry of Foreign Affairs (manages embassies collecting applications for long-term visas) and Ministry of Industry and Trade (implements national economic development policy) and</p> <p>b) ministries responsible for impacted sectors of economy, e.g. the Ministry of Agriculture. Drafts are also discussed with social partners (chambers of commerce, associations of employers, trade unions) at the meetings of a permanent working group.</p> <p>5. We think there is a need to reflect better the labour market needs. We plan to update the system with help of SRSS program of the EC analysing possibilities of multi-criterial points-based system of preferential migration, which should be connected to labour market predictions.</p> <p>6. No significant changes have been made since 2015. The change of legislation which came into force in July 2019 reformulated the provision of the Employment Act which stated that the labour market test takes 30 days taking into account the labour market situation. At present, the Labour Office of the Czech Republic has elaborated an instruction list for which professions the testing period will be reduced (up to 10 days) with regard to the number of registered job applicants. All changes are consulted with the social partners and ministries.</p>
	<p>EMN NCP Estonia</p>	<p>Yes</p>	<p>1. The Government of Estonia may establish a list of the fields with the shortage of labour, but currently no such list has been established due to the general labour shortage.</p>

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			<p>Longer-term labour market projections are made by the Ministry of Economic Affairs and Communications who coordinates the development and updates the corresponding Labour demand and supply forecast (currently up to the year 2027). Additionally Estonian Qualifications Authority analyses labour and skills needs that are necessary for economic development over the next 10 years (matching labour market needs with training resources). Also the Estonian Unemployment Insurance Fund together with the external experts compiles an occupational barometer, which is a qualitative method of forecasting short- term labour demand by occupation.</p> <p>For issuing a temporary residence permit for employment, the employer must request permission from the Estonian Unemployment Insurance Fund, if it is required for the respective category of workers. A foreigner who meets the requirements for qualifications and professional skills for such position can be granted a residence permit for employment if the vacant position cannot be filled by employing an Estonian citizen or a citizen of the European Union or an alien residing in Estonia on the basis of a residence permit. Also, the filling of the vacant position by employing an alien has to be justified considering the situation in the labour market and based on the data provided by the Estonian Unemployment Insurance Fund.</p> <p>2. Consultation with stakeholders, ministries and state agencies and adoption of the Government regulation.</p> <p>3. The list is established for up to two years, but is possible to update the list according to the needs.</p> <p>4. The list of occupations where labour shortage (might) exists for a certain period of time is determined in cooperation with different ministries and submitted by the Ministry of Interior to the Government for approval. Various stakeholders should take part in the procedure, e.g. professional associations, trade unions, Estonian Chamber of Commerce and Industry, Estonian Employers' Confederation etc.</p> <p>5. Currently the Estonian Unemployment Insurance Fund gives a permission to employ a foreigner (with some categories of workers exempted from this rule) and is up to date with available positions and workforce, hence the procedure is fast and long bureaucratic procedure is avoidable.</p>
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			<p>6. There have been some changes to the labour market test system since 2015 study:</p> <ul style="list-style-type: none"> • Additional categories of foreigners have been added to the list who do not need for a permission of the Estonian Unemployment Insurance Fund and who do not have to meet the requirement for the amount of remuneration to be paid to a TCN. The requirements do not apply for employment in a start-up, employment as an au pair and if a TCN has acquired vocational education in Estonia at the fourth or fifth level of vocational training or a higher education in professional higher education or Bachelor's studies, in the studies based on integrated curricula of Bachelor's and Master's studies, in Master's or Doctoral studies. • The permit from the Unemployment Insurance Fund is not related to the specific person and it is issued for filling one or several positions with a TCN at an employer registered in Estonia. Hence, there is less bureaucracy when changes in persons occur. • A TCN who has been granted a temporary residence permit for employment may be employed by several employers concurrently following the conditions determined in the residence permit for employment. • A TCN who has been issued a temporary residence permit for employment is allowed to take employment in another post at the same employer provided that other conditions determined in the residence permit do not change and the same professional and qualification requirements are required in the other post.
	<p>EMN NCP Finland</p>	<p>Yes</p>	<p>1. Finland has an Occupational barometer (https://www.ammattibarometri.fi/?kieli=en), but that is not directly connected with the work permit application procedure but is informative. All occupations are open for work permit applications. The labour market test is done case by case and it consists of screening if the vacancy could be filled with a job-seeker who is already in the labour market or not. If not, the work permit can be issued. The extensions only exceptionally include labour market testing. The labour market testing is applied only to blue collar workers, expert positions are excluded and free to be filled with a person recruited from outside the EU/EEA area.</p> <p>2. Ammattibarometri is completed on the ground of interviews of the civil servants in the Public Employment Services.</p>

