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Ad-Hoc Query on 2023.36 Fast-track admission procedure for third country national lorry drivers

Requested by the Czech Republic on 22 August 2023

Compilation produced on 18 October 2023

Responses from Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Poland, Portugal, Slovakia, Slovenia, Spain, Sweden (23 in Total)

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1. BACKGROUND INFORMATION

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In connection with the settlement of comments on the new Act on the Residence of Foreign Nationals on the Territory of Czech Republic, the Ministry of Transport has requested a special programme enabling a fast-track admission procedure for third country national lorry drivers due to the shortage of workers in this field in the Czech Republic. Czech Republic therefore wants to know whether a similar procedure or programme exists in Member states and and if so, in what form.

We would like to ask the following questions:

- 1. Does your Member State have a shortage of lorry drivers? Yes/No**
- 2. If you answer YES to Q1, does your Member State have a fast-track admission procedure for third-country national lorry drivers? Yes/No**
- 3. If you answer YES to Q2, can you please describe the procedure?**

We would very much appreciate your responses by **3 October 2023**.



2. RESPONSES

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¹ If possible at time of making the request, the Requesting EMN NCP should add their response(s) to the query. Otherwise, this should be done at the time of making the compilation.

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		Wider Dissemination²	
	EMN NCP Austria	Yes	<p>1. No, the Regulation for Skilled Workers 2023 does not identify truck drivers as a shortage occupation in Austria.</p> <p>2. N/a</p> <p>3. N/a</p>
	EMN NCP Belgium	Yes	<p>1. Yes.</p> <p>2. Yes, in the Walloon and Flemish Region, as well as in the Germany Community, certain types of lorry drivers are on the list of bottleneck professions, which exempts them from the labor market test. However, in the German Community, only third-country nationals with a long-term residence status in other EU Member States are eligible for the exemption. Therefore, it is easier to attract third-country nationals under the professional bottleneck scheme: no labour market test applies. However, this does not necessarily mean that</p>

² A default "Yes" is given for your response to be circulated further (e.g. to other EMN NCPs and their national network members). A "No" should be added here if you do not wish your response to be disseminated beyond other EMN NCPs. In case of "No" and wider dissemination beyond other EMN NCPs, then for the Compilation for Wider Dissemination the response should be removed and the following statement should be added in the relevant response box: "This EMN NCP has provided a response to the requesting EMN NCP. However, they have requested that it is not disseminated further."




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			<p>application files of lorry drivers are processed faster than other files in terms of processing times. Moreover, as explained in the answer to Q3, many lorry drivers coming under the bottleneck profession scheme still need to obtain a European driving license, which can make the procedure de facto longer before they can start working.</p> <p>For the Brussels Capital Region the answer is in any case NO. Lorry drivers can only be admitted based on a labor market test by the regional employment agency.</p> <p>3. Certain types of lorry drivers are put on the list of bottleneck professions. In the Flemish Region, this list is updated on a two yearly basis and the new list (09/2023) also mentions lorry drivers. In the German Community and the Walloon Region, this list updated on a yearly basis. As a consequence, when applying for a single permit, they are exempted from a labor market test, which would otherwise have to be applied. Lorry drivers must present a European driving license (code 95). For drivers who cannot provide this and still want to obtain their driving license in Belgium, a language barrier seems to exist. The tests can only be taken in the national languages (Dutch, French, German) or with the help of an English interpreter. For drivers that do not speak these languages, it is difficult to obtain their driving license. If they obtained their code 95 in another European member state, they can use this also in Belgium.</p>
	EMN NCP Bulgaria	Yes	<p>1. Yes. There is a sustainable interest in our employers to hire lorry drivers.</p> <p>2. No. In Bulgarian legislation the fast-track admission procedures for the specific professions don't exist.</p>




