Attracting and Protecting Seasonal Workers from third countries in the EU

Common Template for EMN Study 2020

Final version: 28 February 2020

Deadline for national contributions: 29 May 2020

1 STUDY AIMS

1) To better understand the profile of seasonal workers and the sectors they work in (country of origin, age, gender, skills level, sectors of employment, etc.);

2) To analyse if measures are in place to attract seasonal workers and the extent to which seasonal workers fill labour market needs of Member States;

3) To analyse the application of the protective aspects of the Seasonal Workers Directive (rights of seasonal workers).

The study will provide an overview of national experiences with admitting and employing seasonal workers from third countries more than three years after the Seasonal Workers Directive (2014/36/EU) started applying and will contribute to the Commission implementation report on the Directive planned for the year 2020.

1.1 TARGET GROUPS / AUDIENCES

The target audience are national and EU officials/practitioners, decision makers concerned with the immigration of third-country seasonal workers, social partners (e.g. employers' organisations and trade unions) associations, social partners, and NGOs.

2 SCOPE OF THE STUDY

The study primarily covers the category of third-country nationals who enter and reside in an EU Member State for the purpose of seasonal work within the framework of the Seasonal Workers Directive. In a few cases, questions also concern those who may be considered seasonal workers but are not covered by the Directive, as they have a different temporary work or residence status. The Directive is not applicable in Denmark, Ireland, Norway and the United Kingdom. Hence, as far as these (Member States) are participating in this EMN study, they are asked to report on equivalent national measures.

As far as policies and legislation regarding seasonal workers is concerned, this study shall reflect the most recent situation and developments in the Member States, therefore focusing on 2019, whilst also covering, if relevant, policy and legal developments over the past five years. If reasonable, contributing EMN NCPs may also include planned legal or policy developments that have not yet come into effect at the time of writing.

As regards statistics, the study shall cover the period 2016 to 2019.

3 EU LEGAL AND POLICY CONTEXT

Seasonal work is a type of temporary employment linked to specific periods of the years and to specific economic sectors, such as agriculture or the tourist industry. In EU Member States, seasonal work is carried out both by EU citizens and third-country nationals. The European Commission estimates that over 100 000 non-EU seasonal workers come to the EU every year,[1] and given that seasonal workers are becoming increasingly important in some Member States as a means to fill labour market needs, the protection of their rights has received increased attention from EU and national policy-makers in recent years. As noted by Eurofound,[2] seasonal workers are often treated less favourably than permanent workers in terms of legal entitlements, benefits offered by employers and other employment conditions.

A key development in this area is the Seasonal Workers Directive (Directive 2014/36/EU) adopted in 2014, which aims to support the effective management of migration flows for this specific category of seasonal temporary migration and to ensure decent working and living conditions for seasonal workers, by setting out fair and transparent rules for admission and stay and by defining the rights of seasonal workers, while at the same time providing for incentives and safeguards to prevent overstaying or temporary stay from becoming permanent.". This is to be achieved through clearer and more harmonised admission rules and working conditions set out in the Directive, and thereby also help prevent exploitation and protect the health and safety of seasonal workers. The Directive also encourages the circular movement of seasonal workers between the EU and their countries of origin through the introduction of a facilitated re-entry procedure for subsequent seasons. Since the adoption of the Directive, Member States are no longer permitted to implement parallel national schemes for the admission of seasonal workers. However, Member States may regulate the volumes of admission for seasonal workers covered by the Directive as well as for those who are outside of the Directive's scope. However, as the Directive gives Member States some flexibility to determine which sectors are seasonal, it is possible that in some Member States, not all third-country nationals who undertake a form of seasonal work, or work of a cyclical nature, are covered by the Directive, and that these are instead covered by national schemes.

4 PRIMARY QUESTIONS TO BE ADDRESSED BY THE STUDY

The study follows the hypothesis that although the Directive offers higher protection standards for seasonal workers, it may have not fully reached its objective. The Directive leaves room for interpretation as regards the rights and standards to be granted to seasonal workers, possibly leading to diverging practices at national level (e.g. how have Member States interpreted the "adequate standard of living" requirement with regard to accommodation in Article 20). Moreover, in some Member States, not all those third-country nationals who undertake some form of cyclical / seasonal work appear to fall under the Directive and they may therefore be subject to different rights. Secondly, the study is expected to reveal wide differences in the extent to which Member State actively seek to attract seasonal workers from third countries to fill labour market needs. Some Member States may address any labour market needs with EU citizens' seasonal workers, or due the nature of their labour market may not require this type of workers. On the basis of these hypotheses, the study will focus on the following primary questions:

- What is the profile of third-country national seasonal workers in the EU?
  - What is the age, country of origin, gender, skills level, etc. of seasonal workers?
  - In what sectors are they mostly employed?
- Do Member States place specific efforts on attracting seasonal workers, with a view to addressing labour market needs?
  - Do Member States rely on seasonal workers from third countries to fill labour market needs? If yes, in which sectors?
  - How do Members State facilitate the re-entry of seasonal workers?
- How does the Seasonal Workers Directive achieve its goal of protecting seasonal workers?
  - What rights do seasonal workers enjoy in the Member States?
  - What monitoring systems for seasonal workers and their employers are in place in the Member State?

[1] https://ec.europa.eu/home-affairs/what-we-do/policies/legal-migration/work_en
[2] https://www.eurofound.europa.eu/observatories/eurwork/industrial-relations-dictionary/seasonal-work

5 RELEVANT SOURCES AND LITERATURE

- EMN 2011 study: Temporary and Circular Migration empirical evidence, current policy practice and future options,- https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/circular-migration/0a_emn_synthesis_report_temporary__circular_migration_publication_oct_2011_en.pdf
- Temporary and circular migration: opportunities and challenges, http://www.epc.eu/documents/uploads/pub_1237_temporary_and_circular_migration_wp35.pdf
- Commission Staff Working Document "Fitness Check on EU legislation on legal migration", SWD(2019)1055 and SWD(2019)1056, 29.03.2019, https://ec.europa.eu/home-affairs/what-we-do/policies/legal-migration/fitness-check_en
- Fudge, J. & Herzfeld Olsson, P. (2014). The EU Seasonal Workers Directive: When Immigration Controls Meet Labour Rights. European Journal of Migration and Law 16 (2014), 439, 466. Available at: http://www.labourlawresearch.net/sites/default/files/papers/Seasonal%20Workers%20Directive%20%20EMIL_016_04_439-466.pdf
- Zoeteweij-Turhan, M.H. (2017). The Seasonal Workers Directive: '…but some are more equal than others'. European Labour Law Journal 2017, Vol. 8(1) 28-44. Available at: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/e-library/documents/policies/legal-migration/201712_article_seasonal_worker_directive_legal_migration_consultation_en.pdf.