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			<p>3. Twice a year.</p> <p>4. Public employment services.</p> <p>5. The Finnish system is one of the most liberal in the EU/EEA area. The problem has been relatively long processing times for issuing residence permits for employment due to the two-stage process with the labour market test.</p> <p>6. The extensions of the residence permits for employment are not subjected to labour market testing since 1.6.2019. The most part of the extensions were already outside. The rationale was to encourage the foreign workers to stay in Finland for a longer time. (A big share of those who have been issued a work permit never apply for an extension of the residence permit for employment.)</p>
	EMN NCP France	Yes	<p>3. Work on revising the Decree of 18 January 2008 was conducted on the basis of guidance from the Ministers responsible for employment and immigration. They were particularly concerned about reducing the list of occupations identified in this Decree as the result of implementation of the training mechanism for job seekers already present in the country (particularly certain occupations in the construction industry and certain service activities such as IT research and development engineers, surveyors, insurance managers, etc.) while retaining a national list without regional distinctions.</p> <p>Based on an analysis of the tension rate, the number of foreign workers entering the country on the basis of this Decree, and the existence of appropriate training, the initial list of 30 occupations was reduced to 15 occupations.</p> <p>To consolidate this approach, the following were organised:</p> <ul style="list-style-type: none"> - a survey with Prefects from the region in order to ensure that the national analysis was consistent with locally-identified needs; - meetings with the most representative occupational branches and Ministerial cabinets; - consultation with the social partners.

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			<p>However, the new list drawn up in the Decree of 11 August 2011 was cancelled by a decision of the Council of State on 26 December 2012 as the result of an irregular procedure (lack of standard consultation with organisations representing employers and employees). It was necessary to reintroduce the list which had been established in January 2008.</p> <p>In contrast, for bilateral agreements, no changes were made in relation to the list of shortage occupations annexed to the agreements. In practice, these agreements are not modified, largely because of the current economic conditions in France.</p> <p>4. see Q2</p> <p>5. All debates held since 2013 on labour migration helped define the government's direction. Some of them were reflected in several laws on the right of foreigners (in 2016, in 2018). The current regulations applicable to labour migration lead companies to promote France's attractiveness, favour either mechanisms to promote international talents or posting of foreign workers (particularly in the construction and agriculture sector) and to limit direct recruitment. New debates are expected in the autumn 2019.</p> <p>6. No change regarding labour market tests. Creation of new residence permits dedicated to international talents which are not subject to the labour market test. For more information, you can refer to the FR EMN study on labour market shortages: see attached. fr_ncp_study_on_labour_shortages_en_version.pdf</p>
	<p>EMN NCP Germany</p>	<p>Yes</p>	<p>1. Yes, the so-called 'Whitelist' ('Postivliste'). However, the Whitelist will be omitted on 1 March 2020 (see answer to Q6).</p> <p>3. The Whitelist is updated every 6 months.</p>

