



## OPEN LETTER TO MEMBERS OF THE COMMITTEE ON EMPLOYMENT AND SOCIAL AFFAIRS

10 February 2014

European Parliament  
60 Rue Wiertz  
B-1047 Brussels

Dear Member of the Committee on Employment and Social Affairs,

European citizens, the business community and political leaders anxiously await a return to sustainable economic growth and job creation in Europe. EU leaders recognise that further actions are needed to put Europe back on the track of sustained growth and jobs<sup>1</sup>. The proposed EU directive on Intra-Corporate Transferees (ICT) is one such measure.

The ICT directive is a welcome initiative which addresses a number of issues which impinge upon economic growth in Europe. The directive seeks to:

- facilitate the entry into the EU of skilled and highly skilled employees for temporary periods of time
- reduce existing barriers to the intra-EU mobility of qualified ICTs within the EU
- enhance the competitiveness of enterprises in the EU by facilitating their access to the most qualified and competent workers

The Council and European Parliament must act quickly to adopt the proposed ICT directive. The directive is a much needed initiative to encourage growth and dynamism in the European economy without placing additional burdens on the public purse. The directive will increase the attractiveness of the EU for foreign investors who would be able to transfer their highly skilled personnel faster from one commercial presence to another within the EU. Furthermore, by facilitating and simplifying various procedures, the directive will assist in the streamlining of public administrations responsible for migration matters.

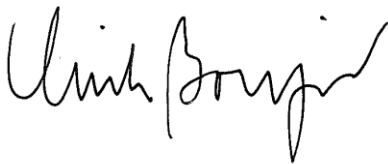
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<sup>1</sup>Conclusions of the European Council (27/28 June 2013).

Your Committee is currently engaged in trilogue negotiations to agree on a compromise text, led by your rapporteur Liisa Jaakonsaari (S&D). The final trilogue is scheduled for 12<sup>th</sup> February. The undersigned urge the Committee to facilitate an agreement by reaching a compromise on the area of workers' rights which is workable for industry and addresses the interests of employees seeking stability in the terms and conditions governing important areas such as health insurance coverage and pensions. Due to the highly-skilled nature of the workers involved, the potential for wage-dumping is low. In addition to this, many ICTs will be working on a project basis travelling to several Member States. Parity with local workers is therefore impractical and would constitute an administrative burden for industry, without any benefit to the employee, who in many cases will prefer to continue benefits coverage in his/her home country rather than lose home country treatment while participating in a patchwork of different schemes during their work period in the EU. We believe that the best approach remains equal treatment between transferees coming from a third country and those moving within the EU as posted workers, as originally proposed by the Commission.

Three years have passed since the Commission proposal was presented to the Council of Ministers and European Parliament. The undersigned organisations believe that it is now time to complete the trilogue process and adopt a proposal which meets the needs of businesses, transferees and the wider European economy. Timely action is needed.

Yours Faithfully,



**Hendrik Bourgeois**

Chair

American Chamber of Commerce to the EU



**James Waterworth**

Vice-President


Computer & Communications Industry Association  
Europe



**Lynn Shotwell**

Executive Director


Council for Global Immigration



**Pascal Kerneis**

Managing Director

European Services Forum (ESF)



**R Chandrashekhar**

President

NASSCOM



**Tim Bennett**

Director General

Trans-Atlantic Business Council