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			3. N/A
	EMN NCP Croatia	Yes	1. YES, lorry drivers are on the list of shortage occupations, which the CES Governing Board adopts considering supply and demand in the national, regional and local labour markets. 2. No. 3. N/A
	EMN NCP Cyprus	Yes	1. No. 2. N/A 3. N/A
	EMN NCP Czech Republic	Yes	1. Yes 2. No 3. N/A


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	EMN NCP Estonia	Yes	<p>1. Yes, according to the latest Estonian Unemployment Insurance Fund labour demand barometer (https://www.tootukassa.ee/en/barometer/poster?period=321&area=all), there is a shortage of lorry drivers.</p> <p>2. No.</p> <p>3. N/A</p>
	EMN NCP Finland	Yes	<p>1. Yes, it has been mentioned (especially in the media in 2022 and the beginning of 2023), although there are regional differences and also some differing opinions among employer's and trade unions on the issue.</p> <p>2. No, there is no fast-track admission procedure for TCN lorry drivers in Finland.</p> <p>3. N/a</p>
	EMN NCP France	Yes	<p>1. yes</p> <p>2. there are no specific arrangements for recruiting this regulated profession. As regards the profession of road driver, this is included in the so-called 'shortage positions' for 10 regions.</p> <p>3. n/a</p>


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	EMN NCP Germany	Yes	<p>1. Yes. Germany does have a shortage of lorry drivers. There were about 20.000 open vacancies in August 2023, 66.6 % were more than 6 months vacant. It takes 193 days in average to cover a vacancy for lorry drivers.</p> <p>2. Yes.</p> <p>3. The occupation of lorry driver is a recognised three-year training profession in Germany, which means that the provisions of the Residence Act (§ 18 Para. 3 No. 1, § 18a Residence Act) for skilled workers apply (in accordance with Section 24a (1) of the Employment Ordinance). Third-country nationals who have completed their training as professional lorry drivers in their home country and wish to exercise this profession in Germany, or who wish to enter the country in order to either have their training in this profession acquired abroad recognised or to complete their training here, can therefore make use of the “accelerated procedure for skilled workers” in accordance with Section 81a of the Residence Act.</p> <p>The procedure under § 81a of the Residence Act (in conjunction with § 36(2) of the Employment Ordinance) provides an instrument for accelerating the entry of skilled workers. In this special procedure, the future employer, acting on behalf of the future employee, concludes an agreement with the local foreigners’ authority. The presence of a concrete job offer and the authorisation by the third-country national being the preconditions, the (future) employer of the third-country national can apply for this procedure at a local foreigners’ authority in Germany against payment of a fee of 411 euros. In this case, the local foreigners’ authority is responsible for advising the employer on the entry requirements for the skilled worker as a whole, checking the legal requirements for foreigners and - if necessary - carrying out the recognition procedure for the foreign vocational training and obtaining the approval of the Federal Employment</p>
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			<p>Agency. The aim is for the authority to issue a positive decision in the form of a preliminary approval for the visa at the end. All the authorities involved are bound by tight deadlines. If necessary, the local foreigners' authority draws the attention of the competent authorities to the expiry of deadlines. If all the requirements are met, the local foreigners' authority will issue a preliminary approval for the issue of a visa. After the skilled worker has submitted this approval, the German mission abroad will, within three weeks, offer an appointment for the visa application and will normally decide on the issuance of the visa within a further three weeks after the application has been submitted.</p> <p>An English version of the Residence Act and the Employment Ordinance can be found at the following links: https://www.gesetze-im-internet.de/englisch_aufenthg/index.html https://www.gesetze-im-internet.de/englisch_beschv/englisch_beschv.html#p0262 The regular visa application procedure remains to be available as an alternative option.</p>
	EMN NCP Greece	Yes	<ol style="list-style-type: none"> 1. As per joint ministerial decision for the years 2023 and 2024, a maximum limit of residence permits has been foreseen for lorry drivers. 2. No. In the case of lorry drivers the ordinary procedure is followed that is residence permits are granted upon invitation. 3. N/ABottom of Form