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			<p>4. Federal Employment Agency in cooperation with the Federal Ministry of Labour and Social Affairs (overall analysis), Institute for Employment Research (provides data for further parameters), Federal Statistical Office (provides the employment statistics), private and public employers (reporting job vacancies).</p> <p>5. This topic is politically contested.</p>
	EMN NCP Greece	Yes	<p>1. Greece has a quota system for covering the shortage occupations but it is different to the one applied in Spain.</p> <p>2. According to the national Migration Code, the needs of Greek labor market for foreign workers are defined for two years after a consultation that is taking place between the main labor market stakeholders, that is the employers, the public authorities in central or regional level (Public Employment Services/Greek Manpower Organization, Regional Authorities) and advisory committees such as the Economic and Social Committee. The goal of this process is to reach a commonly accepted catalogue, that contains the number of foreign workers and their specialties, taking into account the following criteria: The interest of the national economy, the feasibility of employment, the labor supply by nationals, European citizens or legally residing third country nationals by specialty and the unemployment rates by sector of employment.</p> <p>The result of this process is a Joint Ministerial Decision that is been issued every second year in order to determine the maximum number of vacancies for foreign workers and their specialties in regional level for the next two years. This decision, after signed by the co-competent Ministries, sent to Greek consulates abroad and published so that the citizens of countries outside the EU to express their interest for their coverage.</p> <p>Any employer who wishes to recruit a third country citizen for employment on the basis of the jobs contained in the aforementioned joint ministerial decision shall file an application with the Decentralized (Regional) Administration of his place of residence, with the number of jobs, personal information (name/surname etc) and citizenship of third-country nationals to work, the specialties and</p>

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			<p>the period of the employment. The application must be accompanied by: (a) a valid employment contract for at least one year in Greece showing that his / her remuneration is at least equal to the monthly salary of the unskilled laborer; and (b) a tax statement or a copy of a declaration of a legal person from which the employer's ability to pay the monthly remuneration as laid down in the employment contract may arise.</p> <p>Together with the application, the employer submits proof of payment of a fee of EUR 200 for every citizen of a third country who wishes to employ, which is collected in favor of the State and is not refunded.</p> <p>The Secretary-General of the Decentralized Administration shall adopt an act approving the employment of a third-country national for a specific employer only if the employment status is included in the joint decision and the number of the specialties, provided for in the same decision, is not exhausted. The relevant act of approval shall be forwarded, together with the employment contract signed by the employer, to the competent Greek consular post.</p> <p>The competent Greek consular authority invites interested third-country nationals who have been issued with an authorization to enter Greece for the purpose of providing employment. Interested parties must be present in person at the above service in order to sign the relevant contract of employment and to be granted the national visa, subject in particular to the general and specific visa provisions.</p> <p>Our country faces sectoral labour shortages, most evident in seasonal work in agriculture that is depicted in the requests by the employers for workers from countries outside European Union. The above mentioned catalogue concerns two categories of status of employment :a) seasonal work (for six months) b) work for at least one year. This catalogue also contains a specific field for fishermen as well as for high skilled employee.</p> <p>The catalogue is organized by employment status, specialties and number of vacancies for each region. As we mentioned above the main shortages concerns seasonal work in the agriculture sector.</p> <p>3. According to the Migration Code, a Joint Ministerial Decision will be issued every second year in order to determine the maximum number of vacancies for foreign workers and their specialties in regional level for the next two years. Although this Joint Ministerial Decision can be amended, during the two years, due to requests by employments for extra number of foreign workers</p>
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			<p>5. There is no proper diagnosis for labour market needs. For this reason we have frequent amendments to the Joint Ministerial Decision concerning the number and the specialties of third country nationals.</p> <p>6. No, there have been no changes.</p>
	EMN NCP Hungary	Yes	<p>1. Yes. Hungary has a list of shortage occupations.</p> <p>2. The list is filled up with occupations in case of which based on the job offers submitted, country wide, county wide or county-district wide, the county-district offices aa) could not have recruited adequate number of labour force for at least one month, ab) cannot recruited adequate number of labour force as huge number of labour force recruitment is needed in a short period of time, job offers can be satisfied effectively by third country nationals from the neighbour countries.</p> <p>3. The list is updated annually by the Minister of Finance responsible for employment policy.</p> <p>4. This list is based on the job offers sent by employers to the District Offices of the County (Capital) Government Office as Public Employment Services. The Minister of Finance collects the data and draws up the list by the end of March each year.</p> <p>5. The list properly reflects to the labour force shortages in Hungary. It is objectively presents the current situation of the labour market since it is based on the job offers sent by the employers.</p> <p>6. No significant change has been made in Hungary concerning the labour market test procedure since 2015.</p>

