

Conditions of entry and residence of third-country nationals for the purposes of highly qualified employment

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The Commission presents a report on the implementation of Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment (European Blue Card).

The report recalls the main objectives of the Directive which aim to facilitate the admission and mobility of highly qualified migrants and their family members by harmonising entry and residence conditions throughout the EU and by providing for a legal status and a set of rights.

In the increasing global competition for talent, the EU Blue Card intends to make the EU more attractive to highly qualified workers from around the world and strengthen its knowledge economy. The Directive also aims to **minimise brain drain in developing and middle-income countries** and to encourage circular and temporary migration.

State of transposition: Member States had until 19 June 2011 to transpose the Directive into their national legislation. The Commission launched infringement proceedings against 20 Member States for not having transposed the Directive in time, which have since all been closed.

All Member States bound by the Directive are now in a position to grant EU Blue Cards. In parallel, many Member States have national policies in place for attracting highly qualified migrants.

While some Member States have imposed volumes of admission restricting the number of highly qualified migrants, other Member States have adopted or retained more favourable provisions in respect of specific provisions of the Directive.

This Communication responds to the Commission's obligation to report to the European Parliament and the Council on the application of the Blue Card Directive. First, it assesses the main aspects related to the attractiveness of the EU Blue Card, followed by a brief overview of how measures were enacted in the national legislations. Insofar as possible, particular attention is paid to the impact of national schemes for highly qualified migrants, the criteria for admission, notably the salary threshold, and the conditions for residence in other Member State.

Main conclusions: there are wide variations between Member States in the number of Blue Cards granted (refer to the table published in the Annex of the report which shows that the majority of Blue Cards granted were in **Germany** in 2012 and 2013). While the size of the Member State and its economic situation may have an impact on its attractiveness, it does not fully explain the wide variations. An answer can also be found in **policy choices** by Member States who apply and promote the Blue Card in considerably different ways.

The Directive only set minimum standards and left much leeway to MS through many “may-clauses” and references to national legislation. The national schemes for attracting highly qualified migrants in many Member States compete with the EU Blue Card and with each other. However, some MS have made a policy choice in favour of the EU Blue Card which reflects in the number of Blue Cards granted. Other Member States’ policies favour their national schemes.

While the number of Blue Cards increased in most Member States between 2012 and 2013, it is too early to draw conclusions about the impact of the EU Blue Card on attracting highly qualified migrants to the EU. The Commission is concerned about flaws in the transposition, the low level of coherence, the limited set of rights and barriers to intra-EU mobility.

This report reveals a general lack of communication by MS of data and measures taken in application of the Directive, e.g. on volumes of admission, labour market tests, ethical recruitment, salary threshold. The availability of reliable, detailed and up-to-date information is essential for the functioning of the EU Blue Card system, e.g. for intra-EU mobility, and to evaluate its attractiveness.

Next steps: a number of deficiencies in the transposition of the Directive have been revealed. The Commission stated that it will increase its efforts to ensure that the Directive is correctly transposed and implemented across the EU. In order to achieve this, the Commission will organise meetings with Member States and, where necessary, make use of its powers under the Treaty.

Lastly, it stated that it will make the best use of existing websites, e.g. the EU Immigration Portal, and encourages Member States to improve their provision of information and to raise awareness via other relevant channels.

On the basis of the available information and in view of the short time of application **no amendments are currently proposed.**