6 AVAILABLE STATISTICS

As far as comparable statistics are concerned, Eurostat provides the following datasets in relation to seasonal workers:

- Authorisations issued for the purpose of seasonal work by economic sector, sex and citizenship [migr_ressw2]. **Note:** Eurostat data only covers the years 2017 and 2018; data is (currently) not available for both or one of the years for AT, BG, BE, CY, CZ, DE, EL, FI, FR, IE, LU, MT, NL, NO, PL, PT, SE, SK.
- Authorisations for the purpose of seasonal work by status, length of validity, economic sector and citizenship [migr_ressw1_1]. Note: Eurostat data only covers the years 2017 and 2018; data is (currently) not available for both or one of the years for AT, BE, BG, CY, CZ, DE, IE, EL, FI, FR, LU, MT, NL, PL, SE.
- First permits issued for remunerated activities by reason, length of validity and citizenship [migr_resocc].

The relevant Eurostat data will be extracted from the above-mentioned datasets centrally by the EMN Service Provider (ICF) for the purpose of the synthesis report. Each EMN NCP will receive the datasets extracted from Eurostat for your Member State by 13 March 2020, with the request to complete these with any missing data. Kindly note that the data provided should be based on the Eurostat definitions of the respective datasets as much as possible. Any deviances from this should be noted in a comment, as well as reasons for unavailability (if applicable).

Kindly note the following: datasets migr_ressw2 and migr_ressw1_1 count the number of permits/authorisations/notifications issued for the purpose of the directives allowing double counting of same persons during the year. Therefore, the unit of measure is the number of permits/authorisations/notifications for these data collections, instead of number of persons as it is in other statistics on residence permits. Please see the respective Eurostat metadata for further details:
https://ec.europa.eu/eurostat/cache/metadata/en/migr_res_esms.htm#meta_update1575469383640

7 DEFINITIONS

According to the EMN Glossary,[3] a **seasonal worker** is defined as "a third-country national who retains their principal place of residence in a third country and stays legally and temporarily in the territory of an EU Member State to carry out an activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between that third-country national and the employer established in that EU Member State".

8 ADVISORY GROUP

Core AG members are in **bold**.

- **LV EMN NCP (Chair, Stanislavs Lopatinskis and Ilze Siliņa-Osmane)**

[3] EMN Glossary Version 6.0, available at https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary_search/seasonal-worker_en

- **COM (Helene Calers, Silvio Grieco, DG Home**)
- AT EMN NCP (Alexander Spiegelfeld)
- ES EMN NCP (Francisco Martos Leal)
- FR EMN NCP (Christelle Caporali-Petit, Anne-Cécile Jarasse)
- **HU EMN NCP (Gábor Vető)**
- **LU EMN NCP (Adolfo Sommarribas)**
- SI EMN NCP (Helena Korosec)
- **Odysseus network expert (Ulrike Brandl, University of Salzburg)**
- **ICF (EMN Service Provider)**

9 TIMETABLE

The following tentative timetable has been proposed for the Study going forward:

Date	**Action**
28 February 2020	Launch
29 May 2020	Submission of national reports by EMN NCPs
17 July 2020	First synthesis report to COM (1 week to provide comments)
24 July 2020	Deadline for comments (1 week to address comment and finalise)
31 July 2020	Circulation of the first SR to all NCPs (2 weeks to comment)
14 August 2020	Deadline for comments
28 August 2020	Circulation of the second draft to all NCPs (2 weeks to comment)
11 September 2020	Deadline for comments
18 September 2020	Circulation of the second draft to all NCPs (2 weeks to comment)
2 October 2020	Deadline for comments
End of October 2020	Publication

10 Template for national contributions

The template provided below outlines the information that should be included in the national contributions of EMN NCPs to this Study. For national contributions, the total number of pages should not exceed **35-40 pages**, including questions and excluding the Statistical Annex. A limit of **25-30 pages** will also apply to the synthesis report, in order to ensure that it remains concise and accessible.

Common Template of EMN Study 2020

Attracting and Protecting Seasonal Workers from third countries in the EU

National Contribution from *Latvia*

Disclaimer: The following information has been provided primarily for the purpose of contributing to a synthesis report for this EMN study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' Member State.

Top-line factsheet [max. 1 page]

*The top-line factsheet will serve as an overview of the **national contribution** introducing the study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policy-makers. Please add any innovative or visual presentations that can carry through into the synthesis report as possible infographics and visual elements.*

Please provide a concise summary of the main findings of Sections 1-3:

In 2017, Latvia adopted Directive 2014/36/EU on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers. Seasonal workers from third countries can be employed in one of 46 industries for a fixed period of up to 6 months.

Data for the year 2018 shows that seasonal workers from three countries – Ukraine, Belarus and Uzbekistan – were employed in Latvia, but in the year 2019, seasonal workers in Latvia represented eight countries: Ukraine, Uzbekistan, Kyrgyzstan, Kazakhstan, Belarus, Georgia, Russia, and Azerbaijan. The overwhelming proportion of Ukrainian citizens is explained by the fact that Ukraine has traditionally been a country from which migrant workers are invited; in addition, Ukrainian citizens can enter the Schengen area without visa, and thus the procedure for issuing a seasonal worker visa is simpler. These data also show that Latvia is attractive for seasonal workers from the countries of the former republics of the Soviet Union, where the language of communication is Russian.

Most seasonal workers were employed in agriculture, forestry and fish farming. On average, a seasonal worker is a 20 to 44-year-old man. The greatest demand for seasonal workers is in summer and autumn.

Seasonal workers from third countries are rather small component of the Latvian labour market; however, it can be concluded that there is increasing a demand for seasonal workers in 2018 (176) and 2019 (334). Seasonal workers are attracted by employers and agencies. State institutions that carry out labour safety inspection – the State Labour Inspectorate and the State Border Guard – have not detected significant violations.