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	<p>EMN NCP Italy</p>	<p>Yes</p>	<p>1. Even though the main labor market trends at the national level are constantly monitored by several institutions such as the Ministry of Labour and Social Policies, the National Institute of Statistics (ISTAT) and the National Agencies for Active Labour Market Policies (ANPAL), currently there is no official list concerning the difficult occupations vacancies similar to the Spanish Catalogue.</p> <p>However, according to the article 3 of the Legislative Decree n. 286/1998 (Consolidated Act on Immigration), the President of the Council of Ministers, after having consulted the relevant institutional actors (i.e Competent Ministers, the National Council of Labour and Economics, the Local Authorities, and the representatives of the main national associations involved in the assistance and integration of migrants) predisposes the three-yearly programme document (Documento programmatico triennale) concerning the main migration policy objectives and interventions. This document is approved by the Government and then transmitted to the Parliament, which may express his favor within 30 days. Then, the document is issued, considering the observations received, by decree of the President of the Republic and is published in the Official Gazette of the Italian Republic.</p> <p>This document is particularly relevant to migration policy and all the issues related to the employment of migrants, as it indicates the main actions and interventions that the Italian State intends to implement with reference to the effective integration of migrants and the relevant socio-economic measures that needs be applied to third country citizens resident in Italy. Moreover, the document also provides guidelines on the general criteria to define the flows of foreign citizens who can entry into the territory of the Italian State. Based on these criteria, the maximum quotas of third countries citizens to be admitted into the territory of the State for subordinate work, seasonal reasons, and self-employment are defined on a yearly basis and then published in the "Flows Decree". To determine the number of entries, every Regions of Italy (no later than November 30th) are able to send to the Council Presidency a report about the presence of TCNs in their regional territory and the consequent forecast of flows sustainability for the following 3 years. With reference to the year 2019, the following quotas were emanated:</p> <ul style="list-style-type: none"> - 12.850 entries for paid and self-employment; - 18.000 for seasonal work in agricultural sector and hotel industry. <p>Moreover, in Italy Public Employment Services (Centri per l'impiego) to favor the intersection between labour demand and supply. More specifically, Public Employment Services are territorial</p>
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			<p>administrations coordinated by each Region whose main aim is to facilitate the access or the reintegration into the labour market of: (i) unemployed people (ii) workers benefiting from income support instruments which are in constant employment relationship and at risk of unemployment (iii) asylum seekers or international protection holders who can declare their immediate availability to work by registering themselves into the relevant Public Employment Service.</p> <p>In addition, every year the Ministry of Labour and Social Policies publishes a report focused on the employment conditions of migrants with reference to the main sectors of employment, the different types of contracts and the welfare policies migrants can benefit from.</p> <p>2. Please see Question 1</p> <p>3. Please see Question 1</p> <p>4. Please see Question 1</p> <p>5. Please See Question 1</p> <p>6. No changes have been occurred in the national labour market tests systems since the 2015 study.</p>
<p>==</p>	<p>EMN NCP Latvia</p>	<p>Yes</p>	<p>1. Yes. The list of specialties (professions) in which a significant shortage of labour force is predicted is determined by the regulation of the Cabinet of Ministers of Latvia.</p> <p>2. The list was made using the Ministry of Economics information on shortage of labour; identifying professions where employers were already facing a shortage of labour (employer survey); forecasting which professions are expected to face significant labour shortage in the nearest future.</p> <p>3. The regulation came into force on March 7, 2018 and for now there are no updates made.</p>

