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PROPOSAL

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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

ESTABLISHING AN EU TALENT POOL

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EXPLANATORY MEMORANDUM

1.1 Reasons for and objectives of the proposal

Legal migration is an essential part of the comprehensive approach to migration set out in the **Pact on Migration and Asylum**¹. Effective legal pathways can help reduce irregular migration and fill gaps our labour market. While Member States retain the right to determine volumes of admission for people coming from third countries to work, the EU's common migration policy needs to reflect the integration of the EU economy and interdependence of Member States' labour markets. This is why, as the New Pact underlines, EU policies need to foster a level playing field between national labour markets as migration destinations. They should also help Member States use their EU membership as an asset in attracting talent.

EU employers, in particular SMEs, are facing **acute and structural labour and skills shortages in many professions**². For instance, the **EU transition towards a green and digital economy** creates high demand for specific skills in certain sectors and calls for restructuring our economies and labour markets³. In the context of **the COVID-19 pandemic**, it has also become clear that labour and skills shortages in the **health sector** need to be addressed⁴. The prospect of an **ageing population and a shrinking working-age population** together with inefficiencies linked to the functioning of the labour market pose significant pressure and long-term challenges for the EU and its Member States' ability to effectively address such shortages.

The EU is addressing these shortages through a comprehensive approach which includes **activating the inactive EU population, reskilling and upskilling** the existing workforce⁵, improving working conditions, and the facilitation of intra-EU mobility. However, in view of the growing labour market needs, labour migration must also be part of this policy mix. Therefore, apart from using the untapped potential of the EU domestic workforce, **attracting talent and skills from outside the EU** is a way to contribute to **addressing existing and future labour and skills shortages**, including those linked to the **green and digital transition**. It also incentivises potential economic migrants to come to the EU through legal channels, which contributes to **reducing irregular migration pressure**.

However, employers and jobseekers from third countries continue to face several challenges linked to international recruitment. This undermines the potential of legal migration pathways to help address EU labour and skills shortages. In particular, **international job matching** is often **cumbersome and ineffective** due to a lack of effective channels and tools, difficulties

¹ [COM/2020/609 final](#).

² Employment and Social Developments in Europe 2023 Annual review. As substantiated by the lists of widespread and acute shortage occupations contained in Eures 2022 report on shortages and surplus occupations, see below, for more details: [EURES-Labour Shortages report \(europa.eu\)](#).

³ The [Green Deal Industrial Plan](#) of 2023 acknowledges that the green transition will amplify demands for new skills at all levels. For instance, there is a particular need to recruit more information and communications technology (ICT) specialists in Europe to fulfil the needs of industrial ecosystems. In fact, in 2021, about 60% of EU enterprises that recruited or tried to recruit ICT specialists had difficulties in filling ICT vacancies. As the Commission plans to play a leading role in the worldwide transition to Web 4.0 and virtual worlds, there is a growing need for highly skilled specialists in technologies related to this process, such as extended reality, cloud, 5G, distributed ledger etc.

⁴ The COVID-19 pandemic accentuated long-standing shortages in sectors such as healthcare and ICT. Eurofound, Tackling labour shortage in EU Member States, 2021, p. 6.

⁵ The [European Skills Agenda](#) launched in 2020 presented the EU objectives for upskilling and reskilling in the next five years. The Skills Agenda also provides for the activation of the inactive EU population by promoting their integration into the labour market.

in accessing and understanding information on recruitment processes as well as the high costs associated with these procedures. This, coupled with the perceived risk of unfair recruitment and exploitative working conditions, might deter third country nationals from looking for job opportunities in the EU. In addition, **uncertainty about the accuracy, quality and comparability of qualifications and skills obtained abroad** constitutes one of the main disincentives for EU employers and third country nationals to rely on international recruitment. The limited use of labour migration pathways to address the EU's labour and skills shortages is also linked to the **overall fragmentation of the migration framework** which results in complex and cumbersome procedures that are difficult to understand and navigate both for employers and for third country nationals. In addition, there is an **inconsistent and fragmented approach to cooperation with third countries** on legal migration and the management of migration overall, which prevents the EU from attracting the talent it needs and fully using the potential of beneficial cooperation on overall migration management.

For this purpose, the Pact on Migration and Asylum explicitly recognised the need to further explore the development of an EU Talent Pool. This initiative was formally announced in the Communication of the European Commission on '**Attracting Skills and Talent**' of April 2022⁶.

The EU Talent Pool aims at **partially addressing the challenges** mentioned above by facilitating the obtention of a job offer which is an essential pre-requisite to receive a visa or a residence permit related to work in line with the EU legal migration framework. In addition, it will provide more clear and transparent information on immigration, employment and recognition of qualifications rules in the Member States, therefore facilitating access to immigration and recognition procedures. Lastly, by providing a tool to implement job placements in the context of the Talent Partnerships, it will also contribute to improving cooperation on labour migration with third countries, while taking into account third countries concerns and labour market needs.

The EU Talent Pool will be the first **EU-wide platform** aimed at facilitating international recruitment and providing opportunities for jobseekers from third countries that are interested and have the skills required to work in EU-wide shortage occupations. The online platform will support the matching of job vacancies of employers established in the Union with the profiles of jobseekers from third countries that are residing outside of the Union. It will be a **voluntary tool** for interested Member States. It will be **open to low, medium, and highly-skilled jobseekers**. **Shortage occupations at all skills levels** will be targeted by the EU Talent Pool, with additional facilitations for the implementation of the Talent Partnerships. The EU Talent Pool IT platform will integrate **specific tools** to facilitate the identification and matching, while benefitting from re-using certain IT components from the existing EURES Platform. This platform will also provide for additional services to support international recruitment including information provision on recruitment and immigration rules as well as recognition procedures, working and living conditions and specific support by National Contact Points in the participating Member States.

Some Member States already recognised the key role of legal migration and developed talent attraction policies, for example by promoting specific schemes to streamline migration processes, the exclusion from the labour market test for certain shortage occupations and, in a few instances, international job matching platforms. Several Member States are currently

⁶ [COM/2022/657 final](#).

receiving technical support to develop or implement labour migration reforms under the Commission's Technical Support Instrument (TSI). Overall, the lack of a harmonised approach across Member States in attracting jobseekers from third countries, together with the potentially limited visibility of existing national platforms at the broader global level, reduces Member States' ability to achieve economies of scale when developing talent attraction policies individually. Therefore, the EU Talent Pool will specifically support participating Member States in **addressing some of the main challenges related to international recruitment**.

1.2 Consistency with existing policy provisions in the policy area

This proposal follows up on the Commission's Pact on Migration and Asylum, adopted on 23 September 2020, which recognised legal migration as an essential part of the EU's comprehensive approach to migration and committed to 'further explore an EU Talent Pool for third-country skilled workers which could operate as an EU-wide platform for international recruitment'. The Pact also stressed that effective legal pathways can benefit the EU labour market and contribute to decreasing irregular migration.

To ensure that the EU becomes more attractive and to improve the overall migration management, in April 2022 the Commission adopted the Skills and Talent Package which puts forward a set of initiatives to reach these goals. In particular, the package announced the intention to establish an EU Talent Pool. This was strongly supported by the European Parliament in its two resolutions on the legal migration policy of 2021⁷ as well as by the European Economic and Social Committee and the European Committee of the Regions in their opinions on the Skills and Talent Package⁸.

Labour migration pathways are currently regulated by the **EU legal migration *acquis*** which establishes the terms for conferral and withdrawal of residence and work permits as well as the rights pertaining thereto. The existing **legal migration Directives** harmonise Member States' conditions of entry and residence for certain categories of third country nationals, including for labour purposes. In this regard, the EU Talent Pool initiative would improve the use of the EU legal migration Directives. In particular, by making the legal migration legislative framework clearer, via the provision of online information and support services, the EU Talent Pool would facilitate access to procedures and, therefore, support international recruitment of third country nationals via legal pathways.

In addition, the Commission is launching **Talent Partnerships**⁹ with specific partner countries to boost international mobility and the development of skills in a mutually beneficial way, as part of a comprehensive approach to migration management. The Talent Partnerships are one of the key aspects of the external dimension of the Pact on Migration and Asylum and are operationalised in line with the Commission's Communication on attracting skills and talent to the EU. The EU Talent Pool will support the implementation of the Talent Partnerships by providing a tool for an effective job placement of jobseekers from the partner countries participating in these partnerships. It will increase the effectiveness of the EU

⁷ The European Parliament resolution of 20 May 2021 on new avenues for legal labour migration ([2020/2010\(INI\)](#)); European Parliament resolution of 25 November 2021 with recommendations to the Commission on legal migration policy and law ([2020/2255\(INL\)](#)).

⁸ Opinion of European Economic and Social Committee on the Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions — Attracting skills and talent to the EU of 28 February 2023, [EESC 2022/02745](#). Opinion of the European Committee of the Regions on legal migration: Attracting skills and talent to the EU, [COR 2022/03942](#).