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	EMN NCP Hungary	Yes	<ol style="list-style-type: none"> 1. Yes 2. No fast track procedure is in place for the moment. 3. N/A
	EMN NCP Italy	Yes	<ol style="list-style-type: none"> 1. <p>Yes, it is. Consequently, it is one of the categories that has been inserted in the so-called “Decreto flussi” (Decree on flows) for years now. It is planned to insert it again in the next draft of 2023 “Decreto flussi”. In this regard, according to non-EU workers' entry procedures for seasonal, non-seasonal and freelance jobs on the national territory for the year 2022, foreseen in the current “Decreto flussi” (Prime Minister Decree 29 December 2022), and in accordance with the provisions referred to in Article 3 thereof, a large part of it has been devoted to the road transport sector, as per labour market needs.</p> <p>The “Decreto flussi” is an informatic/telematic procedure which allows to release the visa and authorization to non-EU workers to enter Italy and obtain a residency permit for job reasons, upon presentation of the necessary documents and following positive takes from the Police Headquarter and Labour Inspectorate.</p> 2. <p>No, a fast-track admission procedure doesn't exist for this category, but, compared to some countries, the procedure dictated by the “Decreto flussi” occurs digitally through the Ministry of the Interior web portal (and not in hard copy anymore).</p>



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			<p>Entry is allowed within the annual quotas provided for by the “Decreto flussi” for non-seasonal subordinate employment reasons (a total of 52,770 for 2023). The procedure begins with the employer's request for a work permit, and it is only allowed for citizens of Albania, Algeria, the Philippines, Japan, Morocco, Moldova, the Republic of Korea, the Republic of North Macedonia, Tunisia, and Ukraine who issue convertible licenses based on specific bilateral agreements (professional licenses equivalent to the EU categories). For the actual exercise of driving activities within the territory, transport companies must demonstrate that they have completed the required training requirements for the issuance of the Driver Qualification Card (CQC).”</p> <p>3. NA</p>
	EMN NCP Latvia	Yes	<p>1. Yes</p> <p>2. No.</p> <p>3. Although the legislation of the Republic of Latvia does not provide a fast-track admission procedure for third –country national lorry drivers, if a work visa is requested, it is not necessary to publish a vacancy in the State Employment Agency.</p>
	EMN NCP Lithuania	Yes	<p>1. Yes.</p> <p>2. Yes</p>



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			3. Currently, there is a quota system in place. Persons applying for jobs that are listed as "shortage occupations" are exempt from the labor market test and do not need a work permit until the quota is used up. The list of shortage occupations is updated annually by the Employment Service, taking into account the views and arguments of stakeholders (typically, various business associations), and approved by the Minister of Social Security and Labor in coordination with the Minister of the Interior. The quota is set annually by the Minister of Social Security and Labor in coordination with the Minister of the Interior. The quota can be adjusted once a year. The fulfillment of the quota is monitored by the Migration Department. International freight transport drivers are listed as a shortage occupation in the service section, for which the quota was 21,600 in 2023.
	EMN NCP Luxembourg	Yes	1. No. 2. N/A. 3. N/A.
	EMN NCP Netherlands	Yes	1. Yes, the Netherlands experiences a shortage of lorry drivers. Research by the Central Bureau of Statistics (Centraal Bureau voor de Statistiek - CBS) shows that more than half of entrepreneurs in road transport expected a staff shortage in 2022.[1] The share of entrepreneurs experiencing staff shortages has not been this high before (since the measurement began in 2014). Nationwide, 38 per cent of entrepreneurs were suffering from this mid-2022. The number of vacancies for lorry drivers remains high to date.