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			<p>4. Ministry of Economics, Ministry of Welfare, State Employment Agency, Employers Confederation.</p> <p>5. The list contains only highly qualified professions. There have been several complaints from employers on the necessity to include less qualified professions, for example, truck drivers. Available benefits for the professions included in the list are – labour market test procedure is shortened (10 working days instead of 30) and third-country nationals are allowed to apply for a temporary residence permit in the territory of Latvia (other professions shall apply at embassies abroad).</p> <p>6. The above-mentioned list of professions has been introduced as well as several less significant amendments to the legislative acts in order to simplify the admission provisions for employed third-country nationals. The labour market test system has not been changed.</p>
	<p>EMN NCP Lithuania</p>	<p>Yes</p>	<p>1. Lithuania has two lists of the most in-demand professions. One list contains professions in demand in the Republic of Lithuania according to types of economic activity. This list is approved by the Director of the Employment Service Under the Ministry of Social Security and Labour once every half-year. Another list contains professions requiring a high professional qualification and that are in demand in the Republic of Lithuania. This list of occupations is used to grant a temporary residence permit to an alien who intends to work a high-skilled professional job when the employer intends to employ him/her for no less than one year. Also, the employer have to pay the foreigner no less than 1.5 of the average monthly wage payment.</p> <p>2. The list of professions in demand in the Republic of Lithuania according to types of economic activity is adopted by the Director of the Employment Service for each semester on the basis of the labour market monitoring done by the Employment Service, the assessment of the situation on the labour market and the anticipation of changes in the future. The list of professions requiring high professional qualification is based on the national monitoring carried out in accordance with the procedure laid down by the Government and on the data provided by professional associations. Social partners are also included preparing this list. Employment Service</p>

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			<p>officials regularly meet with employers' associations where they express their position on the shortage of certain professions within the sectors represented. During the meetings they discuss the key requirements for understaffed occupations, and analyse opportunities for developing the necessary skills from among unemployed workers through vocational training. The meetings are also attended by trade union representatives, who also express opinions on the list of understaffed occupations.</p> <p>Both lists have to be approved by the Minister of Social Security and Labour.</p> <p>3. Every 6 months.</p> <p>4. See answer to Q2.</p> <p>5. The fact that these lists are being updated regularly (every six months) ensures that the professions in demand are up to date in nowadays fast changing labour market.</p> <p>6. No. However, this year there was a proposal by the Ministry of the Interior to make amendments to the Law on the Legal Status of Aliens, according to which quotas would be set for the foreign workers from third countries based on the list of professions in demand. Workers would be exempt from the labour market test until the quota is reached. This proposal received both support and criticism from the public and experts.</p>
	<p>EMN NCP Luxembourg</p>	<p>Yes</p>	<p>1. No. Luxembourg does not have a list of shortage occupations similar to the Spanish Catalogue of Difficult Occupation Vacancies.</p> <p>2. N/A.</p> <p>3. N/A.</p> <p>4. N/A.</p>

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			<p>5. N/A.</p> <p>6. No.</p>
	EMN NCP Malta	Yes	<p>2. The Vacancy Exemption List is developed following an analysis of applications for permits received, the vacancies received at the PES (Jobsplus), the data obtained internally regarding shortages and liaison with Identity Malta Agency (The Agency that carry out functions and duties of the public administration in the matters regarding citizenship, visas, residence permits, work permits and other administrative matters related to expatriates).</p> <p>3. The official list was last updated in 2017 and it changes from time to time according to the exigencies of the labour market.</p> <p>4. The stakeholder who supports Jobsplus in such activity is Identity Malta Agency.</p> <p>5. The fact that Malta is a small country allows for better coordination between stakeholders to determine and address any shortage occupations. A system of forecasting potential shortage occupations would be useful. Through such mechanism, countries would be able to create volumes of admission for TCNs depending on the projected need of the labour market.</p> <p>6. To date the labour market tests system works in the following way. Jobsplus is the entity responsible for carrying out Labour Market Tests in respect of Third Country Nationals who require an authorisation to be able to take up employment in Malta. Such tests do not apply to TCNs that have an automatic right to work in Malta. There are many aspects to labour market consideration, with the three main areas of testing relating to the situation of the Maltese Labour Market in terms of shortages or surpluses in a specific occupation; the reputability of the employer in terms of recruitment and redundancy patterns, investments and contractual commitments; as well the suitability of the TCN in terms of relevant experience and qualifications for the post offered. While in general</p>