⁹ [Talent partnerships \(europa.eu\)](#).

cooperation with third countries on legal migration and, as a consequence, of the overall migration management. The EU Talent Pool should also support the implementation of Talent Partnerships.

As confirmed in the 2020 **Commission Recommendation on legal pathways to protection to the EU**¹⁰, the Commission is also supporting Member States' efforts in providing and enhancing legal and safe channels to the EU for those in need of international protection around the world. As the EU Talent Pool will be open to all jobseekers from third countries, including those in need of international protection, it will also support the operationalisation of the complementary pathways.

1.3 Consistency with other Union policies

The EU Talent Pool will **complement EU policy initiatives which strive to address labour and skills shortages in the EU** such as the **European Skills Agenda**¹¹ which recognises the need for a more strategic approach to legal migration, oriented towards better attracting and retaining talent to promote growth and innovation potential and channelling legal migration towards regions and occupations facing skills shortages.

In addition, the EU Talent Pool will contribute to the achievement of the green and digital transition in the EU, in line with the **Net Zero Industry Act**¹² and the **Green Deal Industrial Plan**¹³ which recognises the need for equipping the workforce with the skills necessary for this industrial transition.

The EU Talent Pool is also consistent with the **New European Innovation Agenda**, as it would support startups and innovative businesses in finding jobseekers from third countries with the right skills and the **Communication on the Long-term competitiveness of the EU**¹⁴ which also underlines the need to address skills shortages.

The **EURES network** is the framework for cooperation between Member States to facilitate the exercise of the freedom of movement of workers within the Union. It supports intra-EU labour mobility by bringing together job vacancies and candidates' CVs. While it is not open to the recruitment of third country nationals residing outside the Union, some of the well-established elements of EURES, such as the role of Public Employment Services, the provision of information on living and working conditions and the technical standards for the data exchange and data formats should be re-used to set-up the EU Talent Pool. In particular, Public Employment Services should play a key role in the implementation of the EU Talent Pool. Third country nationals already legally residing in the EU can rely on the support of national public employment services to find a job in the Member State in which they are staying. In addition, third country nationals legally residing in the EU can rely on EURES, once they enjoy the right to move and work in another EU Member State.

In addition, the EU Talent Pool will target EU-wide shortage occupations, creating synergies with employment policy. In this regard, the role of the **European Labour Authority (ELA)**, EUROFOUND and CEDEFOP in identifying the existing shortage occupations at EU level can be considered relevant together with the already established role and expertise developed

¹⁰ [C/2020/6467](#).

¹¹ The [European Skills Agenda](#) launched in 2020 presented the EU objectives for upskilling and reskilling in the next five years.

¹² [COM/2023/161 final](#).

¹³ [COM/2023/62 final](#).

¹⁴ [COM/2023/168 final](#).

in facilitating the matching of jobseekers and employers via the EURES platform. For the future, further synergies between the role of the ELA and the future governance and implementation of the EU Talent Pool should be explored.

The EU Talent Pool is one of the key components of the **Commission's package on talent mobility** as part of the European Year of Skills. The package also includes a Communication on skills and talent mobility, a proposal for a Commission recommendation on the recognition of qualifications of third country nationals, and a proposal for a Council recommendation 'Europe on the Move' – learning mobility opportunities for everyone. The adopted measures aim to facilitate talent mobility, support labour matching of third country nationals residing abroad, and help Member States and employers recognise their qualifications and validate their skills more efficiently. They will aim to increase the attractiveness of the EU to talent from outside Europe and to help ensure talent inside the EU can be used to the full.

In addition, the EU Talent Pool is consistent with the recently adopted **Commission Communication on 'Demographic change in Europe: a toolbox for action'**. The Communication recognises that the ageing and shrinking of the EU population, if unaddressed, is expected to exacerbate labour shortages, increase pressure on public budgets and affect the EU's competitive edge. It presents Member States with the comprehensive set of policy tools already available at the EU level to empower and support all generations in the EU to realise their life choices and their potential in the economy and society at large. The Communication also identifies the need to address shortages through managed legal migration where necessary, in full complementarity with harnessing talents from within the EU.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

2.1 Legal basis

The legal basis for Union action in this field is Article 79(2)(a) TFUE. This provision gives the power to the European Parliament and the Council, acting in accordance with the ordinary legislative procedure to adopt measures in the area of the conditions of entry and residence of third country nationals.

The EU Talent Pool aims to facilitate recruitment of third country nationals residing abroad and wishing to work in the EU. As finding a job and obtaining a job offer is a pre-condition for third country nationals to acquire a right of entry and residence in a Member State in line with the EU legal migration framework, the action of the Union legislator which makes it easier for a third country national to receive a job offer from an employer in a Member State, as is the case of the EU Talent Pool, allows the third country nationals to fulfil this condition. The envisaged action of the Union legislator therefore falls within the area of the conditions of entry and residence of third country nationals.

2.2 Subsidiarity (for non-exclusive competence)

According to the principle of subsidiarity, EU action may only be taken if the envisaged aims cannot be achieved by Member States alone, but can be better achieved at Union level.

The TFEU explicitly empowers the Union to develop a common immigration policy, so this is a clear objective to be pursued at EU level. At the same time, legal migration is an area of shared competence between the EU and the Member States, and Article 79 TFUE recognises

the right of Member States to determine volumes of admission of third country nationals coming from third countries to their territory in order to seek work. The principle of subsidiarity applies since this is an area of shared competence.

All Member States face skills and labour shortages that are expected to increase in view of the demographic challenges and requirements of the twin transition (green and digital). Member States already tackle these challenges by activating the national workforce, upskilling, reskilling, fostering intra-EU mobility and improving working conditions in certain occupations. However, an important component of a comprehensive response to shortages is also legal migration.

The limited recruitment of skilled third country nationals through existing labour migration channels to address labour and skills shortages has a strong cross-border component.

While some Member States already recognise the key role of legal migration and have developed talent attraction policies, national initiatives and policies to improve international recruitment of third country nationals are widely fragmented and vary across Member States with regard to their scale of intervention.

Only a few Member States have **digital platforms and talent attraction tools at national level** that specifically target jobseekers from third countries by offering job-search support and information relevant for international recruitment. However, their scope is often limited as they are mostly targeted to highly skilled workers (while the EU shortages concern all skill levels) and have limited functionalities. In addition, those tools are focused on national labour markets, hence not using the economies of scale EU cooperation can offer in attracting third country nationals.

Therefore, the **obstacles to recruitment of third country nationals** cannot be addressed adequately by individual Member States.

Member States acting alone, especially smaller Member States with less visibility worldwide, may not be able to attract enough potential workers from third countries. Therefore, initiatives at national level would not effectively address labour shortages across the EU, whereas a unified platform could help connect and bridge the gap between the supply of potential labour from third countries and demand of employers established in the Member States, thus attracting foreign talent more effectively compared to what Member States acting alone could achieve. Furthermore, there is fragmentation and lack of coordination between different existing national or private platforms, which could only be overcome by an EU-level platform providing a comprehensive and streamlined approach.

The EU as a whole is more attractive for third country nationals interested in migration than the sum of its Member States individually. The EU Talent Pool, as one EU-wide job matching platform offering also transparent information on immigration and recruitment processes as well as support services would **improve the overall efficiency of labour migration management** at EU level and **promote the EU as a destination for jobseekers from third countries with potential to fill skills gaps**. Thanks to the **economies of scale** that can be achieved through EU cooperation, the EU would be better equipped to compete on the global stage in attracting foreign talent. This will ensure that **a greater number of potential jobseekers with the skills** in need are reached, and the labour needs of employers in each Member State are better addressed. It would send a clear message to jobseekers from third countries that the EU is ready to welcome them in its labour market, while providing protection against unfair recruitment and exploitative working conditions.

2.3 Proportionality

This initiative would not replace national initiatives and platforms in the context of international recruitment nor define Member States' talent attraction policies. In addition, as the EU Talent Pool **does not constitute a new legal migration pathway**, it would not affect the right of Member States to determine volumes of admission of third country nationals to their territory nor their discretion in introducing labour market tests at national level. As a voluntary tool to facilitate international recruitment, the EU Talent Pool would offer **additional support at EU level**. The initiative is limited to those aspects that Member States cannot achieve satisfactorily on their own, and where the Union is in a better position to act in view of achieving economies of scale. Thus, Member States would be able to maintain their tools in place and complement them with the new platform. Hence, this initiative would have the **added-value of supporting Member States that are already developing talent attraction policies**. Member States that do not have a similar tool in place would be able to use the EU Talent Pool instead of setting up their own platform. Overall, the EU Talent Pool would help to attract third country nationals' workers from abroad where labour and skills shortages in the Member States cannot be sufficiently filled otherwise. In addition, by providing an EU-wide platform with a wider range of tools and services to facilitate international recruitment, the EU Talent Pool would ensure more visibility of EU employers' job vacancies at global level as well as a making a wider pool of potential candidates available to EU businesses.

In the light of the above, the proposal does not go beyond what is necessary in order to achieve the stated objectives.

