



UNION EUROPEENNE DE L'ARTISANAT ET DES PETITES ET MOYENNES ENTREPRISES
EUROPÄISCHE UNION DES HANDWERKS UND DER KLEIN- UND MITTELBETRIEBE
EUROPEAN ASSOCIATION OF CRAFT, SMALL AND MEDIUM-SIZED ENTERPRISES
UNIONE EUROPEA DELL' ARTIGIANATO E DELLE PICCOLE E MEDIE IMPRESE

**UEAPME position paper on
the proposal for a directive on a single application procedure for a single permit
for third-country nationals to reside and work in the territory of a Member State
and on a common set of rights for third country workers legally residing in a
Member State**

Introduction

The European Commission published on 24 October 2007 its proposal for a directive *on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third country workers legally residing in a Member State*. At the same time the Commission published its proposal for a directive *on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment*. UEAPME will address the latter in a separate position paper.

General comments

UEAPME restates its support for this new Commission proposal. Together with the proposal for a blue card and the earlier published proposal on sanctioning employers employing illegal immigrants, the Commission has taken some important steps in addressing both the fostering of legal immigration and the combating of illegal immigration, which are two different sides of the same coin. This overall strategy of the European Commission shows a real improvement compared to previous initiatives (such as the Green Paper on an EU approach to managing Economic Migration) as it outlines a general vision of the management of economic immigration including addressing the entry, combating illegal immigration and defining rights and ways of integration, which has already been requested by UEAPME for a long time.¹

For UEAPME a step-by-step harmonisation of criteria and procedures at European level is the correct strategy in such a sensitive policy area, while respecting the sovereignty of Member States to decide on the number of immigrants admitted from third countries.

For European craft, small and medium sized enterprises it is crucial to ensure that Europe can benefit more from legal migration in the coming years. Already today there are serious bottlenecks and skill shortages in certain sectors and professions. Moreover, small and micro companies in particular are facing additional challenges of recruiting well-qualified and highly-skilled workers.

However, UEAPME insists that this cannot be taken as a pretext for reducing the necessary efforts to tackle the high unemployment rates which still exist in most parts of the European Union. Member States must continue at the same time and with the

¹ http://www.ueapme.com/docs/pos_papers/2005/EconomicMigration.doc

same energy to improve the integration of the unemployed in the labour market, which are an untapped source of talent.

Single application procedure

UEAPME welcomes the proposal for a single application procedure as this will help to make the immigration process more transparent and less burdensome. In addition, this should help to combat the use of forged residence and work permits. In particular the creation of a “one stop shop” and the general prohibition of additional permits will make it easier for companies to avail of individuals by avoiding a lot of red tape.

Seasonal worker

UEAPME urges a clarification as regards the definition of seasonal workers: according to the proposed definition a seasonal worker is admitted for a maximum of 6 months within the last 12 months. This definition does not correspond with the definition of Regulation 1408/71 according to which a ‘seasonal worker’ means any employed person who goes to the territory of a Member State other than the one in which he is resident to do work there of a seasonal nature for an undertaking or an employer of that State for a period which may on no account exceed eight months...”. Therefore, UEAPME suggests to refer the exact definition back to the Member states

Right to equal treatment

UEAPME fully backs the European Commission’s aims to guarantee basic socio-economic rights on an equal footing with Member States’ own nationals. European craft, small and medium sized enterprises consider that employees cannot and should not be discriminated on the ground of nationality when it comes to issues such as working conditions, salary and social security.

As regards exemptions from the principle of equal treatment in access to public goods and services (Art. 12 (2) lit.c.), the relation between this proposal and directive 2000/43 (equal treatment race and ethnical origin) needs to be clarified.

Finally the European Commission is rather unclear if this directive equally applies to self-employed workers. UEAPME would like to see the inclusion of the self-employed into the scope of the directive giving them also equal rights.

Conclusions

- UEAPME welcomes the European Commission’s efforts to address and foster legal immigration while at the same time combating illegal immigration.
- This overall strategy of the European Commission constitutes an improvement compared to previous initiatives as it outlines a general vision of the management of economic immigration, including addressing the entry, combating illegal immigration and defining rights and ways of integration.
- Cutting red tape is beneficial for society, the individual immigrant, as well as for the company wanting to employ this person.
- European craft, small and medium sized enterprises consider that employees, as well as the self-employed cannot and should not be discriminated on the grounds of nationality when it comes to socio-economic rights.

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