The set of rights of seasonal workers does not differ from the rights of other workers including local ones; however, in the context of the existing regulation, seasonal workers are not entitled to unemployment benefits because they cannot meet the qualification criteria.

Section 0: Impact of COVID-19

a. Has the COVID-19 situation affected the seasonal workers admission policy of your Member State with regard to third-country nationals?

Yes ☐
No ☒

COVID-19 has not led to a change in the policy of admission of seasonal workers from third countries, but as a result, due to the introduced entry restrictions, the opportunities for seasonal workers to enter Latvia and obtain a seasonal work visa with the right to employment have been greatly reduced. During the emergency situation, diplomatic and consular missions of the Republic of Latvia do not issue visas, and third country nationals who do not have permanent residence in Latvia have no right to cross the State border. Employers can invite seasonal workers, but it should be taken into account that their actual entry will be possible only after the cancellation of the emergency situation[4].

If yes, please explain how:

b. What measures regarding seasonal work have been taken or are planned as a result of the COVID-19 situation?

Please explain:

The State Employment Agency (SEA) has launched a campaign for seasonal work in agriculture, mining, manufacturing and quarry output industry. Within the campaign, the SEA invites employers in need for seasonal workers to register vacancies in the SEA, which in turn offers free recruitment services. This campaign is aimed at local seasonal workers, not third-country nationals. During the development of the National Report, information on 250 vacancies for seasonal workers in agriculture and on 916 vacancies for seasonal workers in construction was available on the SEA website.[5]

Section 1: Profile of seasonal workers

Research Question 1: What is the profile of third-country national seasonal workers in the EU?[6]

Please note that all questions in this section refer to seasonal workers covered by the Directive, except for questions 2b, 12, 13 and 14.

Sub-questions:

1. Has your Member State admitted third-country seasonal workers under the Directive?

   Yes ☒
   No ☐

   If no, please explain why.

2. What are the sectors covered by the Seasonal Workers Directive in your Member State?[7] *Please explain*.

In Latvia, the list of seasonal works is established by Regulations No 272 "Regulations regarding seasonal works" adopted by the Cabinet of Ministers on 25 June 2002. This list includes 46 seasonal works related

[4] During the development of the National Report (10.05.2020), the emergency situation in Latvia has been announced until 09.06.2020.
[5] Seasonal job vacancy, available at https://www.nva.gov.lv/index.php?cid=433&mid=700, viewed on 18.05.2020
[6] This question does not have to be answered by EMN NCPs. This question will guide the narrative for the section in the synthesis report.
[7] Art.2(2) of the Seasonal Workers Directives requires Member States to list those sectors of employment which include activities that are dependent on the passing of the seasons requires[7] To be cross-checked with Eurostat data

to agriculture, stock farming, forestry, fisheries, tourism, trade, passenger transport, road construction, etc. This list of seasonal works applies to both local labour and seasonal workers from third countries.[8]

In which sector(s) were seasonal workers mostly employed in 2018?[9]

Please explain.

In 2018, the biggest number of seasonal workers in Latvia was employed in agriculture, forestry and fish farming[10]:

- 147 first-time right to employment in agriculture, forestry and fish farming;
- 20 first-time right to employment for mining and quarrying;
- 7 first-time right to employment for work in construction;
- 2 first-time right to employment in the industry of arts, entertainment and leisure.

a. Are there sectors of seasonal work that are not covered by the Directive?

Yes ☐
No ☒

If yes, please explain.

3. What were the top-5 countries of origin of seasonal workers in your Member State in 2018?[11]

Please list the top-5 countries of origin in 2018 for the number of authorisations granted for seasonal workers in line with the Directive (this can include both visas and residence permits). If applicable, please comment on any specific observations or trends with regard to the country of origin (e.g. that seasonal workers from a specific third country are particularly prevalent in a certain sector).

In 2018, authorisations for seasonal work were granted to citizens of three countries only – Ukraine (157), Belarus (11), and Uzbekistan (8).[12] The overwhelming proportion of Ukrainian citizens is explained by the fact that Ukraine has traditionally been a country from which migrant workers are invited; in addition, Ukrainian citizens can enter the Schengen area without visa, and thus the procedure for issuing a seasonal worker visa is simpler.

4. What was the main age group of seasonal workers who received an authorisation in 2018 in your Member State?[13]

Please state the main age group. If applicable, please comment on any specific observations or trends with regard to the age group.

In 2018, visas with the right to employment in seasonal work were mostly received by citizens of third countries aged 20-44 years[14]:

[8] Cabinet of Ministers Regulations No 272 "Regulations on seasonal works", available at https://likumi.lv/ta/id/64019-noteikumi-par-sezonas-rakstura-darbiem (LV) https://likumi.lv/ta/en/en/id/64019-regulations-regarding-seasonal-work (ENG), viewed on 18.05.2020

[9] Please cross-check with Eurostat data. If data for your Member State is not available on Eurostat, please use the same categorisation of sectors provided in Eurostat to the extent possible.

[10] Eurostat website, Authorisations for the purpose of seasonal work by status, length of validity, economic sector and citizenship, available at http://appsso.eurostat.ec.europa.eu/nui/show.do?dataset=migr_ressw1_1&lang=en, viewed on 19.05.2020

[11] Please cross-check with Eurostat data. If data for your Member State is not available on Eurostat, please use the same categorisation of sectors provided in Eurostat to the extent possible.

[12] OCMA data.

[13] Please refer to the following age groups in your answer: 15-19; 20-24; 25-29; 30-34; 35-39; 40-44 etc.

[14] OCMA data.

15-19	6
20-24	26
25-29	35
30-34	30
35-39	25
40-44	20
45-49	15
50-54	14
55-59	4
65 and older	1

5. What was the gender distribution of seasonal workers who received an authorisation in 2018 in your Member State?

In 2018, seasonal work authorisations were granted to 89 women and 87 men. Unfortunately, a more detailed information on industries employing seasonal workers is not available.

Please explain. I*f applicable, please comment on any specific observations or trends with regard to gender distribution (e.g. that mostly men are employed in the agricultural sector?*

6. Does your Member State have a minimum salary set in law?

Yes ☒
No ☐

If yes, please state the amount (in euros):

Since 2018, the minimum wage in Latvia is EUR 430 per month[15]; but, for third country nationals employed in Latvia, another criterion is set – the average salary in the country calculated in the previous year. This condition also applies to seasonal workers, with the exception of those employed in agriculture, forestry and fish farming, for whom the minimum wage is equivalent to the average wage in the relevant sector (which is traditionally lower than the national average).