2.4 Choice of the instrument

The proposal is intended to establish the EU Talent Pool, an EU-wide platform aimed at facilitating international recruitment and providing opportunities for third-country nationals to work in EU-wide shortage occupations. The proposal sets the scope of application, the IT system architecture, the governance structure, the rules for jobseekers from third countries and employers' participation in the EU Talent Pool and the overall functioning of the EU Talent Pool, including information provision and support services.

The EU Talent Pool is a voluntary tool. Member States are therefore free to decide to join it or not. The intention to participate shall be notified to the Commission. Only employers established in the participating Member States will be able to publish their job vacancies on the EU Talent Pool IT platform.

The establishment of an EU-wide platform requires directly applicable rules. Such rules, which are sufficiently clear, detailed and unconditional should be applied in a uniform manner in all participating Member States, do not require any transposition measures. Therefore, a Regulation is the most appropriate instrument to achieve the objectives of the proposal.

3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

3.1 Stakeholder consultations

Between 23 September and 30 December 2020, a public consultation on the future of legal migration was launched in the framework of the New Pact on Migration and Asylum¹⁵. This public consultation aimed to identify areas where the EU framework on legal migration could be further improved, including through possible new legislation. Questions relevant for the establishment of an EU Talent Pool were included (4 out of 13 questions).¹⁶ Replies to the public consultation came from EU citizens, organisations and third-country nationals (residing inside or outside the EU), business associations and organisations, non-governmental organisations, academic/research institutions, trade unions, ministries and public service entities.

Extensive consultations were conducted with relevant stakeholders in the context of the **OECD feasibility study on the Talent Pool**¹⁷, finalised in June 2022. These included relevant public and private sector actors, at the European, national, and regional level, as well as academics and experts. Public sector actors included relevant ministries, regional entities, national talent attraction initiatives, and employment services. Private sector actors included employer representatives, multinational companies, unions, and recruitment agencies. European Commission services, and competent EU agencies were also consulted.

As part of the preparation of the **Skills and Talent Package**, targeted consultations, including on the EU Talent Pool, were organised with Member States, including Public Employment Services, and expert groups working on migration related aspects.

Between March and June 2023, the Commission organised extensive targeted consultations to contribute to the Impact Assessment on the EU Talent Pool. These consultations covered more technical questions compared to the ones included in the public consultation and the OECD feasibility study. Targeted consultations were conducted by the Commission with a wide range of stakeholders including EU institutions and agencies, international organisations, competent authorities in the Member States, non-governmental organisations, economic and social partners, trade unions, and employers' associations.

In addition, a Call for Evidence on the EU Talent Pool providing a detailed explanation of the planned initiative was published on the website 'Have Your Say'¹⁸. A total of 45 stakeholders, including networks, non-governmental organisations, economic and social partners, local and regional authorities in the Member States as well as EU citizens contributed by providing their feedback.

Most of the stakeholders consulted welcomed the proposed initiative and acknowledged its potential to provide added value in addressing labour and skills shortages by facilitating international recruitment and contributing to reduce existing barriers. In particular, it was

¹⁵ <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12594-Public-consultation-on-legal>.

¹⁶ Questions concerned the identification of occupations in which the EU will mostly need to recruit third-country nationals in the coming years, the main objectives the EU Talent Pool should achieve and possible admission criteria to the EU Talent Pool, with a final open question on how to improve the EU legal migration policy.

¹⁷ The OECD feasibility study covered the assessment of three possible scenarios for the development of the EU Talent Pool as well as the cost-benefit analysis for each version. The study assessed in detail the possible legal framework, governance, scope of application as well as functionalities of the future EU Talent Pool. See [OECD feasibility study on the Talent Pool](#).

¹⁸ https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13716-EU-Talent-Pool_en.

recognised that the EU Talent Pool could provide clear information and guidance throughout the recruitment process. The vast majority of stakeholders favoured the development of a voluntary tool open to Member States interested in participating. Most stakeholders welcomed the option of a demand driven tool based on actual labour market needs and open to all skills levels whilst targeted EU-wide shortage occupations in a first stage with the possibility to expand its scope over time. Several stakeholders stressed the need to ensure appropriate protection of third country nationals against the risk of unfair recruitment and exploitative working conditions. The need to ensure protection of personal data in developing such tool was also mentioned. The importance of building on existing recruitment tools at EU and national level was highlighted, in particular the need to ensure interoperability between those tools. The involvement of economic and social partners, especially trade unions and national and local authorities in the design and implementation of the initiative was recommended.

The main problems identified in the consultations have been taken into account and addressed in the proposal.

3.2 Collection and use of expertise

The Impact Assessment on the establishment of an EU Talent Pool was supported by a study carried out by an external contractor. Furthermore, a number of expert groups were consulted on the EU Talent Pool proposal: the Expert Group on Economic Migration, the Legal migration practitioners' Network, the Expert Group on the Views of Migrants in the field of Migration, the Expert group on the recognition of professional qualifications, the European Qualifications Framework Advisory Group.

In addition, Member States' representatives were consulted in the context of European Labour Migration Platform and the meeting of the Advisers for European Public Employment Services (AFEPAs).

3.3 Impact assessment

In line with its 'Better Regulation' policy, in the preparation of the proposal, the Commission conducted an Impact Assessment that evaluated three policy options:

Option 1: Soft measures aiming at improving information provision and facilitating identification and matching (non-legislative option)

This option consisted of a set of **non-legislative measures aiming at improving information provision and facilitating identification and matching**. It envisaged i) the improvement of the EU Immigration Portal, ii) the organisation of job-matching events, and iii) the development of an online catalogue of pseudonymised profiles of jobseekers from third country nationals set up by Member States, following a Commission Recommendation. A Network of National Coordinators would facilitate the connection between interested employers and candidates.

Option 2: Developing an EU Talent Pool targeted to address labour market needs in key occupations (legislative option)

This option envisaged a legislative action for the establishment of an EU Talent Pool. It would entail the development of **an online platform** bringing together profiles registered by jobseekers from third countries residing outside the Union and job vacancies from employers established in the Union. The tool would be open **to all skills levels** while at the same time

targeted to address EU-wide shortage occupations (including regional considerations). In addition, it would become a **tool to support the implementation of Talent Partnerships** by channelling jobseekers from third country nationals who participated in a Talent Partnership to a job placement with employers established in the relevant Member State. The EU Talent Pool would also be a **voluntary system** allowing only interested Member States to participate. The EU Talent Pool platform would integrate **specific tools** to facilitate the identification and matching between jobseekers and employers (e.g. automated matching tool), while benefitting from re-using certain EURES IT components. Online information on recruitment, immigration and recognition procedures in the Member States would be available on the platform. Personalised support and guidance would also be provided by the National Contact Points established in the participating Member States and responsible for the practical implementation of the tool. Under this option Member States may decide to introduce facilitation measures aimed at making the recruitment process easier and faster (e.g. fast-track immigration procedures).

Option 3: Developing an EU Talent Pool as a fully demand-driven tool (legislative option)

As for option 2, this option envisaged a legislative action for the establishment of an EU Talent Pool and the development of **an online platform** bringing together profiles registered by jobseekers from third countries residing outside the Union and job vacancies from employers established in the Union. However, the tool would be a **completely market-driven tool** open to **all jobseekers from third countries and to all employers regardless of their occupations**. It would be driven by employers' needs rather than integrating them into a broader strategic consideration of the labour market situation and other policy objectives at EU and national level. The EU Talent Pool would be a **voluntary system** allowing only interested Member States to join. Under this option, the development of an IT platform would entail a completely **new IT solution** developed via a **job-matching system** that is fully based on AI-based algorithms and cutting-edge technologies inspired by existing private sector platforms (EURES IT components would not be re-used). As per Option 2, the platform would integrate **specific tools** to facilitate the identification, search, and matching (e.g. automated matching tool) and **online information** would be available. **Personalised support and guidance** would also be provided by the National Contact Points established in the participating Member States and responsible for the practical implementation of the tool. Under this option Member States would have an obligation to introduce fast-track immigration and recognition procedures and/or exclusion from the labour market test.

On the basis of an assessment of the social and economic impacts, the effectiveness and efficiency of the policy options, and their political feasibility and stakeholder acceptance, the preferred option is Option 2.

The preferred Option would allow to address employers' needs whilst taking into account a **broader strategic consideration of the labour market situation and other policy objectives at EU and national level**. It would be **open to all skills levels whilst** providing a flexible mechanism to identify and address labour and skills shortages in a more strategic and structural manner. The **voluntary nature** allows interested Member States to maintain their tools in place and complement them with the new platform, therefore **offering additional support at EU level**. Making the EU Talent Pool the tool for job placements in the context of the **Talent Partnerships** would facilitate the implementation of this initiative and, hence, indirectly contribute to the overall migration management by incentivising cooperation with third countries on migration.

