

Dutch employers tread carefully 15/05/2007 00:00



The Dutch labour market has opened to Central and Eastern Europeans, and looks likely to drop its special entry visa (MVV) requirement for nationals of South Korea, but at the same time the Central Employment Office is sharpening up.

'Is it true that the Dutch labour market is now open to people from the new EU member states? Our company is specialised in building and construction services. Our HR department is thinking of hiring engineers and specialists from Romania, Poland and Estonia for three-year projects in the Netherlands. We have done this kind of thing in the past but arranging for the proper documents was sometimes time-consuming. It now seems we no longer need to obtain Dutch work permits. What about Dutch residence permits? What is the situation there?'

Immigration specialist Patrick R. Rovers answers:

From 1 May, 2007 the Dutch labour market is open to citizens of Poland, Latvia, the Czech Republic, Estonia, Lithuania, Hungary, Slovenia, and Slovakia. Dutch employers of these citizens are no longer required to get Dutch work permits from the Central Employment Office of the Netherlands. As far as residence permits are concerned. Citizens of these countries should not apply for Dutch residence cards if and when they want to work in the Netherlands for more than three months. A straightforward registration at the Dutch immigration service will suffice.

The Minister for Social Affairs, Mr Donner, claimed that the opening of the Dutch labour market was only fair to the new EU member states from Eastern Europe. A continuation of the Dutch work permit regulations might jeopardise good relations with these countries. I honestly do not understand Mr Donner's rationale. When these member states joined the EU in 2004, they simply accepted the fact that the old EU member states were entitled to enforce work permit regulations till 2011.

At the beginning of this year Romania and Bulgaria joined the EU. Citizens from these countries are not work permit exempt, at least not for a couple of years. Your company is therefore required to arrange for Dutch work permits. Romanians and Bulgarians need to apply for Dutch residence cards if they want to work in the Netherlands, as described by you. The Netherlands, Sweden, the United Kingdom and France have recently criticised the European Commission for failing to be tougher in demanding Romania and Bulgaria to clamp down on cases of serious corruption, as was agreed before these countries joined the EU. I think that the Netherlands may be inclined to keep the Dutch labour market closed to Romanians and Bulgarians till Romania and Bulgaria have finalised their legal reforms.

It is quite interesting to see that our substantial neighbour to the east, Germany, has decided to shield its labour market with regard to citizens from Poland, Latvia, the Czech Republic, Estonia, Lithuania, Hungary, Slovenia, and Slovakia. Austria and quite a few other old EU member states have taken similar measures.

On another note: It is likely that the Netherlands will drop its special entry visa (MVV) requirement for nationals of South Korea within a month or so. South Korea is the second Asian country (after Japan) to enjoy this special privilege. This major change in MVV policy is a result of a recent decision by the Minister of Foreign Affairs, Mr. Verhagen.

And to top it all off: The Central Employment Office, responsible for the issuance of Dutch work permits, has recently signed a special protocol with the Dutch Labour Inspection and the Dutch Social Security Inspection. The aim is to streamline the exchange of information between these three organisations. For instance, if the Dutch Labour Inspection stumbles across certain illegal acts by a Dutch employer, it may inform the Central Employment Office, which in turn may decide to retract the work permits that were issued to the Dutch employer.

This column is for informative purposes only, is general in nature, and is not intended to be a substitute for competent legal and professional advice. Dutch and European rules and regulations regarding foreigners, policy, work permits, visas, and residence permits are continuously subject to change.

15 May 2007

Patrick R. Rovers,
Lawyer with Van Velzen CS

This column is for informative purposes only, is general in nature and is not intended to be a substitute for competent legal and professional advice. Dutch and European rules and regulations regarding foreigners, policy, work permits, visas, and residence permits are continuously subject to change.