



In the framework of a joint project on labour migration governance in Europe called LAB-MIG-GOV\*, the EPC, in cooperation with FIERI, is committed to setting up a task force with EPC members and relevant stakeholders in order to exchange views on the way the EU should design - or not - a labour migration policy.

## DRAFT BACKGROUND NOTE WORKSHOP 2

### “FRAMING THE SYSTEMS”

#### *Summary of workshop 1*

The first workshop organised in the framework of the Task Force Labour Migration Governance was devoted to the question of whether or not the EU needs migrant workers? Despite the impact of the crisis which has had strong impact on works coming from outside the EU, the first workshop highlighted that Member States' labour markets are still facing labour shortages in different types of sectors.

Discussions highlighted that labour shortages in the Member States are more particularly identified in middle skilled positions such as trades, technicians and at higher level engineers. While this situation outlines that the current trend aimed at hiring highly skilled workers does not correspond to reality, it also underlined a paradoxical situation. Indeed, third country nationals are massively employed in low skilled jobs despite their educational background which is more equivalent to middle skilled or highly skilled jobs. As a result, migrant workers are employed in positions for which they are overqualified.

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\* The full title of the project, which has been launched at the beginning of 2011, is “Which labour migration governance for a more dynamic and inclusive Europe?” LAB-MIG-GOV is coordinated by the Turin-based research institute FIERI ([www.fieri.it](http://www.fieri.it)) and it benefits from the support of the “Europe and Global Challenges” Programme promoted by Compagnia di San Paolo, Riksbankens Jubileumsfond and VolkswagenStiftung.

As a general result, labour and skills shortages should be addressed with the recruitment of migrant workers. However, the workshop has also highlighted that labour migration does not constitute the only solution to address these shortages. It has been pointed out that this issue should be based on the single market. This implies taking into account three main elements.

Firstly, the establishment of a single labour market is a strong incentive for developing an EU labour migration policy. Secondly, labour migration is not the only way to address shortages. It has to be combined with the development of enhanced intra-EU mobility for already legally residing migrants' workers. Thirdly, labour migration should be combined with other forms of migration, family or humanitarian, where third country nationals are granted access to labour market.

However, Workshop #1 showed that the path towards the development of an EU labour migration policy is likely to be taken. This then implies a need to determine what kind of model should be established at EU level.

### ***Objective***

The objective of the second workshop is to define on the basis of existing national experiences and EU needs which system should be developed in order to manage labour migration at EU level. Two questions will then be addressed. The first one will concern the system of migration that would best correspond to establishing EU Labour Migration Governance. The second question will try to define whether the EU should continue a piecemeal approach, as is currently the case, or adopt a general approach relating to labour migration covering all types of workers?

### ***Morning session #1: which model?***

Essentially, there are different types of labour migration systems:

- State-driven systems. This model gives Member States a prominent role in deciding the type and number of migrant' workers to be hired. This type of system is generally based on an evaluation of the market and its needs and may take the form of a points based system and be based on defined quotas;
- employer-driven systems: In this case, and as long as employers guarantee availability/duration of jobs, they are free to recruit migrants. Here, employers play a central role in the process

It should moreover be underlined that the choice of one system over the other could have an impact on the Ministry/Directorate general responsible for managing labour migration. For instance, and knowing that there are more complex schemes (Australia, Canada, US), the model where the State is taking the most important place could be based on a "State management system" where Ministries of Interior would be central. On the other hand, a system based on market needs and which would be employer-driven would involve Ministries of Labour.

During the morning session, the added value and shortcomings of the two systems and their consequences regarding the competent Ministry will be discussed with a forthcoming EU labour migration policy in mind.

Three European systems will be looked at in particular due to their specificities: Sweden, Germany and Italy.

## ***Morning session #2: which approach for the EU?***

Another question to address during the workshop will be: should the EU continue to develop a piecemeal approach or should the EU move towards a more comprehensive one?

Since the rejection of the Commission's 2001 proposal on a directive for the admission of third country nationals for the purpose of work and self employment, the EU has taken the road of a piecemeal approach based on an action plan adopted in 2005 by the European Commission.

However, the action plan, envisaging the adoption of a framework directive and 4 specific directives (Highly skilled workers; seasonal workers; intra-corporate transferees and stagiaires), has proved unambitious and is, according to comments from the first workshop, outdated.

Furthermore, labour migration should be addressed in view of the establishment of a single labour market. Whereas this perspective constitutes a strong argument for the development of an EU labour migration policy, does it call for the development of general rules rather than fragmented ones?

While it is time to renew the EU's position, the question remains as to whether this new orientation should be continued on the same fragmented track or not. In other words, two specific questions should be addressed:

- Should the EU continue to opt for a selective approach? If yes, which sectors/workers should fall within the package of forthcoming rules?
- Should the EU opt for a radical renewal of its labour migration governance and decide to adopt a general scheme regarding entry and residence of third country national for the purpose of work or self employment? If yes, could the adoption of an immigration Code be a solution as outlined by the Stockholm Programme?

Answer to this question will furthermore be analysed in the perspective of decisions taken regarding the anti-crisis strategy and their impact on labour migration policy.

In any of the approaches chosen two collateral questions should also be addressed

- what margins of manoeuvre should the Member States be entitled to retain? In other words, which level of harmonisation should be proposed?
- What complementary instruments should accompany the development of EU Labour Migration Governance? It has for instance been underlined in the first workshop that a tool to measure vacancy time would be useful. Could such a too be created at EU level? Are alternative, complementary tools necessary?

## ***Provisional programme***

### **9.00-9.15 Words of welcome**

### **9.15-11.15 - Morning session #1**

9.15-9.40 Topic 1: National models (7 minutes)

Germany → Barbara Laubenthal, Ruhr-Universität Bochum  
Italy → Ester Salis, Università degli Studi di Milano

9.40-10.00 Comments/Reactions (5 minutes each)

Wolfgang Muller, Bundesagentur für Arbeit  
Cristina Sode Haslund, Confederation of Danish Employers (tbc)

10.00-10.30 Open discussion

10.30-10.45 Topic 2: Demand-driven or State-Driven; which administration responsible? (7 minutes each)

Ferruccio Pastore, FIERI  
Elizabeth Collett, Migration Policy Institute  
Agnes Tottos Ministry of Interior Hungary

10.45-11.15 Open discussion

### **11.45-13.15 - Morning session #2**

11.45-13.15 Topic 3: Piecemeal versus general approach (7 minutes each)

11.45-11.55 Does the single market imply the development of a general approach?

Fabian Zuleeg, EPC

12.00-12.30 Should the EU take the option to adopt an Immigration Code?

Filip Jasinski, Polish Permanent Representation  
European Parliament  
Fiona Kinsmann, European Commission

12.30-12.40 Comments/Reaction

BEPA (tbc)

12.40-13.15 Open discussion

### **13.15 Closing remarks**

13.20 Sandwich Lunch