Overall, the preferred Option would **benefit employers and third country nationals** as it would make international recruitment faster, easier and more effective. While it would imply **costs** linked to the development and management of the platform both at EU and national level, re-using certain IT elements of EURES would allow higher savings in terms of resources. In addition, synergies with EURES would allow to build on the well-established expertise of this network on recruitment procedures. The use of a legislative action would allow to include appropriate **safeguards and ensure transparency and accountability on fundamental rights protection**, in particular with regard to protection of personal data and the risk of exploitative working conditions.

3.4 Regulatory fitness and simplification

While this proposal is not expected to result in any direct simplification of a regulatory burden it would be particularly beneficial for EU business and employers since by facilitating international recruitment they will have an **easier, quicker, and wider, access to labour resources** from third countries. The envisaged support to international recruitment would be **particularly beneficial for SMEs** as they are likely to bear a disproportionate burden when hiring third country nationals in comparison to large enterprises due to more limited resources. Given its targeted nature focusing on EU-wide shortage occupations, the proposal has the potential to be particularly beneficial for EU business and employers working in strategic sectors suffering from structural shortages such as those **sectors linked to the green and digital transition**. The preferred option is not expected to have detrimental impacts on **EU citizens** because it will integrate broader strategic considerations of the labour market.

3.5 Fundamental rights

This initiative is consistent with the Charter of Fundamental Rights and enhances the right to engage in work and choose an occupation (Article 15), fair and just working conditions (Article 31), the right to good administration (Article 41)¹⁹ and non-discrimination (Article 21)²⁰. In addition, the EU Talent Pool is also consistent with the requirements under Article 8 on the protection of personal data and the EU data protection legislation, especially the General Data Protection Regulation and the Data Protection Regulation for EU institutions, bodies, offices and agencies²¹. In particular, the proposed Regulation sets out the purposes of the processing as well as clear roles and responsibilities as regards the protection of personal data. Personal data are processed only to the extent necessary for the performance of the tasks assigned in the public interest to competent authorities, as laid down in this Regulation.

4. BUDGETARY IMPLICATIONS²²

As this initiative is voluntary, only interested Member States would be participating in the EU Talent Pool. Certain costs and impacts vary depending on the number of Member States. For

¹⁹ It would facilitate access to employment in the EU and limit administrative burden of multiple national procedures.

²⁰ In particular with regard to recruitment practices and working conditions.

²¹ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) and Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC.

²² With regard to the costs after 2027, they are indicative and do not prejudice the available budget for the initiative under the future MFF.

the purpose of assessing potential budgetary implications of the proposal, while taking into account its voluntary nature and the fact that some Member States may decide to join once the system is fully operational, it was assumed that a minimum of 11 Member States and a maximum of 20 Member States would participate in the EU Talent Pool by 2030²³ with further Member States joining afterwards. This assumption does not prejudice Member States' choices and the budget will be adjusted depending on the number of the Member States participating in the EU Talent Pool. It is the Commission's intention to encourage the highest possible number of Member States to join the EU Talent Pool.

A range of costs estimated under each scenario is presented below.

The preferred option will imply:

1) One-off costs for the IT development (2026-2027)

IT costs are linked to the development of a new IT platform by partially re-using certain IT components of EURES. The vast majority of the IT costs is envisaged at EU level for the development of the relevant infrastructure which includes, for instance, the core system, the creation of the pre-screening tool, the creation of a database for profiles of jobseekers from third countries as well as relevant adaptations of the EURES components (e.g. automatic matching tool). These costs also cover interoperability between the relevant Member States' national systems and the EU Talent Pool IT platform.

- Funding within the Commission: EUR 6 722 056 – 6 804 539 (with 11 to 20 Member States participating);
- Funding for the interoperability of the Member States' national systems with the EU Talent Pool (for the Commission): EUR 2 672 400 – 4 175 625 (with 11 to 20 Member States participating).

2) Recurrent yearly costs for governance and non-IT related issues (as from 2026):

Additional staff at EU level would be required as the EU Talent Pool Secretariat would be established within the Commission²⁴. There will be also costs for the Commission for activities linked to the coordination of the National Contact Points, training, communication, translation and the provision of online information.

In addition, National Contact Points would be designated in the Member States (as from 2026). In view of the link with the Talent Partnerships, the EU Talent Pool can facilitate job

²³ As explained in detailed in the Staff Working Document accompanying the legislative proposal, this assumption was based on a number of considerations. Whilst the initiative would be designed to be attractive for as many Member States as possible, it is likely that their participation would be a gradual process with only some Member States joining in the first years of operation and a progressive increase expected in the long run. Therefore, it was assumed that Member States with a stronger interest may join from the outset, while others will follow after. In the long run, a higher uptake of the initiative is foreseen as demonstrated by the fact that the large majority of Member States consulted welcomed the initiative. In addition, it can be reasonably assumed that several Member States will join in view of the pressing needs related to the challenging demographic situation which would require to rely on legal migration to address future skills and labour shortages that cannot be sufficiently addressed by the EU domestic workforce.

²⁴ It is estimated that 13 staff would be needed in the Commission for all tasks related with the EU Talent Pool. This staff will arrive gradually, depending on the stage of the evolution of the initiative. Until 2027 there would be 10 staff needed. Costs after 2027 are indicative and do not prejudice the available budget for the initiative under the future MFF.

placements of job seekers who developed or validated their skills in the context of a Talent Partnership and acquired an “EU Talent Partnership pass” certifying it (after 2027).

- Funding for the Commission: EUR 5 426 500 – 6 000 000 per year.
- Funding for the Member States (to be covered by AMIF): EUR 9 440 000 – 16 040 000: EUR 8 000 000 – 14 600 000 for the designated National Contact Points (as from 2026) and EUR 1 440 000 (after 2027) for the administrative support for issuing the “EU Talent Partnership passes” (both these categories of costs to be covered by AMIF).

3) Recurrent yearly costs related to IT in the operation phase (after 2027):

- Funding for the Commission: EUR 1 906 255 – 1 947 497 for maintenance of the EU Talent Pool IT platform, developing its additional features and infrastructure during the first two years of its operation (with the costs reducing gradually in the following years).
- Funding for the Member States (from the national budgets): EUR 348 075 – 543 867 of yearly costs related to the maintenance of interoperability between Member States’ national systems and the EU Talent Pool IT platform for all participating Member States during the first two years of the operation of the system, assuming that between 11 to 20 Member States will join the EU Talent Pool by 2030 (with the costs reducing gradually in the following years).

Budgetary implications and the human and administrative resources required are detailed in the legislative financial statement.

5. OTHER ELEMENTS

5.1 Implementation plans and monitoring, evaluation and reporting arrangements

Throughout the implementation phase the Commission will organise regular meetings with participating Member States via the EU Talent Pool Steering Group to discuss and clarify any issues that may arise. By 2031 (after an estimated three years of operation of the EU Talent Pool) and every five years after, the Commission will present to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions a report evaluating the implementation, functioning and impact of the EU Talent Pool.

The implementation of the EU Talent Pool will be monitored against the main policy objectives using a number of relevant and measurable indicators based on easily available, accepted and credible data sources. In particular, the following data will be gathered: i) the number and type of profiles of jobseekers from third-countries registered in the EU Talent Pool IT platform; ii) the number and type of job vacancies registered in the EU Talent Pool IT platform; iii) the number of visits on the EU Talent Pool IT platform; iv) the number of job placements facilitated via the EU Talent Pool; v) the number of ‘EU Talent Partnerships passes’ issued, vi) the number and type of placements facilitated via the EU Talent Pool in the context of the Talent Partnerships. The performance of the EU Talent Pool would be regularly monitored by the EU Talent Pool Secretariat.

Existing EU agencies and networks, such as the Fundamental Rights Agency, the European Migration Network, and the Commission Knowledge Centre on Migration and Demography can be used to undertake punctual research into themes related to implementation of the EU Talent Pool. The Commission will also continue making use of the existing expert groups that contributed to the impact assessment.

5.2 Detailed explanation of the specific provisions of the proposal

CHAPTER I - GENERAL PROVISIONS

Articles 1 – 4

This Chapter sets out the subject matter, the scope and the definitions set for the purpose of the proposal.

The proposal establishes an EU Talent Pool available to all Member States to facilitate the recruitment of jobseekers from third countries residing outside the Union, including those in need of international protection who are in third countries.

The EU Talent Pool is a voluntary tool which offers additional support at EU level to interested Member States to facilitate international recruitment. Member States would be able to maintain any existing tools in place and complement them with the new platform. As Member States remain free to decide whether they want to join, clear rules on their participation are set in Article 3. In particular, Member States may decide at any time to join the EU Talent Pool. These decisions shall be notified to the Commission at the latest 9 months beforehand. Only employers established in the participating Member States would be able to use the EU Talent Pool to publish their job vacancies on the platform.

Information on the participating Member States will be published on the platform to ensure transparency on the scope of application of this Regulation.

CHAPTER II – IT SYSTEM ARCHITECTURE

Articles 5 and 6

Article 5 of the proposal establishes a new IT platform (EU Talent Pool IT platform) which brings together and supports the matching of profiles of jobseekers from third countries residing outside the Union and job vacancies of employers established in the participating Member States. For this purpose, the relevant IT components to be developed are listed in Article 5(2). In addition, the adoption of implementing acts is foreseen to define uniform technical standards for data exchange, data formats, job vacancies and jobseekers' profiles formats.

