

## EU BLUE CARD FOR HIGHLY QUALIFIED WORKERS : NEW RULES FOR MORE ATTRACTIVITY

Highly qualified workers from countries outside the European Union (“EU”) who wish to work and live in an EU country, can apply for an EU blue card, first introduced by the European Council in 2009 via EU Directive 2009/50/EC. (the “First Directive”).

In Luxembourg, the law of 29 August 2008 on the free movement of persons and immigration (the “Law”) and namely in its article 45 provides for residence permit for the purpose of highly qualified employment, granted under several conditions:

- To present a valid employment agreement for highly qualified employment, of a duration of one year or more;
- To present a document certifying the high professional qualifications relevant to the activity or sector mentioned in the employment agreement or establishing the conditions required for the practice of the regulated profession indicated in the employment agreement;
- To receive remuneration at least equal to an amount to be set by Grand-Ducal regulation.



On 7 October 2021, the European Council adopted the EU (Directive (EU) 2021/1883 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing the First Directive (the “New Directive”).

The New Directive harmonizes the conditions of entry and residence for highly qualified workers from non-EU countries and increases the attractiveness of the EU blue card.

The New Directive namely provides (i) that employment contracts/job offer should be of a minimum validity of six (6) months compared to the current 12-month minimum requirement and (ii) lower general salary thresholds:

- For shortage occupations: employees should earn at least the average gross annual salary or at least 80% of the salary threshold set for the EU Blue Card application in the EU Member State concerned. This is down from the requirement of the First Directive that salary should be at least 1.2 times the average gross annual salary.
- For non-shortage occupations: employees should meet the specific salary threshold chosen by each EU Member State for Blue Card applications, which would be at least 1.0 times but not higher than 1.6 times the average gross annual salary.

On August 30, 2023, bill n°8304 aiming to amend the Law in order to transpose the New Directive was introduced to the chamber of deputies and the legislative process is still a work in progress.

It is interesting to note that before the Bill was passed, a Grand-Ducal regulation of 15 March 2024 which came into force on 24 March already increased the minimum salary required to obtain an EU Blue Card. For non-shortage occupations, earnings must now be 1.5 times higher than the average gross salary in order to obtain this residence permit, which is very close to the upper limit set by the New Directive and represent an average gross annual salary of 88,452 €. For shortage occupations the salary should be at least 1.2 times the average gross annual salary.

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