7. What was the average/minimum salary of seasonal workers in 2018?

Please describe. I*f applicable, please comment on any specific observations or trends with regard to the average/minimum salary.*

If a third country national wishes to obtain a visa and the right to seasonal employment, the required amount of financial resources or the salary paid by the employer must be not less than the average monthly gross wage of employees working in the Republic of Latvia **in the previous year**. According to the CSB data for the year 2018, the average gross salary composed **EUR 1004**. If the third country national will be employed as a seasonal worker in the agricultural, forestry and fish farming sector, the amount of financial resources must be not less than the average monthly gross wage of workers in the

[15] Cabinet of Ministers Regulations No 656 "Regulations regarding calculation of the minimum monthly wage within the framework of normal working time and the minimum hourly tariff rate", available at https://likumi.lv/ta/id/278067-noteikumi-par-minimalas-menesa-darba-algas-apmeru-normala-darba-laika-ietvaros-un-minimalas-stundas-tarifa-likmes-aprekinasanu (LV), viewed on 19.05.2020

expected sector of the third country national employment[16] (in 2018: crop farming and stock farming, hunting and related auxiliary activities – **EUR 847**, **forestry – EUR 1126**, **fish farming – EUR 860**).

Data on the average salary is not collected.

8. What was the average duration of stay of third-country nationals who were granted authorisation for seasonal work in 2018 in your Member State?

   Please describe. If applicable, please comment on any specific observations or trends with regard to the duration of stay.

In 2018, 95 authorisations were granted for a period of up to 90 days, and 81 authorisations were granted for a period exceeding 90 days.[17]

9. Is there a specific period of the year where there is more need for seasonal workers?

   Yes ☒
   No ☐

   If yes, which period is this (e.g. spring, summer, autumn, winter)?:

Summer, autumn.

10. Does your Member State collect information about the skills level of seasonal workers (for example information on education or qualification level, language level or level of experience of the seasonal workers)?

    Yes ☐
    No ☒

    If yes, what was the average skills level in 2018 (e.g. low-, medium-, or highly-skilled)? *If applicable, please comment on any specific observations or trends with regard to the skills level.*

11. Are there any alternative categories of migrant workers who perform temporary work of a cyclical nature who are not covered by the Seasonal Workers Directive? *Please only consider those categories of seasonal workers which show the same characteristics, or very similar ones, as those covered by the Directive (duration of stay in Member State, cyclical nature of their work, main residence outside the Member State, etc.)*?

    Yes ☐
    No ☒

    If yes, what percentage (roughly) of seasonal workers in your Member State are covered through these alternative categories?

12. *If applicable, what are the main differences between those migrant workers covered by the Seasonal Workers Directive and those not covered by the Directive in terms of their background information (age, gender, country of origin)?*

[16] Cabinet of Ministers Regulations No 225 "Regulations regarding the amount of financial means necessary for a foreigner and the determination of the existence of financial means" available at https://likumi.lv/ta/id/290808-noteikumi-par-arzemniekam-nepieciesamo-finansu-lidzeklu-apmeru-un-finansu-lidzeklu-esibas-konstatesanu/ (LV) https://likumi.lv/ta/en/en/id/290808-regulations-regarding-the-amount-of-financial-means-necessary-for-a-foreigner-and-the-determination-of-the-existence-of-financial-means (ENG), viewed on 19.05.2020

[17] OCMA data.

`*Please explain:*

13. In your Member State, are seasonal work activities known to be performed by irregular migrants?

Yes ☐
No ☒

The tendency to use illegal migrants in seasonal work has not been established in Latvia.

If yes, is there data/information available on the magnitude and the characteristics of the seasonal work activities performed by irregular migrants? Please explain.

Section 2: Attraction of seasonal workers to address labour market needs

Research Question 2: To what extent do Member States place specific efforts on attracting seasonal workers to address labour market needs?[18]

Please note that all questions in this section refer to seasonal workers covered by the Directive, except for question 20.

Sub-questions:

14. Is the entry and stay of seasonal workers from third countries part of your overall migration policy?

Yes ☒
No ☐

Latvia has introduced the European Parliament and Council Directive 2014/36/EU of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, and the implementing rules of this directive define Latvia's policy in relation to seasonal work. Seasonal work is currently not an important component of labour migration; therefore, Latvia's migration policy does not include any other measures related to seasonal employment for more extensive attraction of seasonal workers from third countries.

15. Did your Member State develop measures to attract seasonal workers?

Yes ☐
No ☒

Attracting measures have mainly an informational purpose. State institutions prepare informative materials on procedural issues in attracting seasonal workers. For example, the Office of Citizenship and Migration Affairs has developed an infographic explaining the procedure for issuing a visa to employers and the course of submitting documents to seasonal workers.[19]

The involvement of seasonal workers is carried out by the employer and recruitment agencies.

If yes, how is this done? Please briefly explain.

16. Does your Member State rely on seasonal workers from third countries to fill labour market needs?

[18] This question does not have to be answered by EMN NCPs. This question will guide the narrative for the section in the synthesis report.
[19] Office of Citizenship and Migration Affairs, section "Visas and invitations" available at https://www.pmlp.gov.lv/lv/sakums/pakalpojumi/iecelosana-lv/ (LV), https://www.pmlp.gov.lv/en/home/services/visas-and-invitations/ (ENG), viewed on 19.05.2020

Yes ☐
No ☒

Please explain.

Although it is possible to invite and employ seasonal workers, the small number of migrants indicates that the Latvian economy is not dependent on foreign labour in this seasonal work area. In 2019 it amounted to 2.2% of the total number of the granted rights to employment.

Despite the proportion of seasonal workers in Latvia is small, some employers point out that it is difficult to find a workforce, especially for seasonal work in agriculture.[20] On 21 May 2020, the Latvian Agricultural Organization Cooperation Council circulated a report[21], which has been sent to the Economic, Agricultural, Environmental and Regional Policy Committee of the Parliament, the Ministry of Economy, the Ministry of Interior, and the Ministry of Agriculture, on the need to attract at least 1,000 migrant workers for seasonal work, but it is too early today to draw conclusions on whether such attraction will actually be implemented (including, due to COVID-19 restrictions currently in force until 9 June 2020).

a. If yes, for which sectors and what are these labour market needs? *Please explain.*

b. Did the migration of seasonal workers who came to your Member State between 2016-2019 help to address the labour market needs of your Member State?