With a view to reducing the resource implications of developing a new IT platform, the EU Talent Pool IT platform should be developed by using the existing Commission-owned IT infrastructure to the extent possible.

In order to ensure that the EU Talent Pool offers an effective support tool to the participating Member States, interoperability between national systems and the EU Talent Pool IT platform is ensured. This would allow the competent authorities in the participating Member States - in addition to registered jobseekers from third countries and employers participating in the EU

Talent Pool - to access job vacancies and jobseekers' profiles registered in the national and EU databases in one go.

As the operation of the EU Talent Pool IT platform involves the processing of personal data of registered jobseekers from third countries and employers participating in the EU Talent Pool, Article 6 of this proposal provides for rules concerning the processing of personal data, including the definition of data controllers and of those who can access personal data in the EU Talent Pool as well as provisions on jobseekers' rights in this context. The adoption of implementing acts is foreseen to provide more specific rules, including on the definition of the subcategories of personal data to be processed, responsibilities of data controllers and the conditions for accessing personal data.

CHAPTER III - GOVERNANCE

Articles 7 – 10

These provisions identify the relevant authorities responsible for the governance of the EU Talent Pool and their roles and responsibilities.

An EU Talent Pool Secretariat is established in Article 8 to ensure the overall management of the EU Talent Pool, including the setting up and management of the EU Talent Pool IT platform.

The EU Talent Pool Steering Group, set out in Article 9, is composed of representatives of the participating Member States (representatives of Member States not participating may participate in the meetings as observers) and is aimed at providing support on a number of aspects relevant for the implementation of the EU Talent Pool, including with regard to the planning and coordination of the activities of the EU Talent Pool. This group may also offer a forum of discussion to facilitate Member States' exchanges on the implementation of accelerated immigration procedures to facilitate the recruitment of jobseekers from third countries matched with employers via the EU Talent Pool IT platform.

As defined in Article 10, each participating Member State shall designate the EU Talent Pool National Contact Points which are responsible for the implementation of the EU Talent Pool at national level. In particular, the EU Talent Pool National Contact Points shall transmit job vacancies to the EU Talent Pool IT platform and notify the EU Talent Pool Secretariat the national list of shortage occupations as well as the shortage occupations removed from or added to the EU-wide list of shortage occupations pursuant to Article 15(1).

CHAPTER IV – REGISTRATION OF JOBSEEKERS FROM THIRD COUNTRIES AND PARTICIPATION OF EMPLOYERS IN THE EU TALENT POOL

Article 11 – Registration and access of jobseekers from third countries

Article 11 provides rules on the registration and access of jobseekers from third countries in the EU Talent Pool IT platform. After having registered their profiles via the Europass profile builder tool, registered jobseekers from third countries become visible to employers and are allowed to search for job vacancies in the platform.

Article 12 – Profile registration and access of jobseekers from third countries in the context of Talent Partnerships

The EU Talent Pool IT platform will offer a tool to implement the Talent Partnerships by facilitating job placements in this context. To this purpose, Article 12 sets out specific rules for the participation of jobseekers from third countries in the context of a Talent Partnership.

Jobseekers from third countries who participated in a Talent Partnership should receive an ‘EU Talent Partnership pass’ which certify the skills developed or validated in the context of a Talent Partnership. The conditions for the issuance of the ‘EU Talent Partnership pass’ shall be endorsed by the Member States in the framework of the relevant Talent Partnership. An implementing act is foreseen for the adoption of templates for the format of this pass.

Once the profiles of these jobseekers are registered in the EU Talent Pool IT platform, the ‘EU Talent Partnership pass’ becomes visible to employers.

Jobseekers from third countries having obtained an ‘EU Talent Partnership pass’ received support for the development and validation of skills in a framework agreed between participating Member States and partner countries. These activities may be targeted to the job market of one or more Member States participating in the Talent Partnership, who may contribute, also financially, to developing and implementing this support. Hence, Member States participating in the relevant Talent Partnership may decide to limit the visibility of profiles of jobseekers from third countries having obtained an ‘EU Talent Partnership pass’, for a maximum period of one year, to employers established in one or more Member States participating in that same Talent Partnership.

Article 13 – Participation of employers in the EU Talent Pool

Article 13 lays down rules on the participation of employers in the EU Talent Pool. Employers’ job vacancies are transferred to the EU Talent Pool IT platform by the EU Talent Pool National Contact Points. As the EU Talent Pool targets certain shortages occupations, only job vacancies falling within the list of EU-wide shortage occupations (Article 14), the national adjustments to this list (Article 15) and those relevant for a Talent Partnership are transferred to the platform. In order to be transferred to the platform those job vacancies shall also be open to the recruitment of jobseekers from third countries in accordance with the principle of preference for Union citizens.

Employers participating in the EU Talent Pool shall comply with the relevant Union national law and practice. Jobseekers from third countries are thereby protected from discrimination, the risk of unfair recruitment and inadequate working conditions.

Article 14 -15 – List of EU-wide shortage occupations and national adjustments to the list

To better support participating Member States’ efforts in addressing existing and future labour shortages, the EU Talent Pool should specifically target the most relevant occupations. For this purpose, a list of EU-wide shortage occupations at the ISCO-08 4-digit level is set out in the Annex to this Regulation. The EU-wide list may be amended by the Commission via delegated acts taking into account shortage occupations common to a significant number of the participating Member States and occupations which contribute directly to the EU green and digital transitions. The participating Member States may decide to add to or remove from the EU-wide list shortage occupations in order to satisfy their specific labour market needs. The national adjustments shall only affect the matching of job vacancies in the Member State concerned.

Article 16 – Search and matching

Registered jobseekers from third countries and employers participating in the EU Talent Pool shall be able to search for each other on the IT platform via a search function providing with filters. Specific filters shall be available to identify profiles of jobseekers having an ‘EU Talent Partnership pass’.

In addition, an automated matching tool embedded in the IT platform generates a list of suggested jobseekers’ profiles and job vacancies. The list is based on the relevance of the skills, qualifications and work experiences declared in the profile vis-à-vis those required for a specific job vacancy.

CHAPTER V – INFORMATION PROVISION, SUPPORT SERVICES AND ACCELERATED IMMIGRATION PROCEDURES

Article 17 - Information provision and support services

In order to facilitate recruitment by making the relevant rules applicable in the different Member States more understandable and transparent for employers and jobseekers from third countries, online information is provided on the EU Talent Pool IT platform, in particular with regard to recruitment, immigration and recognition procedures.

In addition, with a view to ensuring adequate protection of jobseekers from third countries recruited via the EU Talent Pool, information on available redress mechanisms in the participating Member States is included.

With regard to the post-selection assistance, Article 17(3) requires the EU Talent Pool Contact Points to provide guidance and information upon request from registered jobseekers from third countries and employers participating in the EU Talent Pool on family reunification procedures and family members’ rights, national integration measures and organisations which offer post-recruitment assistance for third country nationals. Such information should also include available redress mechanisms for cases of labour exploitation and unfair recruitment practices in the participating Member States.

Article 18 – Facilitation of complaints

In order to ensure effective protection of registered jobseekers from third countries, Article 18 imposes on Member States an obligation to ensure that effective mechanisms are in place to enable registered jobseekers from third countries to lodge a complaint in case of a breach by the employers participating in the EU Talent Pool of the obligations laid down in Article 13. In accordance with Article 10, access of employers participating in the EU Talent Pool shall be suspended and their job vacancies shall be removed by the EU Talent Pool National Contact Points in case a breach of relevant Union and national law and practice to ensure third country nationals’ equal treatment and protection against unfair recruitment and inadequate working conditions pursuant to Article 13 is notified by the relevant national authorities responsible the relevant law and practice.

Article 19 – Accelerated immigration procedures

To make the recruitment of registered jobseekers from third countries residing abroad easier and faster for employers, Article 19 introduces the possibility for participating Member States to put in place accelerated immigration procedures in particular as regards the obtention of

visas and residence permits for work purposes and the exemption from the principle of preference for Union citizens.

CHAPTER VI – FINAL PROVISIONS

Articles 20 – 24

These Articles lay down rules on monitoring, reporting, the exercise of delegation and the adoption of implementing acts and the entry into force of this Regulation.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
ESTABLISHING AN EU TALENT POOL

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79(2), point (a), thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee²⁵,

Having regard to the opinion of the Committee of the Regions²⁶,

Having regard to the opinion of the European Data Protection Supervisor²⁷,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The Union and individual Member States are facing shortages in a wide range of sectors and occupations, including in those relevant for the green and digital transitions. Extensive shortages in construction, healthcare, hospitality, transport, information and communications technology and in science technology, engineering and mathematics, are long-standing and have been exacerbated by the COVID-19 pandemic and the acceleration of the green and digital transitions. Labour shortages are expected to persist and potentially aggravate in the light of demographic challenges.
- (2) Addressing labour shortages requires a comprehensive approach at Union and national level which includes, as a priority, better realising the full potential of groups with lower labour market participation, reskilling and upskilling the existing workforce, facilitating intra-EU labour mobility, as well as improving working conditions and the attractiveness of certain occupations. Due to the current scale of the labour market shortages and the demographic trends, measures targeting the domestic and Union workforce alone are likely to be insufficient to address existing and future labour and

²⁵ OJ C , , p. .

