



NATIONAL ASSEMBLY OF THE REPUBLIC OF BULGARIA
REASONED OPINION

OF THE NATIONAL ASSEMBLY OF THE REPUBLIC OF BULGARIA
ON THE PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF
THE COUNCIL ON THE CONDITIONS OF ENTRY AND RESIDENCE OF THIRD-
COUNTRY NATIONALS FOR THE PURPOSES OF HIGHLY SKILLED EMPLOYMENT

On an extraordinary session held on **15 September 2016**, the Committee on European Affairs and Oversight of the European Funds (CEAOEF) within the National Assembly of the Republic of Bulgaria discussed the above-mentioned Proposal for a Directive.

Following the discussion on the Proposal for a Directive of the European Parliament and of the Council on the conditions of entry and residence of third-country nationals for the purposes of highly skilled employment (COM(2016) 378), and taking into account the opinions of the Labour, Social and Demographic Policy Committee, the Internal Security and Public Order Committee and the Economic Policy and Tourism Committee, CEAOEF expresses the following **REASONED OPINION**, which is to be sent to the European institutions:

1. CEAOEF expresses in-principle support for the European Commission's efforts to improve and further develop the EU policy on migration management, with a special focus on highly skilled employment. At the same time, the lack of clarity on the effect of the proposed measures on the Bulgarian labour market is a cause for concern. More so, in view of the fact that Bulgaria's standard of living and workers' salaries are one of the lowest within the EU.
2. CEAOEF considers that **the Proposal does not comply with the principle of subsidiarity, as set out in Art. 5, Paragraph 3 of the Treaty on the European Union (TEU)**. There are not sufficient qualitative and quantitative indicators on the basis of which to determine whether the objectives set can be better achieved at EU level. In particular, the absolute prohibition of parallel national schemes (**Art. 3, Paragraph 4 of the Proposal for a Directive**) would limit the possibilities for legal migration of highly-qualified citizens of third countries and the ability of Member States to pursue their own flexible policy on labour migration.
3. CEAOEF is of the opinion that **the principle of subsidiarity has not been observed**, in respect of the provisions of **Art. 2, "g" and "i" of the Proposal for a Directive**, which envisage equalization of higher education qualifications and higher professional skills as criteria for admittance and access to the labour market. There is no information in the Draft Act about how such experience is to be proved, on what grounds and based on what criteria the decisions on equalization are to be taken. Such practice is not provided in Bulgaria's national legislation and could lead to unequal treatment of third countries' nationals as compared to citizens of the EU, EEA and the Swiss Confederation.
4. CEAOEF considers that **the Proposal for a Directive is in breach with the principle of proportionality, as set out in Art. 5, Paragraph 4 of TEU**. The indicated measures exceed what is necessary to achieve the objective and therefore would increase the administrative burden and cause changes in the Bulgarian legislation.
5. Last but not least, CEAOEF is concerned that the provisions of **Art. 5, Paragraph 2 and Paragraph 4 of the Proposal for a Directive** (on reducing the minimum threshold of the gross annual salary) do not guarantee the required level of protection of the local labour market and would infringe the **"equal pay for equal work"** principle, as set out in **Art. 157 of the TFEU**.