Yes ☐
No ☐
To some extent ☒

Please explain.

In Latvia, the period from 2016 until 2019 is marked by a systematic increase in the number of job vacancies. In the 12 months of the year 2019, 106,397 vacancies were registered, which is an increase of 17,905 or 20% compared to the 12 months of the year 2018, when 88,492 vacancies were registered, which in turn is 17,150 or 24% more compared to the year 2017.

In 2018, the SEA registered 151 vacancies for seasonal workers and 255 vacancies for seasonal agricultural workers, but in 2019 (in the period from 1 January to 23 December 2019) – 195 and 351 respectively. Thus, the increase amounts to 34%, suggesting that employers are increasing interest and demand for seasonal workers.

At the end of the year 2019, from registered vacancies, there were 23,678 vacancies (73% of the total number of vacancies) with the stated salary in amount of EUR 1,004, which indicates the desire to employ third-country nationals. Most often, employers who applied vacancies in the SEA were looking for employees for an unspecified period (58%), 34% did not specify the type of activity, 7% were looking for employees for a specified period, 1% – on the basis of an enterprise agreement, and only 1 (0%) entrepreneur applied a vacancy specifically for seasonal work.

Although the above data do not allow for comprehensive conclusions on the impact of seasonal workers from third countries on the labour market in Latvia, given that, according to EUROSTAT data, most of the employment rights for seasonal work have been granted in the agriculture, forestry and fish farming, it can be concluded that the attraction of seasonal workers has partly contributed to the fulfilment of labour market demand in this area as well as in other areas.

However, the demand for this is still relatively small compared to the total right to work: 1.6% in 2018 (176 out of 11,222) and 2.2% in 2019 (334 out of 15,363).

[20] Portal of public broadcasting of Latvia, available at https://www.lsm.lv/raksts/zinas/zinu-analize/viesstradnieki-iekrit-uz-nerealas-algas-solijumiem-latvija.a331358/, viewed on 18.05.2020
[21] Website of the Latvian Agricultural Organization Cooperation Council, http://www.losp.lv/node/6403, viewed on 21.05.2020

17. Does your Member State implement an annual quota for seasonal workers?

Yes ☐
No ☒

a. If yes, is this a general quota or is it applied to specific sectors or to certain third countries?

Please explain.

b. If yes, was this quota fulfilled between 2016-2019?

Yes ☐
No ☐

18. What was the average processing time and costs (in euros) for applications from third-country nationals for the purpose of carrying out seasonal work in 2018?

Approval of the employer's invitation – 5 working days, State fee – EUR 69, examination of the visa application – about 15 working days, State fee – the one stated in the Schengen visa code or, in case of long-term visa application – EUR 60.[22]

19. If your Member State has alternative categories of migrant workers who perform temporary work of a cyclical nature who are not covered by the Seasonal Workers Directive (see question 12):

a. Does your Member State have one or more specific national schemes to cover these categories?

Yes ☐
No ☒

Please briefly explain.

b. What is the reason for the existence of such specific national schemes? I.e. Why are employers more likely to use these national schemes instead of the one established in the Directive?

Please briefly explain.

20. Does your Member State apply a labour market test to seasonal workers?

Yes ☒
No ☐

[22] Cabinet of Ministers Regulation No 557 "Regulations regarding the state fee for the examination of the documents necessary for requesting a visa, residence permit or the status of a long-term resident of the European Union in the Republic of Latvia and the services related thereto", available at https://likumi.lv/ta/id/293626-noteikumi-par-valsts-nodevu-par-vizas-uzturesanas-atlaujas-vai-eiropas-savienibas-pastaviga-iedzivotaja-statusa-latvijas (LV), https://likumi.lv/ta/en/en/id/293626-regulations-regarding-the-state-fee-for-the-examination-of-the-documents-necessary-for-requesting-a-visa-residence-permit-or-the-status-of-a-long-term-resident-of-the-european-union-in-the-republic-of-latvia-and-the-services-related-thereto (ENG), viewed on 20.05.2020

A vacancy must be registered on the SEA vacancy portal. 10 working days after the registration of an available place of work, the employer has to go to any territorial division of the Office of Citizenship and Migration Affairs to confirm the invitation to a seasonal worker.

21. Does your Member State facilitate the re-entry of seasonal workers?[23]

Yes ☒
No ☐

If yes, how is this done? Please briefly explain.

When requesting a repeated permit for seasonal work, the application for the employer's invitation is examined in a shorter period of time, namely, within two working days.[24]

22. Does your Member State cooperate with third countries to attract seasonal workers (e.g. bilateral or multilateral agreements)?

Yes ☐
No ☒

Please briefly explain.

Latvia has not concluded any agreements with third countries in the field of labour migration.

23. Who are the relevant actors in attracting seasonal workers (e.g. recruitment agencies)?

Please briefly explain.

Employers and providers of employment service (recruitment agencies).

24. How are employers informed about the procedure for hiring seasonal workers?

Please briefly explain. If applicable, please also mention any support provided to employers to hire seasonal workers.

The Office of Citizenship and Migration Affairs has created for the employer a visual material containing detailed necessary information regarding inviting a seasonal employee.[25]

[23] This question refers to measures included within Art. 16 of the Directive and any other measures. Art. 16 of the Seasonal Workers Directive provides that Member States shall facilitate re-entry of third-country nationals who were admitted to that Member State as seasonal workers at least once within the previous five years, and who fully respected the conditions applicable to seasonal workers under this Directive during each of their stays. The facilitate may include measures such as: the grant of an exemption from the requirement to submit one or more of the documents necessary for admission,; the issuing of several seasonal worker permits in a single administrative act; an accelerated procedure leading to a decision on the application for a seasonal worker permit or a long stay visa; priority in examining applications for admission as a seasonal worker.