²⁶ OJ C , , p. .

²⁷ OJ C , , p. .

skills shortages. Therefore, legal migration is key to complement those actions and must be part of the solution to fully support the twin transition.

- (3) In order to facilitate international recruitment and provide opportunities for third-country nationals to work in EU-wide shortage occupations, an EU Talent Pool should be established in the form of a Union-wide platform that brings together and supports the matching of profiles of registered jobseekers from third countries residing outside the Union and job vacancies of employers established in the participating Member States.
- (4) The Recommendation of the Commission on legal pathways to protection in the EU²⁸ encourages Member States to put in place and support complementary labour pathways for those in need of international protection²⁹. The EU Talent Pool could also support the operationalisation of the complementary pathways.
- (5) The EU Talent Pool should aim at supporting participating Member States to address existing and future skills and labour shortages via the recruitment of third country nationals to the extent the activation of the domestic workforce and intra-EU mobility are not sufficient to achieve this objective. As a voluntary tool to facilitate international recruitment, the EU Talent Pool should offer additional support at Union level to interested Member States. To this end, complementarity and interoperability with existing national initiatives and platforms should be ensured. Member States' specific needs should be taken into account in the development of the EU Talent Pool in order to ensure the widest participation possible. Hence, 'Talent' is an encompassing term referring to the entire range of skills that might be needed by the Member States' labour markets.
- (6) The EU Talent Pool aims at providing services to employers that are established in the participating Member States, including private employment agencies, temporary work agencies and labour market intermediaries as defined by the International Labour Organisation Convention 181 from 1997.
- (7) The EU Talent Pool should also support the implementation of Talent Partnerships, which are one of the key aspects of the external dimension of the Pact on Migration and Asylum³⁰ and are operationalised in line with the Commission's Communication on attracting skills and talent to the EU³¹. The participation of a Member State in the Talent Partnership should be without prejudice to their decision on the participation in the EU Talent Pool.
- (8) In order to ensure that Member States' authorities are adequately represented in the EU Talent Pool Steering Group, participating Member States should appoint two representatives each, one from the employment authorities and one from the immigration authorities.

²⁸ Commission Recommendation (EU) 2020/1364 of 23 September 2020 on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways.

²⁹ "Complementary pathways" are safe and regulated avenues for persons in need of international protection that complement resettlement by providing lawful stay in a third country where their international protection needs are met. Complementary labour pathways enable persons in need of international protection to access existing labour migration pathways, utilise their skills, and help address labour shortages in the receiving countries. See also: <https://www.unhcr.org/complementary-pathways.html>.

³⁰ [COM/2020/609 final](#).

³¹ [COM/2022/657 final](#).

- (9) An EU Talent Pool IT platform should be developed by using existing Commission-owned IT infrastructure to the extent possible. The IT infrastructure developed in the framework of EURES could be partially re-used for the EU Talent Pool IT platform, including the single coordinated channel and the automated matching tool with relevant adaptations, including to duly take into account the ‘EU Talent Partnership pass’.
- (10) Synergies should be ensured, where appropriate, between the EU Talent Pool IT platform and other relevant instruments and services at Union level, including with regard to access to training materials such as the EU Academy and the Interoperable Europe Academy. The EU Talent Pool IT platform should be quickly and regularly adapted to new practices in technology and provide state-of-the-art IT services by introducing innovative features and tools.
- (11) The format of jobseekers' profiles and job vacancies should be established using the existing European classification of occupations, skills, competencies and qualifications (ESCO) as foreseen in Regulation (EU) 2016/589³² which provides for a standardised terminology for occupations, skills and competences and facilitates the transparency of skills and qualifications. The ESCO classification should support jobseekers from third countries, employers, and the EU Talent Pool National Contact Points in providing comparable information on work experiences, occupations covered by a vacancy, as well as the skills offered by the jobseekers and required by the employers, thereby enabling a high-quality matching process. Where applicable, the EU Talent Pool National Contact Points should use the ESCO format for the transfer of job vacancies to the EU Talent Pool IT platform. Member States not adopting the ESCO classification for national job vacancies, should produce mapping tables comparing the classification used in the national systems and the ESCO classification to allow interoperability. The mapping tables should be made available to the Commission and should be used for automatic transcoding of information on job vacancies or jobseekers' profiles for the purpose of automated matching through the common IT platform.
- (12) Tasks should be assigned to the EU Talent Pool Secretariat and the EU Talent Pool National Contact Points to ensure the search and matching functions of the EU Talent Pool IT platform. These tasks should be considered as tasks carried out in the public interest for the performance of which it is necessary to process personal data, as referred to in Article 5(1), point (a) of Regulation (EU) 2018/1725³³, and Article 6(1), point (e) of Regulation (EU) 2016/679³⁴, respectively. The processing of personal data, it should be carried out in compliance with Article 8 of the Charter of Fundamental Rights of the European Union, and Regulations (EU) 2018/1725 and (EU) 2016/679 of the European Parliament and of the Council.

³² Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013 (OJ L 107, 22.4.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/589/oj>).

³³ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

³⁴ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).

- (13) The processing for the purpose of the search and matching functions of the EU Talent Pool IT platform should be limited to personal data necessary to identify the registered jobseekers from third countries and employers participating in the EU Talent Pool, to enable the search and matching on the EU Talent Pool IT platform as well as for data collection to improve the functioning of the Talent Pool. This should not require processing any personal data referred to in Article 9 of Regulation (EU) 2016/679 and Article 10 of Regulation (EU) 2018/1725.
- (14) Registered jobseekers from third countries should have the right to choose from a number of technical options to restrict the access to their personal data, for instance, by restricting access to their contact details. Profiles of registered jobseekers from third countries and employers participating in the EU Talent Pool IT platform that have not been used for a period of two years should be automatically removed. When profiles are removed, a limited set of anonymised data could continue to be stored for research and statistical purposes including for the purpose of production and quality of European statistics.
- (15) Without prejudice to their obligation to inform data subjects about the processing of their personal data and their rights as data subjects in accordance with Articles 12 and 13 of Regulation (EU) 2016/679 and Articles 14 and 15 of Regulation (EU) 2018/1725, the EU Talent Pool Secretariat and the EU Talent Pool National Contact Points should also inform registered jobseekers and employers participating in the EU Talent Pool about their rights to technically restrict access to their personal data and to require, at any time, the deletion or modification of their personal data included in their profiles.
- (16) The EU Talent Pool should contribute to the objective of discouraging irregular migration including by facilitating access to existing legal pathways. Jobseekers from third countries who are subject to a judicial or administrative decision refusing the entry or stay in a Member State or an entry ban in accordance with Directive 2008/115/EC of the European Parliament and of the Council³⁵, should not be allowed to register their profiles in the EU Talent Pool IT platform, given that they will not be permitted to enter and stay in the Union. To this end, jobseekers from third countries should be required, before registering their profiles in the EU Talent Pool, to declare that they are not currently subject to a refusal of entry or stay in a Member State or an entry ban to the territory of the Union. Information should also be provided on the consequences for making a false declaration in this respect.
- (17) Jobseekers from third countries wishing to register in the EU Talent Pool should create a profile using the Europass³⁶ profile builder functionality enabling to create a free profile and report the relevant skills, qualifications, and other experiences in one secure online location.
- (18) Where necessary, the recognition of qualifications and validation of skills of registered jobseekers from third countries should be conducted in the participating Member

³⁵ Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98, ELI: <http://data.europa.eu/eli/dir/2008/115/oj>).

³⁶ Decision (EU) 2018/646 of the European Parliament and of the Council of 18 April 2018 on a common framework for the provision of better services for skills and qualifications (OJ L 112, 2.5.2018, p. 42, ELI: <http://data.europa.eu/eli/dec/2018/646/oj>).

States upon request of the jobseeker or the employer in accordance with the national law and practices, and with any relevant international agreements, including Mutual Recognition Arrangements for professional qualifications. Personalised assistance and online information on existing recognition and validation procedures at national level should be available in the EU Talent Pool IT platform and it should be provided by the EU Talent Pool National Contact Points.