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			<p>there are no restrictions on the number of foreign workers an employer may sponsor, certain areas are subject to quotas such as in the case of chefs, where an employer may employ a restricted number of foreign chefs according to the number of covers of the catering establishment. It should be noted that apprentices and trainees are also exempt from aspects of the labour market test (vacancy requirements and suitability) if evidence of such apprenticeship is provided and endorsed by the prospective employer and the training institution.</p> <p>For each application the authorities conduct a labour market test in order to determine whether the post can be filled in by a Maltese / EEA / Swiss nationals and/or Third Country Nationals who have an inherent right to work in Malta. There are certain posts (such as cleaners or waiters) where, due to a lack of local workforce, the labour market test is not conducted in its entirety and the employer can take responsibility for the competence of the TCN to perform low skilled jobs. To fulfil the vacancy requirement as part of the Labour Market test, the employer is required to advertise the job, at least twice, within the appropriate media or with Jobsplus. Exemptions apply for this requirement for shortage occupations. TCN applicants need to provide copies of qualification certificates accredited by the local authorities or reference letters attesting to at least three years of work experience. Both qualifications and references need to be related to the post offered. Exemptions to this requirement apply to low skilled workers, where the assessment of the TCNs' suitability is fulfilled by a declaration of suitability that is submitted by the prospective employer. Documents related to the Labour Market Test must be kept for each recruitment method used and presented to the Jobsplus when asked to do so.</p> <p>As regards the changes in the national labour market tests systems since 2015, Jobsplus notes that the labour market tests requirements have been amended throughout the past months and are in the process of further being amended.</p> <p>The amendments introduced from 2015 onwards concern the creation of the vacancy exemption list, the vacancy requirement (2 adverts), the creation of declaration of suitability for low skilled jobs, the vacancy requirement lowered to 1 advert for Single Permit applications and an update of the declaration of suitability.</p>
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	<p>EMN NCP Netherlands</p>	<p>Yes</p>	<p>3. The Institute for Employee Insurance publishes yearly reports.</p> <p>5. The method described above enables to point out in detail for which occupations there are shortages on the labour market – other methods only allow statements on broader job segments. It is largely based on estimations of the amount of total job vacancies. The UWV is not able to deliver hard numbers on the amount of vacancies for professions that are hard to fill.</p> <p>6. Nothing to report</p>
	<p>EMN NCP Poland</p>	<p>Yes</p>	<p>1. In response to the needs reported by employers, on July 1, 2018, the Regulation of the Minister of Family, Labour and Social Policy (MFLSP), which simplifies the procedure for issuing work permits in cases of taking up work in specific professions, entered into force. The Regulation introduces the specific list. The list includes 289 professions (283 included in 32 elementary groups and 6 individual professions). In these cases, a voivode responsible in the area issues a work permit or a temporary residence and work permit without the so-called labour market test, which shortens the entire procedure by at least 2-3 weeks.</p> <p>In Poland, the entities that monitor the catalogue of shortage occupations on the labour market are local labour offices, which run an annual Occupation Barometer indicating, in which industries the largest shortages of employees is observed. If compared to the described in the EMN's inquiry Spanish Catálogo de Ocupaciones de Dificil Cobertura, the result of the Barometer does not adhere the access to the indicated vacancies in favour of any certain group, i.e. - foreigners not residing in the country. However, the Barometer is an indication where the labour market most likely needs to fill its gaps through potential economic migrants coming to Poland.</p> <p>It has to be mentioned that on the regional level there are also the so called 'regional criteria' according to which the regional governor may exempt the employer from the labour market test requirement in case of professions that are identified deficit for the particular region.</p> <p>2. The above mentioned list of 289 professions, the purpose of which is to facilitate access to the Polish labour market in its shortage area, is based mostly on the information from social partners</p>

