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Answer given by Mr Brunner
on behalf of the European Commission
(11.6.2025)

Directive (EU) 2021/1883¹ applies to all Member States except Ireland and Denmark, in accordance with Protocol No 21² and Protocol No 22³, annexed to the Treaty on the European Union (TEU) and to the Treaty on the Functioning of the European Union (TFEU). Consequently, Denmark is not bound by EU legislation in the area of legal migration (opt-out), while Ireland has chosen to not opt-in to the Directive.

Directive (EU) 2021/1883 harmonises the conditions of entry and residence for third-country nationals for the purpose of highly qualified employment. Member States are required to put in place the necessary procedures in line with the relevant provisions of the Directive and they remain competent to assess applications for an EU Blue Card. In all instances, in accordance with Article 79(5) of the TFEU, Member States retain the right to determine the number of admissions of third-country nationals seeking work in their territory.

Regarding family reunification, Directive 2003/86/EC⁴ applies, subject to some specific derogations. Article 4 of that Directive enumerates the family members who are entitled to family reunification subject to compliance with the conditions laid down in this Directive. These are the Blue Card holder's spouse as well as minor dependent children, including adopted children. In addition, Member States may choose to authorise the entry and residence of other family members, including dependent ascending relatives, adult unmarried children, unmarried or registered partners with their dependent children in compliance with the conditions laid down in Directive 2003/86/EC.

¹ Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry to and residence in the Union of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC, OJ L 382, 28.10.2021, p. 1, ELI: <http://data.europa.eu/eli/dir/2021/1883/oj>.

² Consolidated version of the Treaty on the Functioning of the European Union, Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, OJ C 202, 7.6.2016, p. 295, ELI: http://data.europa.eu/eli/treaty/tfeu_2016/pro_21/oj.

³ Consolidated version of the Treaty on the Functioning of the European Union, Protocol (No 22) on the position of Denmark, OJ C 326, 26.10.2012, p. 299, ELI: http://data.europa.eu/eli/treaty/tfeu_2012/pro_22/oj.

⁴ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, OJ L 251, 3.10.2003, p. 12.