[24] Cabinet of Ministers Regulation No 552 "Procedures for approval of invitations and drawing up of written requests", available a https://likumi.lv/ta/id/212362-ielugumu-apstiprinasanas-un-uzaicinajumu-noformesanas-kartiba (LV), https://likumi.lv/ta/en/en/id/212362-procedures-for-approval-of-invitations-and-drawing-up-of-written-requests (ENG), viewed on 25.05.2020

[25] Booklet "Visa for seasonal worker" developed by the Office of Citizenship and Migration Affairs, available at https://www.pmlp.gov.lv/lv/assets/images/ASSD/VNSD_LV.pdf, viewed on 19.05.2020

Information on the employment of third country nationals, including the registration of vacancies, is available on the website of the State Employment Agency.[26]

25. Can seasonal workers apply for a change of status while they are in your Member State for the purpose of seasonal work (i.e. if they find another job, a permanent contract, etc)?

Yes X
No ☐

If yes, please explain.

A seasonal worker who wishes to change the status shall apply to the Office of Citizenship and Migration Affairs for a new visa or residence permit during the period of his or her legal residence.

26. Has your Member State carried out an evaluation of the implementation of the Seasonal workers Directive at national level? If so, did it conclude anything as to whether the introduced measures were sufficient in attracting seasonal workers?

Yes ☐
No X

Please explain.

27. Is your Member State aware of any misuse (e.g. employers hiring third-country seasonal workers for non-seasonal work) in the application of the Directive?

Yes ☐
No X

Please briefly explain.

The bodies carrying out the inspections have not detected irregularities related to employment of seasonal workers for non-seasonal work.

28. Are there any good practice examples in relation to the attraction of seasonal workers in your Member State?

Yes ☐
No X

Please briefly explain.

The participating institutions do not currently identify good practices due to the small number of seasonal workers.

Section 3: Protection and rights of seasonal workers

Research Question 3: How does the Seasonal Workers Directive achieve its goal of protecting seasonal workers and their rights?[27]

[26] Website of the State Employment Agency, section "For employers", available at https://www.nva.gov.lv/index.php?cid=433&mid=61, viewed on 19.05.2020
[27] This question does not have to be answered by EMN NCPs. This question will guide the narrative for the section in the synthesis report.

Please note that all questions in this section refer to seasonal workers covered by the Directive, except question 40 and 41.

Sub-questions:

29. Does your Member State apply restrictions to the equal treatment between seasonal workers from third countries and nationals of your Member State who carry out comparable employment activities, particularly with regard to:

    a. Family benefits;[28]

    Yes ☒
    No ☐
    If yes, please briefly explain.

The social security system includes benefits (State family allowance) for which the requirements for residence must be met. Seasonal workers, unlike permanent residents, cannot comply with such requirements.

    b. Unemployment benefits;

    Yes ☐
    No ☒
    If yes, please briefly explain.

For the receipt of unemployment benefit, any person has to undergo a certain period of qualification (mandatory social insurance contributions for unemployment should be made not less than 12 months within the last 16 months).[29] Seasonal workers cannot qualify for these criteria because seasonal workers from third countries can be employed for up to 6 months.

    c. Educational and vocational training not linked to the specific employment activity;[30]

    Yes ☐
    No ☒
    If yes, please briefly explain.

    d. Tax benefits in cases where the registered or usual place of residence of the family members of the seasonal worker for whom he/she claims benefits, does not lie in the territory of the Member State concerned.[31]

    Yes ☐
    No ☒
    If yes, please briefly explain.

[28] Art. 23(2)(i) of the Seasonal Workers Directive provides that Member States may restrict equal treatment under point (d) of the first subparagraph of paragraph 1 by excluding family benefits and unemployment benefits, without prejudice to Regulation € No1231/2010.
[29] Law on Support for Unemployed Persons and Persons Seeking Employment, available at https://likumi.lv/ta/id/62539-bezdarbnieku-un-darba-mekletaju-atbalsta-likums (LV), https://likumi.lv/ta/en/en/id/62539-support-for-unemployed-persons-and-persons-seeking-employment-law (ENG), viewed on 18.05.2020
[30] Art. 23(2)(ii) of the Seasonal Workers Directive provides that Member States may restrict equal treatment under point (g) of the first subparagraph of paragraph 1 by limiting its application to education and vocational training which is directly linked to the specific employment activity and by excluding study and maintenance grants and loans or other grants and loans.
[31] Art. 23(2)(iii) of the Seasonal Workers Directive provides that Member States may restrict equal treatment under point (i) of the first subparagraph of paragraph 1 with respect to tax benefits by limiting its application to cases where the registered or usual place of residence of the family members of the seasonal worker for whom he/she claims benefits, lies in the territory of the Member State concerned.

According to the Law on Personal Income Tax[32], non-residents are not subject to the non-taxable minimum, nor do they have the right to tax deductions established by the Law.

An exception is a non-resident who is a resident of another Member State of the European Union or a country of the European Economic Area and has earned more than 75 percent of his or her total income in Latvia during the tax year.

e. Are there any practical difficulties to ensuring equal treatment in the areas defined in the Directive?

Yes ☐
No ☒
If yes, please briefly explain.

30. Who are the most important actors in your Member State regarding the protection of seasonal workers' rights and what is their role? *Please explain. Please distinguish between public and private actors in your answer (e.g. Trade Unions, Chambers of Commerce, etc.).*

In the protection of the rights of seasonal workers, the most important actors are the State institutions: the State Labour Inspectorate and the State Border Guard.

31. Is there a framework in place enabling the transfer of pension contributions to origin countries?

Yes ☐
No ☒

if yes, please explain.[33]

32. If your Member State has alternative categories of migrant workers performing temporary work not covered by the Directive, do these categories enjoy the same rights as those granted by the Directive?

Yes ☐
No ☒

If yes, please briefly explain.

33. What does your Member State consider an "adequate standard of living" in relation to accommodation? How does your Member State ensure that seasonal workers benefit from an "accommodation that ensures an adequate standard of living" for the duration of his or her stay?[34] *Please briefly explain.*

a. Are there any good practices in relation to ensuring adequate accommodation, considering the temporary nature of stay of seasonal workers?

[32] Law on Personal Income Tax, available at https://likumi.lv/doc.php?id=56880 (LV); https://likumi.lv/ta/en/en/id/56880-on-personal-income-tax (ENG), viewed on 18.05.2020
[33] Art.23(1) provides that seasonal workers moving to a third country, or the survivors of such seasonal workers residing in a third-country deriving rights from the seasonal worker, shall receive statutory pensions based on the seasonal worker's previous employment and acquired in accordance with the legislation set out in Article 3 of Regulation (EC) No 883/2004, under the same conditions and at the same rates as the nationals of the Member States concerned when they move to a third country
[34] Art. 20(1) provides that Member States shall require evidence that the seasonal workers will benefit from accommodation that ensures an adequate standard of living according to national law and/or practice, for the duration of his or her stay. The competent authority shall be informed of any change of accommodation of the seasonal worker.