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			<p>There are nearly 14,400 vacancies at the end of February 2023 (up from over 11,900 in 2022).[2]</p> <p>[1] Sectorinstituut Transport en Logistiek. 'Arbeidsmarkt jaarrapportage transport en logistiek – 2022', [CBS, 40] https://www.stl.nl/jaar-en-kwartaalrapportages/arbeidsmarktreportage/, last accessed 23 August 2023.</p> <p>[2] Tim de Jong. 'Branche komt 14.400 chauffeurs tekort', https://bigtruck.nl/nieuws/branche-komt-14-400-chauffeurs-tekort, last accessed 23 August 2023.</p> <p>2. No.</p> <p>3. N/a.</p>
	EMN NCP Poland	Yes	<p>1. YES</p> <p>2. NO*</p> <p>*There are some facilitations in procedure of work permits (exemption from the labor market test) for lorry drivers.</p> <p>3.</p>
	EMN NCP Portugal	Yes	<p>1. NO.</p>


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			2. 3.
	EMN NCP Slovakia	Yes	<p>1. Yes. The Office of Labour, Social Affairs and Family of the Ministry of Labour, Social Affairs and Family of the Slovak Republic publishes for each quarter and for each one of the 8 regions in Slovakia the list of occupations with a shortage of labour force. For the current quarter (the latest Q3/valid until 31 October 2023) the shortage of lorry drivers is listed for each region.</p> <p>The justification to the Government Decree (<u>113/2023 from 28 March 2023</u>) on the interest of the Slovak Republic in issuing a national visa to selected groups of third-country nationals says that the need for this legislation stems from the urgency of the situation in both national and international transport, where the professions of lorry drivers in international and domestic transport have long been identified as having a shortage of labour. At the same time, they perform an important function for the smooth operation of domestic and foreign supplier-customer relations as well as for the operation of critical infrastructure.</p> <p>2. Yes. In this regard there are two possibilities for lorry drivers as for the fast track admission procedure.</p> <ol style="list-style-type: none"> 1. The third country national lorry drivers do not need to apply for the temporary residence for the purpose of employment but they can apply for national visa in the interest of the Slovak Republic (see also Q1). The procedure is simplified as for the list of documentation to be submitted with the application and also faster. The decision is to be taken within 30 days from the submission of complete application.



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			<p>2. As there is shortage of lorry drivers according to the published list of occupations, professions in this list can apply for temporary residence for the purpose of employment and in that case the procedure is simplified as for the coordination with the Office of Labour, Social Affairs and Family (reporting the vacancy) and faster (30 days from issuing the confirmation by the Office of Labour on the possibility to fill the vacancy, in total the procedure can take about 40 days). At the same time the employee can start to work immediately after submitting the full application for residence permit in a so called on the job training regime for 8 weeks without issued residence.</p> <p>3. a) According to the above mentioned Government Decree this procedure (national visas in the interest of the Slovak Republic for lorry drivers and bus drivers) concerns only nationals of Belarus, Serbia, North Macedonia, Bosnia and Herzegovina, Montenegro, Georgia, Armenia, Moldova, Ukraine, Kyrgyzstan, Kazakhstan, Azerbaijan, Turkmenistan, Tajikistan and Uzbekistan. All the information to the procedure related to application and granting national visa in the interest of the Slovak Republic to the lorry drivers can be found here https://www.mic.iom.sk/en/residence/visa/766-national-visa.html . The exact procedure is described in the <u>Act on Residence of Foreigners Articles 15 and 17.</u></p> <p>b)The procedure is specified in the <u>Act on Employment Services</u> (Articles 21b par 3 b), Article 23a par 1u), Article 23 par 6d)) and the <u>Act on Residence of Foreigners Article 33 par. 8.</u></p>
	<p>EMN NCP Slovenia</p>	<p>Yes</p>	<p>1. Yes.</p>

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			<p>2. No.</p> <p>3. N/A</p>
	EMN NCP Spain	Yes	<p>1. YES</p> <p>2. NO</p> <p>3.</p>
	EMN NCP Sweden	Yes	<p>1. No. According to the Swedish Migration Agency's regulation file MIGRFS 2023:7 lorry drivers is not an occupation that is experiencing a labour shortage. migrfs_2023_7.pdf</p> <p>2.</p> <p>3.</p>