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			<p>(employer' associations) as well as analyses of the situation on the labour market and varied statistics, including the previously mentioned Occupations Barometer.</p> <p>3. The above list of occupations was created in 2018. The ministerial regulation does not envisage a precise cyclical update formula within its provisions, nevertheless MFLSP is aware that there will be need to update it.</p> <p>4. The Regulation is the result of the work of the Labour Market Department of the MFLSP and its units (including the labour migration policy unit), inter-ministerial cooperation to obtain opinions according to the competences of the relevant ministries, as well as consultations with social partners.</p> <p>5. Currently, advanced works, coordinated by the MIA, on the Polish Migration Policy document are being continued. It will determine the directions of the issue of access of foreigners from third countries to the Polish labour market, as the issue of legalization of stay of foreigners in Poland.</p> <p>6. Since 2015, there have been no major changes in the labour market tests systems, apart from the above mentioned Regulation of the Minister of Family, Labour and Social Policy of July 1, 2018</p>
	<p>EMN NCP Slovakia</p>	<p>Yes</p>	<p>1. Central Office of Labor, Social Affairs and Family is responsible for the list of jobs with labor shortages. Among its competences are: to identify jobs with labor shortages in districts where the average rate of registered unemployment quarterly was less than 5%. Identified jobs with labor shortages are published at its website by the end of the month immediately following the relevant quarter.</p> <p>2. The abovementioned list is created by comparing the reported vacancies with the database of registered job seekers and the professions they performed, or that they want to perform subsequently. If the reported vacancies have not been filled for three months or more and the number of reported vacancies is lower than the number of registered job seekers wishing to perform the job, such profession gets on the list of jobs with a lack of work forces. If the profession is on the</p>

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			<p>list, in a district below 5%, for these professions, the labor office gives a favorable opinion at the request of the police force on granting temporary residence for the purpose of employment without taking into account the situation on the labor market. This happens provided that the employer employs less than 30% of third-country nationals at the date of the application for residence of a potential employee. If the employer employs more than 30% of third-country nationals, the Office always conducts a labor market survey.</p> <p>3. The list of jobs with labor shortages is updated quarterly.</p> <p>4. When creating a list of jobs with a labor shortage, Central Office of Labor, Social Affairs and Family closely cooperates with representatives of employers who are represented by several employers' unions.</p> <p>5. Legislation and list creation does not contain sufficient practice for change/response to this question.</p> <p>6. Labor market surveys have been carried out at the level of the Slovak Republic. Since the identification of lists of jobs with labor shortages these are conducted at the level of self-governing regions.</p>
	<p>EMN NCP Spain</p>	<p>Yes</p>	<p>1. Yes, the Catalogue of Difficult Occupation Vacancies.</p> <p>2. This Catalogue is fed by the information managed by the Regional Employment Services. These data include job offers sent by employers to the public Employment Offices, and considers the Public Administration statistics as well, especially those regarding the job-seekers list included in the Employment Services system.</p> <p>3. Every 3 months.</p>

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			<p>4. Private sector, public authorities.</p> <p>5. It is not working very well at the moment. That's why we want to change it.</p> <p>6. No, there has been no major changes, but we are precisely thinking of changing the whole system.</p>
	EMN NCP Sweden	Yes	<p>1. No</p> <p>2. Not applicable</p> <p>3. Not applicable</p> <p>4. Not applicable</p> <p>5. Not applicable</p> <p>6. Sweden has no labour market tests and no changes in this regards since 2015</p>
	EMN NCP United Kingdom	Yes	<p>1. The Tier 2 (General) immigration route has a shortage occupation list (SOL), it is Appendix K of the Immigration Rules published here: https://www.gov.uk/guidance/immigration-rules/immigration-rules-appendix...</p> <p>2. The Home Office commission the independent Migration Advisory Committee (MAC) to consider the make up of the SOL. The MAC is comprised of expert economists. It provided recommendations following a public consultation where all sectors of the economy are invited to provide evidence of</p>

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			<p>any shortages. Further information of the work of the MAC can be found here: https://www.gov.uk/government/organisations/migration-advisory-committee.</p> <p>3. There is no mandated time scale for updates. The SOL was most recently reviewed by the MAC in May and it's recommendations will be incorporated into the Immigration Rules on 6 October.</p> <p>4. Any business, member of the public or organisation can provide evidence to the MAC following their published call for evidence.</p> <p>5. As part of the development of the future immigration system, we are considering the role of the Migration Advisory Committee and how jobs in national shortage should be treated</p> <p>6. In case of an affirmative response, please explain the rationale, the procedure and the aim of that change of the system .</p> <p>The procedure for updating the SOL has not changed since the creation of the Tier 2 route in 2008.</p>
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