Yes ☒
No ☐

If yes, please briefly explain

There is no specific regulation regarding standard of living for seasonal workers in Latvia, but national regulation provides all the demands that are stated in the International Covenant on Economic, Social and Cultural Rights, namely the requirement that the housing must be protected against the cold, damp, heat, rain wind, or other health hazards, disease vectors, are stated in the Law On Assistance In Solving Apartment Matters[35] - suitable for long-term human accommodation and for placing household items. Also, the Law on Residential Tenancy[36] states that a residential space fit for living shall be a lightable, heatable room suitable for long-term human shelter and placement of household items and shall comply with the construction and hygiene requirements specified by the Cabinet Regulations.[37]

34. Does your Member States have procedures/mechanisms in place to ensure that seasonal workers and their employers are informed of their rights and duties?

Yes ☒
No ☐

If yes, please briefly explain

Latvia has no specific regulation for employment relationship with seasonal workers from third countries. However, seasonal workers are subject to the employment relationship regulation established by the Labour Law.

Currently, it is necessary to conclude a fixed-term employment contract or an enterprise agreement with a person employed in seasonal work. If an employment contract is concluded with a person for a specified period, all the provisions of the Labour Law apply to this person, i.e., the employee with whom the fixed-term employment contract is concluded shall be subject to the same rules as the employee with whom the employment contract for an unspecified period is concluded.

The employer is obliged to acquaint the applicant with the collective agreement and the internal rules of procedure in force at the enterprise, as far as the performance of the intended work is concerned, as well as to provide other information that is of fundamental importance in the conclusion of the employment contract.

35. Does your Member State have any specific procedures/mechanisms in place to monitor, assess and carry out inspections on whether:[38]

a. Seasonal workers can exercise their equal treatment rights and other rights granted in practice? How does that work and who are the actors involved?

Yes ☒
No ☐

[35] Law on Assitance in Solving Apartment Matters, available at https://likumi.lv/ta/id/56812-par-palidzibu-dzivokla-jautajumu-risinasana (LV); https://likumi.lv/ta/en/en/id/56812-law-on-assistance-in-solving-apartment-matters (ENG), viewed on 18.05.2020
[36] Law on residential Tenancy, available at https://likumi.lv/ta/id/56863-par-dzivojamo-telpu-iri (LV); https://likumi.lv/ta/en/en/id/56863-on-residential-tenancy (ENG), viewed on 18.05.2020
[37] Cabinet of Ministers Regulations No 906 "Regulations regarding the sanitary maintenance of a residential house", available at https://likumi.lv/ta/id/218830-dzivojamas-majas-sanitaras-apkopes-noteikumi (LV); https://likumi.lv/ta/en/en/id/218830-regulations-regarding-the-sanitary-maintenance-of-a-residential-house (ENG), viewed on 18.05.2020
[38] Art. 24 provides that Member States shall measures to prevent possible abuses and to sanction infringements of this Directive. Measures shall include monitoring, assessment and, where appropriate, inspection in accordance with national law or administrative practice (Directive 2014/36/EU).

If yes, please briefly explain

There are no specific procedures/mechanisms in Latvia for monitoring, evaluating and conducting inspections regarding seasonal workers. The function of the State Labour Inspectorate (hereinafter – the SLI) is the implementation of the State supervision and control in the field of employment relationship and labour protection. Officials of the State Labour Inspectorate have the right to administratively punish employers for violations in the field of employment relationship and labour protection.

b. Seasonal workers abide by the rules (e.g. no overstaying)? How does that work and who are the actors involved?

Yes ☒
No ☐

If yes, please briefly explain

In Latvia, employment of third country nationals under Directive 2009/52/EC[39] is controlled by three competent authorities: the SLI, the State Revenue Service *(hereinafter – the SRS)* and the State Border Guard *(hereinafter - the SBG)*:

- the SLI carries out the State supervision and control in the field of employment relationship and labour protection,
- the SRS verifies the correctness of calculation and payment to the budget of personal income tax and State social insurance mandatory contributions by conducting thematic inspections of employers,
- the task of the SBG is to control the compliance with the rules on entry, stay, exit, and transit of third country nationals in the territory of the Republic of Latvia by carrying out immigration control measures, including control of employment of third-country nationals. The SBG is entitled to apply an administrative penalty for an offence - for the employment of one or more persons (up to five persons) who are not entitled to reside in the Republic of Latvia.

c. Employers abide by the rules (e.g. no exploitation)? How does that work and who are the actors involved? Is there a focus on any specific economic sectors?

Yes ☒
No ☐

If yes, please briefly explain

See answer to question 35.b.

36. Does your Member State collect statistics on the procedures/mechanisms described in question 35?

Yes ☒
No ☐

[39] According to Article 14 of Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (*hereinafter – Directive 2009/52/EC*), "Member States shall ensure that effective and adequate inspections are carried out on their territory to control employment of illegally staying third-country nationals. Such inspections shall be based primarily on a risk assessment to be drawn up by the competent authorities in the Member States. With a view to increasing the effectiveness of inspections, Member States shall, on the basis of a risk assessment, regularly identify the sectors of activity in which the employment of illegally staying third-country nationals is concentrated on their territory".

If yes, please provide the statistical information for the year 2018.

Information on the situation of seasonal workers is not separately collected and published. Information on the activities of the SLI, including measures to reduce undeclared employment, is included in the SLI's annual reports.[40]

37. How can seasonal workers lodge complaints against their employers?[41] Did your Member State set up some specific procedures to protect seasonal workers who lodge complaints?

Yes ☒
No ☐

If yes, please briefly explain

There are no specific procedures in Latvia for seasonal workers to make complaints about their employers. However, seasonal employees, like other persons employed in Latvia, may submit such complaints to the SLI.

38. Are there specific sanctions in place in your Member State against employers who have not fulfilled their duties under the Seasonal Workers Directive?