- (19) In the context of Talent Partnerships, nationals of selected third countries receive support for the development and validation of skills in a framework endorsed by Member States taking part in a Talent Partnership and partner countries. Therefore, the skills developed or validated in the framework of a Talent Partnership should be certified by the 'EU Talent Partnership pass' which is visible in the context of the EU Talent Pool. Employers participating in the EU Talent Pool should be able to filter the profiles of registered jobseekers from third countries as to visualise those having obtained an 'EU Talent Partnership pass'. This could encourage employers to offer a job placement in the Union. Member States, in the framework of a Talent Partnership, should determine the conditions for the issuing of the 'EU Talent Partnership pass' for the purpose of the EU Talent Pool, including whether a partner country's national authority, an international organisation or other stakeholder should support its deliver. The issuing of a 'EU Talent Partnership pass' is without prejudice to European and national rules on access to regulated professions.
- (20) The list of third countries and Member States participating in Talent Partnerships should be published on the EU Talent Pool IT platform together with the relevant occupations targeted by each partnership.
- (21) In the context of a Talent Partnership, skills development and validation may be targeted to the job market of one or more participating Member States. Member States may contribute, also financially, to developing and implementing the support to skills development and validation offered in the context of a Talent Partnership. Therefore, if so decided by the Member States participating in the Talent Partnership, only employers established in one or more Member States participating in a Talent Partnership should be able, for a maximum period of one year, to search for registered jobseekers holding an 'EU Talent Partnership pass'. This possibility could, in particular, apply in cases where skills development was specifically targeted to the needs of a Member State. Information on whether this possibility is applied and in which cases should be provided on the EU Talent Pool IT platform, in order to inform registered jobseekers from third countries and employers participating in the EU Talent Pool. All employers participating in the EU Talent Pool may search the profiles of registered jobseekers holding an 'EU Talent Partnership pass' after this period of time has elapsed. Jobseekers from third countries who received support under a Talent Partnership should always have the possibility to register in the EU Talent Pool as any other third country national, without having to declare the existence of an 'EU Talent Partnership pass' and so be able to apply for jobs in other Member States.
- (22) The principles of the European Pillar of Social Rights should apply for all activities conducted in the context of the EU Talent Pool, in particular with regard to the right to fair and equal treatment with respect to working conditions, minimum wages, access to social protection, training, and protection of youth people at work. In accordance with those principles, the EU Talent Pool should ensure quality employment.

- (23) The International Labour Organisation (ILO) in its ‘General principles and operational guidelines for fair recruitment’ sets out a number of standards on adequate protection of jobseekers from third countries against unfair recruitment. Employers should comply with applicable Union law and practice. Equal treatment of jobseekers from third countries with respect to nationals of the participating Member States should also be ensured by the employers in accordance with Directive 2011/98³⁷, Directive 2014/36/EU³⁸, Directive 2021/1883/EU³⁹, and Directive 2016/801/EU⁴⁰. In accordance with Directive 2019/1152/EU⁴¹, employers participating in the EU Talent Pool should provide to registered jobseekers from third countries information in writing and in an understandable language on their rights and obligations resulting from the employment relationship at the start of the employment. This information should at least include the place and the type of work, the duration of employment, the remuneration, the working hours, the amount of any paid leave and, where applicable other relevant working conditions. An employer should neither charge any recruitment fee nor prohibit a worker from taking up employment with other employers, outside the work schedule established with that employer, nor subject a worker to adverse treatment for doing so. Employers participating in the EU Talent Pool should comply with Directive 96/71/EC⁴² as amended by Directive 2018/957 when posting workers in the framework of the provision of services, in particular with regard to the terms and conditions of employment thereby established such as the obligation that third country workers can only be posted to a Member State if they are legally and habitually employed in another Member State.
- (24) In order to ensure high quality matching, registered jobseekers from third countries and employers participating in the EU Talent Pool should access a list of suggested registered jobseekers’ profiles and job vacancies based on the relevance of their skills, qualifications and work experiences for the job vacancy. The list is generated by the automated matching tool of the EU Talent Pool IT platform.
- (25) The EU Talent Pool platform should meet established needs on the labour market and should not serve as a means to displace or negatively affect the existing workforce or otherwise undermine decent work or fair competition. To better support Member States’ efforts in addressing existing and future labour shortages, the EU Talent Pool

³⁷ Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (OJ L 343, 23.12.2011, p. 1–9, ELI: <http://data.europa.eu/eli/dir/2011/98/oj>).

³⁸ Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers OJ L 94, 28.3.2014, p. 375, ELI: <http://data.europa.eu/eli/dir/2014/36/oj>).

³⁹ Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence 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>).

⁴⁰ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast) (OJ L 132, 21.5.2016, p. 21, ELI: <http://data.europa.eu/eli/dir/2016/801/oj>).

⁴¹ Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union (OJ L 186, 11.7.2019, p. 105, ELI: <http://data.europa.eu/eli/dir/2019/1152/oj>).

⁴² Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1, ELI: <http://data.europa.eu/eli/dir/1996/71/oj>).

should target specific occupations at all skills levels, based on the most common shortage occupations in the Union and on the occupations with a direct contribution to the green and digital transitions, set out in the Annex to this Regulation. In order to adapt the job vacancies to the specific needs of the national labour markets and taking as a starting point the list of EU-wide shortage occupations set out in the Annex, participating Member States shall be allowed to notify to the EU Talent Pool Secretariat the addition or removal of specific shortage occupations. Such notifications should only impact the matches for job vacancies submitted by the respective Member State. Neither the list of EU-wide shortage occupations nor the Member States' notifications should affect the principle of preference for Union citizens.

- (26) Participating Member States should make information concerning the EU Talent Pool and its functioning easily accessible to jobseekers from third countries and employers, in particular with regard to information on the competent authorities in the participating Member States. Such information should include the conditions and procedures for the participation in the EU Talent Pool.
- (27) The EU Talent Pool Secretariat should ensure that easily accessible information on immigration procedures, recognition of qualifications and validation of skills, third country nationals' rights, living and working conditions as well as available redress mechanisms for cases of labour exploitation and unfair recruitment practices in the participating Member States is available on the EU Talent Pool IT platform. The EU Talent Pool National Contact Points should provide the relevant information with the EU Talent Pool Secretariat in order to allow its publication on the EU Talent Pool IT platform. Online information on support available to jobseekers in need of international protection who are in third countries should also be available on the EU Talent Pool IT platform. Support measures put in place by the Member States could include specific information campaigns, support to obtain a travel document, and integration support upon arrival.
- (28) Information provided on the EU Talent Pool IT platform should be made available at least in the official languages of the participating Member States.
- (29) The Delegations of the European Union should support the provision of information to jobseekers from third countries on the EU Talent Pool and its functioning, as well as the participating Member States.
- (30) Upon request from registered jobseekers from third countries and employers participating in the EU Talent Pool, the EU Talent Pool National Contact Points could provide additional support. Additional support should include tailored information on relevant visas and residence permits for work purposes in the participating Member State including with regard to third country nationals' rights and obligations such as access to social benefits, health assistance, education, and housing. Specific guidance and information may also be provided on family reunification procedures and family members' rights, and existing measures to facilitate integration in the host Member State such as language courses and vocational training. Such information should also include available redress mechanisms for cases of labour exploitation and unfair recruitment practices in the participating Member States. The EU Talent Pool National Contact Points should provide information to employers participating in the EU Talent Pool on their rights and obligations relating to social security, active labour market

measures, taxation, issues relating to work contracts, pension entitlements and health insurance.

- (31) To achieve the objective of this Regulation, the effective implementation of the EU legal migration *acquis* should be ensured. In addition, to make the recruitment of jobseekers from third countries residing outside the Union easier and faster for employers, participating Member States may put in place accelerated immigration procedures in particular as regards the obtention of visas and residence permits for work purposes and the exemption from the principle of preference for Union citizens. The implementation of accelerated immigration procedures could be discussed in the context of the EU Talent Pool Steering Group, notably in view of supporting the exchange of best practices among Member States.
- (32) Since the objectives of this Regulation, namely the establishment of a Union-wide platform aimed at addressing labour shortages at Union level by facilitating the recruitment of third country nationals to work in EU-wide shortage occupations, cannot be sufficiently achieved by the Member States due to the lack of effective channels and the limited visibility at global level, but can rather, by reason of the scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.
- (33) In order to fulfil the objectives of this Regulation of facilitating international recruitment, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to amend this Regulation with regard to the Annex providing the list of EU-wide shortages occupations. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making⁴³. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (34) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council⁴⁴.
- (35) The advisory procedure should be used for the adoption of the templates for the format of the 'EU Talent Partnership pass'. The examination procedure should be used for the adoption and updating of the technical standards for the data exchange, data formats, job vacancies formats and profiles formats for jobseekers from third countries. The

⁴³ Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1, ELI: http://data.europa.eu/eli/agree_interinsti/2016/512/oj).

⁴⁴ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: <http://data.europa.eu/eli/reg/2011/182/oj>).

examination procedure should also be used for the adoption of technical standards for the adoption of the subcategories of personal data to be processed, responsibilities of data controllers, including rules governing the possible use of a data processor or processors, as well as on the conditions for accessing personal data and the option available to registered jobseekers to restrict the access to their personal data on the EU Talent Pool IT platform.

