



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 7 May 2009**

**9057/09**

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**Interinstitutional Files:  
2007/0228 (CNS)**

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**MIGR 50  
SOC 276**

**"I/A" ITEM NOTE**

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from : General Secretariat of the Council  
to : Permanent Representatives Committee/Council

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Subject : Adoption of a proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment

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1. By letter dated 23 October 2007, the Commission presented a proposal for a Council Directive on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment<sup>1</sup>. Its purpose is to establish more attractive entry and residence conditions for third-country nationals to take up highly qualified employment in the Member States of the Union.

To this effect, the Directive established a fast-track procedure based on common criteria. The third-country national admitted under this Directive will receive a special residence and work permit, called the "EU Blue Card", entitling him/her to a series of socio-economic rights and favourable conditions for family reunification. Facilitated access to the labour market is also provided for. Moreover, holders of an Blue Card may, under certain conditions, move from one to another Member State with their family members.

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<sup>1</sup> 14490/07MIGR 104 SOC 413

2. The proposal was considered in various meetings by the Working Party on Migration and Expulsion and by the Strategic Committee on Immigration, Frontiers and Asylum.
3. At its meeting on 25 September 2008, the Council considered the proposal and instructed the Permanent Representatives Committee to pursue the consideration of its text, with a view to reaching agreement on a couple of outstanding points. At its meeting on 22 October 2008, the Permanent Representatives Committee reached agreement on the text as set out in 16952/08 MIGR 127 SOC 773 + COR 1 (en).
4. The opinion of the European Parliament, issued on 20 November 2008, was considered by the JHA Counsellors at their meeting on 5 December 2008.
5. In accordance with Articles 1 and 2 of the Protocol on the position of the United Kingdom and Ireland, annexed to the Treaty on European Union and to the Treaty establishing the European Community and without prejudice to Article 4 of the said Protocol, these Member States are not taking part in the adoption of this Directive and are not bound by or subject to its application.
6. Delegations took note that Denmark, in accordance with Articles 1 and 2 of the Protocol annexed to the Treaty on the European Union and the Treaty establishing the European Community, will not participate in the adoption of this Directive and will not be bound by or subject to its application. Delegations agreed to insert into the text of the Council Directive a recital concerning the special position of Denmark under its Protocol annexed to the Treaty of Amsterdam.

7. The Permanent Representatives Committee could confirm the agreement reached and suggest that the Council

- adopt, under part "A" of the agenda of a forthcoming session, this Directive as set out in 17426/08 MIGR 130 SOC 800 + REV 1 (+ COR 1) (el) + COR 1 (de) (text finalised by the Legal Linguistic experts);
- decide that the above Decision will be published in the Official Journal, "L" series, in accordance with Article 17(2)(d) of the Council's Rules of Procedures;
- decide to enter in its minutes the statements set out in the Annex.

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**Statements to the Council minutes****STATEMENT BY THE COUNCIL**

*The Council recalls that policies for labour migration, including this Directive, should be implemented in full respect of the *acquis communautaire* and the Community preference, as expressed in particular in the relevant provisions of the Acts of Accession of 16 April 2003 and 25 April 2005 that the Member States are bound to respect. Member States should implement this Directive bearing in mind potential human resources within the European Union and using the most appropriate resources, including by fostering the mobility within the Union of highly qualified workers who are EU citizens.*

**STATEMENT BY AUSTRIA CONCERNING ARTICLE 15(1)(f)**

*Under the principles applied by Austria in the field of international social security, pensions are compulsorily exported to other States only if it is guaranteed that pensions are also exported from those States to Austria. That cannot be guaranteed under the present rules. Having regard to the specific nature of this category of persons, Austria is prepared to accept the arrangement in Article 15(1)(f) if it is made clear that no prejudice may thereby arise in respect of other categories of persons.*