Yes ☐
No ☒

If yes, please briefly explain

There are no specific sanctions against employers in Latvia in the context of the Seasonal Workers Directive. But with regard to seasonal workers, there is a general control over the employment of third country nationals. If the employer employs a citizen of a third country (up to five persons) who is not entitled to reside in Latvia, it is punished with a fine on natural persons in amount of EUR 210 to EUR 500. If the employer illegally employs a citizen of a third country (up to five persons) who is entitled to stay in Latvia, then a fine of EUR 140 to EUR 430 is imposed. Where the employer illegally employs more than five persons entitled to stay in the country, the employer is subject to a fine of EUR 430 to EUR 700.

In turn, the Criminal Law provides that for illegal employment, if it was committed by the employer and if a significant damage was caused by it, punishment is imposed either in form of temporary imprisonment, or forced labour, or fine. The law also states that if the employer employs a person who is not entitled to reside in the Republic of Latvia, (if the person is a minor or more than five persons are employed, or the person is employed in particularly exploitative working conditions, or deliberately employed victim of trafficking in human beings) the employer may be punished with temporary imprisonment, forced labour or fine.[42]

In addition, an administrative penalty can be imposed if the inviter (natural or legal person) has not informed specific State regulatory authorities that the purpose of entry or stay of one or more invited persons does not correspond to the purpose indicated in the documents submitted for applying for a visa or residence permit.[43]

[40] Annual Report 2018 of the State Labor Inspectorate, available at http://www.vdi.gov.lv/files/sdo_2018_lv.pdf , viewed on 19.05.2020
[41] Art.25 provides that Member States shall ensure that there are effective mechanisms through which seasonal workers may lodge complaints against their employers directly or through third parties which have, in accordance with the criteria laid down by their national law, a legitimate interest in ensuring compliance with this Directive, or through a competent authority of the Member State when provided for by national law.
[42] Criminal Law, Article 280, available at https://likumi.lv/ta/id/88966-kriminallikums (LV); (ENG); viewed at https://likumi.lv/ta/en/en/id/88966-the-criminal-law, viewed on 19.05.2020
[43] Amendments to the Immigration Law, available at https://likumi.lv/ta/id/307627-grozijumi-imigracijas-likuma, viewed on 19.05.2020

39. Do migration authorities and labour authorities cooperate in relation to the monitoring of seasonal workers and their employers?

Yes ☒
No ☐

If yes, please briefly explain the nature of cooperation and the objective, i.e. the protection of seasonal workers, fulfilment of their rights, detection of irregularly-staying seasonal workers or overstayers, etc.

Officials of the SBG, when carrying out daily monitoring of compliance with the conditions of residence of third country nationals, including employment inspections (also for a third country national performing seasonal work), regularly cooperate with the SRS and the OCMA. Officials of the SBG conduct joint inspections involving the SLI officials and other liaison authorities, as well as participate in the SLI inspections.

For example, in 2018, on the initiative of the SLI, several meetings were held with representatives of the OCMA, the SBG and the Ministry of the Interior on certain problematic issues related to the employment of third-country nationals in the context of the secondment of employees.[44]

40. Has your Member State detected seasonal workers who are victims of exploitation or human trafficking?

Yes ☐
No ☒

If yes, please briefly explain.

No information is available on seasonal workers who would have been detected or identified as victims of trafficking in human beings.

41. Are there any good practice examples or research/evaluation findings of how the rights of seasonal workers have been ensured in your Member State?

Yes ☐
No ☒

If yes, please briefly explain.

Section 3: Conclusions and lessons learned

Please comment on the findings of your national report by drawing conclusions, and identifying any key challenges and lessons learned. Please make reference to the three research questions of the study in your reply.

Latvia has established a legal framework that helps the employer to recruit seasonal workers from third countries relatively quickly. Approval of an invitation takes 5 working days and examination of the visa application takes 15 working days. A seasonal worker, when coming to Latvia, is as protected as any worker with a fixed-term employment contract.

However, a seasonal worker has restrictions on receiving social benefits, such as unemployment benefit, because the seasonal worker cannot meet the conditions of the qualifying period - to work 12 months in a

[44] Operational Report 2018 of the State Labour Inspectorate, available at http://www.vdi.gov.lv/files/2018_gada_darbibas_parskats.pdf , viewed on 19.05.2020

16-month period. Also, it is not possible to establish tax incentives to seasonal workers, as Latvian legislation stipulates that non-residents are not subject to tax incentives.

Protection of the rights of seasonal workers is carried out by the SLI, which has the right to punish the employer if it violates the rights of the seasonal worker. In addition, the SRS is involved, which checks whether the employer makes mandatory contributions, as well as the SBG performs controls on entry, residence and employment of third-country nationals. Cases of trafficking in human beings and other significant violations relating to seasonal workers have not been identified.

The number of seasonal workers in last two years has increased – in 2018, 176 employees and in 2019, 334 employees, which indicates the rapidly increasing interest of employers and recruitment agencies that attract seasonal workers; however, the total number of seasonal workers in the labour market remains small. This factor also affects the fact that the responsible State institutions – the SLI, the SBG, and the OCMA – do not yet outline the challenges in this area, and, due to the small number, examples of good practice have not been identified.

Latvia currently does not intend to introduce additional measures in relation to the consequences of the Covid-19 pandemic. At the moment, seasonal workers do not form a large part of the labour market; therefore, measures of the State institutions aimed at economic recovery have a very minimal impact on seasonal workers. It is difficult to predict how the effects of the pandemic will impact the change in the number of seasonal workers, but it can be noted that this sphere could experience growth after the economic recovery because in 2018, for 53% more seasonal workers were employed than in 2017, while in the year 2019, the number of seasonal workers almost doubled compared to 2018 – the growth amounted to 89%.

Annex: national statistics related to seasonal workers

42. Statistics related to seasonal workers are available within the general statistics for first permits for remunerated activities (migr_resocc) and the specific datasets for authorisations for the purpose of seasonal work (migr_ressw1_1 and migr_ressw2). In light of this, if your Member States reports statistics to Eurostat for dataset migr_resocc but not for datasets migr_ressw1_1 and migr_ressw2, do these general statistics indicate those covered by the Directive or not (or do they represent the alternative categories)? Can those be used in the absence of the specific statistics?

    Please explain.

43. Please fill out/complete the statistical annex (to be shared with each EMN NCPs by 13 March 2020).