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AVIS DU COMITE DES EVALUATIONS D'IMPACT

**Proposal for a
COUNCIL DIRECTIVE**

**on the conditions for entry and residence of third-country nationals for the purposes of
highly qualified employment**

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[SEC(2007) 1382]



Brussels, 13 July 2007
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Opinion

Title **Impact Assessment on: draft measures in relation to highly skilled workers**

(draft version of 21 June 2007)

Lead DG **DG JLS**

1) Impact Assessment Board Opinion

(A) Context

The Tampere European Council called for the development of a common EU policy on asylum and immigration. In 2001 the Commission adopted a proposal for a directive dealing with the conditions of entry and residence of third-country economic migrants. This proposal did however not make progress in the Council, and was officially withdrawn in 2006. The The Hague programme asked the Commission to present a policy plan on legal migration, including admission procedures for migrant labour capable of dealing with fluctuating demands. The current proposal follows up on this.

(B) Positive aspects

The views expressed by stakeholders and experts in the various consultations have been integrated into the tables assessing the options, which greatly facilitates taking these into account and showing whether and how they were dealt with.

(C) Main recommendations for improvements

The recommendations below are listed in order of descending importance. Some more technical comments have been transmitted directly to the author DG.

General recommendation: The presentation and assessment of options needs to be made more transparent, and the issues of an increase in the inflow of highly skilled workers and the administrative burdens related to their intra-EU mobility need to be more explicitly assessed.

(1) The expected increase in highly skilled workers should be more elaborately addressed. The IA report should make it clear whether an increase in highly skilled

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workers is an explicit objective of this initiative, or whether it is primarily about solving their mobility problems within the EU, and if both objectives are pursued how they relate to one another. If an increase is an explicit objective then the IA report should be more explicit about how sustainable this is, that is: to what extent would this solve the shortage of skilled workers in the EU, and how would it relate to other policies such as better educating the EU labour force. Furthermore the IA report should expand the analysis of what an increased inflow would mean in terms of brain drain for third countries, and what the mitigating measures mentioned in the IA report might be.

(2) The composition and assessment of the options should be made more transparent. The presented options are packages of measures, and the IA report should make it clearer how these are logically connected. At the Board meeting JLS agreed to do this and to present the assessment and scoring of options in such a way that the relative contribution of at least the main components (and especially the points-based admission system) becomes clearer. This would provide a better understanding of the net impacts of the preferred option, which is a mix of elements from other analysed options.

(3) The impact on administrative burdens for citizens and companies needs more attention, Since the provided calculation of administrative and implementation costs is actually an assessment of administration costs, the IA report should also clarify to what extent highly skilled workers and their (potential) employers will benefit from the savings made in this area, especially as this seems to be directly related to the problem that is driving this initiative.

(D) Procedure and presentation

An executive summary and an outline of the monitoring and evaluation arrangements need to be added.

2) IAB scrutiny process

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External expertise used	No
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