



Brussels, 22 June 2011

Dear Mr. Iacolino,

The undersigned associations call on the European Parliament to seize the opportunity presented by the proposed Directive on the Conditions of Entry and Residence of Third-Country Nationals in the Framework of an Intra-Corporate Transfer (ICT Directive, COM(2010) 378 final) to adopt pan-European policies which will bring needed skills and talent to the EU on a temporary basis, contribute to redressing the skills shortage in critical sectors, drive economic activity and foster local employment through increased company investments in the EU economy, and reinforce the “fifth freedom” of free circulation of knowledge within the EU. As such, the Directive constitutes an important building block in facilitating economic recovery in the EU and fulfilling the objectives set out by the “Europe 2020” Strategy.

Today, large enterprises manage talent on a global basis. In knowledge intensive sectors, it is not always possible to locate employees with specialised skills in all countries in which they do business. Consequently, employees with company, product, services and/or client specific skills move around the world on short term assignments for their employer (intra-corporate transfer) when their skills and competencies are needed and cannot be sourced locally both within their enterprises or to perform projects for clients and customers. Access to these skills is imperative to the continued success of enterprises operating in Europe, their customers and the global competitiveness of the European economy. That is why business has strongly urged the facilitation of intra-corporate transfer in the context of multilateral and bilateral trade negotiations.

An effective, predictable and timely process is needed to obtain permission for the entry of intra-corporate transferees (ICTs) into the EU for specific, temporary assignments after which they will continue working for their employer at locations outside the EU. This is what the Commission's proposed directive sets out to accomplish as well as permitting the mobility of such workers – and their skills – across Europe. It has to be ensured that this proposal does not have any impact on the Posting of Workers Directive.

The Commission's proposal for an ICT Directive is now being considered by the Committee on Civil Liberties, Justice and Home Affairs (LIBE) and the Committee on Employment and Social Affairs. We call on the committees to endorse an ICT Directive designed to provide Europe with a progressive approach to welcoming highly skilled employees to the EU on a temporary basis.

For further details on the proposal, please see the attached.

Sincerely,



John Vassallo
Chair
American Chamber of
Commerce to the EU



Philippe de Buck
Director General
BUSINESSEUROPE



Erika Mann
Executive Vice-President
Computer & Communications
Industry Association



Michael Maibach
President & CEO
European-American
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Pascal Kermeis
Managing Director
European Services Forum



Som Mittal
President
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James Lovegrove
Managing Director
TechAmerica Europe

INTRA-CORPORATE TRANSFERS FOR EUROPEAN COMPETITIVENESS

A proposed ICT directive is aimed at improving European access to needed global talent. Here are the basics:

1. Intra-Corporate Transferees are temporary; they are not immigrants

Businesses with operations in and out of the European Union send highly skilled staff to the EU for specific, time-limited tasks no one else can accomplish. Often ICTs must visit more than one EU country to complete their temporary assignments. Once finished, they return home or move on to projects outside the EU.

ICTs provide company, product, service and / or client specific skills that cannot be sourced locally in the EU. Examples include specialists who install technology, train customers, or help in their own companies; trainees sent temporarily to the EU to learn new skills that benefit their companies and home countries; and managers who open new units or teach other managers.

The Problem: Today's rules require ICTs to obtain separate permits for each EU country, frustrating free movement and increasing costs. Member States all have their own requirements for permits and supporting documents. That has fostered such delay, confusion, and uncertainty in obtaining ICT permits that 40 percent of companies surveyed by the OECD said their projects were affected¹. Their customers – that is, EU companies -- were the losers.

Crucial need: The European Commission declared that ICTs are those “whom the EU economy crucially needs”². That need is keenly felt by customer firms in the EU. ICTs allow companies to fill pressing skills gaps at short notice, without providing a route to permanent immigration. In fact, by contributing to the available skills pool in the Member States, ICTs encourage important investment flows into the EU, aid in the drive of innovation, and ultimately help create employment locally.

2. ICT Directive: Simplified rules, increased European efficiency

Proposed Solution: The proposal is meant to facilitate intra-EU mobility for ICTs, eliminating laborious country-by-country applications and substituting instead common EU rules designed to save time and trouble for applicants. ICT permits would be issued faster and cost applicants less, increasing efficiencies and boosting the European economy.

Helping EU companies: Global companies deploy specialists around the world to help customers. Customers in Europe may be denied access to such specialists unless there is a fair and simple process to obtain ICT permits.

3. ICT directive is different from the Blue Card directives

Blue Card holders immigrate to gain permanent EU residence; ICTs do not immigrate but are posted temporarily to achieve pinpointed goals.

Small numbers: The International Migration Outlook in 2008 reported ICTs from selected countries represented only four percent of temporary labour migrants.³

ICTs are employees whose sophisticated, specialist skills are in high demand to help customers around the world. If intra-corporate transfer permits are readily obtainable in the EU, customer companies here will benefit. Otherwise some of these skills will be lost to Europe, going instead to customers in other regions.

¹ Commission Staff Working Document SEC(2010) 884, page 16, section 2.2, <http://bit.ly/luCLWI>,

² Ibid, page 13, section 2.1.3

³ Ibid, page 11, section 2.1.2