- (36) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union in accordance with Article 6 TEU.
- (37) Participating Member States should implement this Regulation in full compliance with all EU Charter of Fundamental Rights obligations and in particular without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic features, languages, religious or belief, political or any other opinions, membership of a national minority, property, birth, disability, age or sexual orientation. The respect of fair and just working conditions and the protection of young people at work should be ensured.
- (38) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (39) In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.] OR [In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified [, by letter of ...] its wish to take part in the adoption and application of this Regulation].

HAVE ADOPTED THIS REGULATION:

CHAPTER I GENERAL PROVISIONS

Article 1

Subject matter

1. This Regulation establishes an EU Talent Pool available to all Member States to facilitate recruitment of jobseekers from third countries residing outside the Union.
2. This Regulation lays down rules on:
 - (a) the authorities responsible for the management and functioning of the EU Talent Pool and the cooperation between them;

- (b) the functioning of the EU Talent Pool IT platform and related support services;
- (c) the conditions and procedures for the participation in the EU Talent Pool of jobseekers from third countries and employers;
- (d) the facilitation of recruitment of jobseekers from third countries benefitting from a Talent Partnership.

Article 2
Scope

1. This Regulation applies to jobseekers from third countries residing outside the Union and employers established in the participating Member States.

Article 3
Participation

1. Any Member State may decide, at any time, to participate in the EU Talent Pool. It shall notify its decision to the Commission at the latest 9 months before the date from which it intends to participate. From the first day of participation, job vacancies of employers established in that Member State may be transferred to the EU Talent Pool IT platform.
2. Information on participating Member States shall be made publicly available on the EU Talent Pool IT platform.

Article 4
Definitions

1. For the purposes of this Regulation, the following definitions shall apply:
 - (1) ‘participating Member States’ means Member States participating in the EU Talent Pool;
 - (2) ‘jobseeker from a third country’ means a person residing outside the Union who is not a citizen of the Union within the meaning of Article 20(1) TFEU and is seeking employment in the Union;
 - (3) ‘employer’ means any natural person, or any legal entity, established in a participating Member State under the direction or supervision of whom the employment is undertaken as well as private employment agencies, temporary work agencies and labour market intermediaries;
 - (4) ‘profile’ means the information provided by a jobseeker from a third country via a standard data format for the purpose of seeking an employment through the EU Talent Pool IT platform;
 - (5) ‘single coordinated channel’ means the IT service that is set up for the transmission of job vacancies from the participating Member States to the EU Talent Pool IT platform according to a uniform system and using the necessary technical infrastructure.

CHAPTER II

IT SYSTEM ARCHITECTURE

Article 5

EU Talent Pool IT platform

1. The EU Talent Pool IT platform for facilitating recruitment of jobseekers from third countries is established.
2. The EU Talent Pool IT platform shall be composed of:
 - (a) the single coordinated channel enabling participating Member States to transfer job vacancies to the EU Talent Pool database;
 - (b) the technical infrastructure enabling the EU Talent Pool database to receive the job vacancies from the participating Member States;
 - (c) the technical infrastructure to collect and maintain the profiles of registered jobseekers from third countries;
 - (d) the technical infrastructure to enable the EU Talent Pool National Contact Points, and employers participating in the EU Talent Pool to search for registered jobseekers from third countries and the registered jobseekers to search for job vacancies;
 - (e) the automated matching tool;
 - (f) the secure communication channel to enable registered jobseekers and employers participating in the EU Talent Pool to communicate within the EU Talent Pool IT platform.
3. The Commission shall adopt, by means of implementing acts, the necessary technical standards for the data exchange, data formats including ESCO, job vacancies formats and profiles formats for jobseekers. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(3).
4. Participating Member States and the EU Talent Pool Secretariat referred to in Article 8 shall ensure technical interoperability between national systems and the EU Talent Pool IT platform. The EU Talent Pool Secretariat shall ensure the interface with other relevant instruments and services offered at Union level, where appropriate.

Article 6

Processing of personal data

1. The EU Talent Pool Secretariat may process personal data of registered jobseekers from third countries and those of employers participating in the EU Talent Pool only to the extent necessary for the performance of its tasks pursuant to Article 8. When processing personal data for this purpose, the EU Talent Pool Secretariat shall act as

data controller, within the meaning of Article 3, point (8), of Regulation (EU) 2018/1725.

2. The EU Talent Pool National Contact Points may process personal data of employers participating in the EU Talent Pool and those of registered jobseekers from third countries only to the extent necessary for the performance of its tasks under Article 10. When processing personal data for this purpose, EU Talent Pool National Contact Points shall act as data controllers, within the meaning of Article 4, point 7 of Regulation (EU) 2016/679.
3. Profiles of registered jobseekers from third countries shall include the name, surname, contact details, date of birth and nationality, information on academic and professional qualifications, work experience, other skills and language knowledge. Job vacancies of employers participating in the EU Talent Pool shall include the name, surname and contact details.
4. The EU Talent Pool Secretariat and the EU Talent Pool National Contact Points shall inform registered jobseekers from third countries and employers participating in the EU Talent Pool about the processing of their personal data and their rights as data subjects as well as about their rights under paragraphs 6 and 7.
5. The personal data registered in or transmitted to the EU Talent Pool IT platform in accordance with this Regulation shall be indexed, stored and made available there solely for search and matching purposes. Registered jobseekers from third countries shall have the right to choose from a number of technical options to restrict access to their personal data.
6. Profiles of registered jobseekers from third countries that have not been accessed for a period of two years from the registration of their profiles shall be removed or anonymised and no personal data shall be stored. Once profiles are removed, a limited set of anonymised data could continue to be stored for research and statistical purposes as well as to extract data to improve the functioning of the EU Talent Pool.
7. The EU Talent Pool Secretariat shall make the data of registered jobseekers from third countries and job vacancies of employers participating in the EU Talent Pool available for searches and matching on the EU Talent Pool IT platform.
8. The data of registered jobseekers from third countries shall be accessible only to employers participating in the EU Talent Pool, and to the EU Talent Pool National Contact Points. The data of employers participating in the EU Talent Pool shall be accessible to registered jobseekers from third countries, and to the EU Talent Pool National Contact Points.
9. The Commission shall adopt, by means of implementing acts, further provisions on the personal data to be processed and included in the job vacancies and jobseekers' profiles formats, responsibilities of data controllers, including rules governing the possible use of a data processor or processors, as well as on the conditions for accessing personal data and the option available to registered jobseekers to restrict the access to their personal data on the EU Talent Pool IT platform. Those

implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(3).

CHAPTER III GOVERNANCE

Article 7 **Structure**

1. The EU Talent Pool shall consist of:
 - (a) the EU Talent Pool Secretariat;
 - (b) the EU Talent Pool Steering Group;
 - (c) the EU Talent Pool National Contact Points;

Article 8 **EU Talent Pool Secretariat**

1. The Commission shall provide the EU Talent Pool Secretariat.
2. The Secretariat shall be responsible for:
 - (a) ensuring the overall management of the EU Talent Pool, including the planning and coordination of the activities of the EU Talent Pool;
 - (b) setting up and managing the EU Talent Pool IT platform and related IT services necessary for its functioning, in particular by using already available technical infrastructure at Union level where relevant;
 - (c) publishing relevant information on the EU Talent Pool IT platform pursuant to Articles 3(3), Article 10(2), point (f), Article 12(5),(6) and (7), Article 14(2) and Article 15(2);
 - (d) preparing the meetings of the EU Talent Pool Steering Group;
 - (e) collecting relevant data for monitoring the performance of the EU Talent Pool pursuant to Article 20;
 - (f) convening regular meetings of the Network of the EU Talent Pool National Contact Points referred to in Article 10 to exchange information and best practices on the technical implementation at national level of this Regulation.

Article 9 **EU Talent Pool Steering Group**

1. The EU Talent Pool Steering Group is established. The EU Talent Pool Steering Group is responsible for:

- (a) providing support to the EU Talent Pool Secretariat in the preparation of the list of EU-wide shortage occupations pursuant to Article 14;
 - (b) providing support to the EU Talent Pool Secretariat in the planning and coordination of the activities of the EU Talent Pool;
 - (c) facilitating the gathering of data relevant for the monitoring activities of the EU Talent Pool referred to in Article 20;
 - (d) discussing the implementation of accelerated immigration procedures to facilitate the recruitment of registered jobseekers from third countries pursuant to Article 19.
2. Only participating Member States shall be members of the EU Talent Pool Steering Group. Member States not participating in the EU Talent Pool may participate in the meetings of the EU Talent Pool Steering Group as observers.
 3. The EU Talent Pool Steering Group shall meet twice a year, or on ad-hoc basis when necessary. The meetings shall be convened and chaired by the Commission.
 4. Representatives of the cross-industry social partners organisations at Union level shall have the right to participate as observers in the meetings of the EU Talent Pool Steering Group. Representation of two participants from trade union and two participants from employer organisations shall be ensured by the EU Talent Pool Steering Group. Those representatives shall sign a written statement declaring that they are not in a situation of conflict of interest.

Article 10

EU Talent Pool National Contact Points

1. Each participating Member State shall designate an EU Talent Pool National Contact Point. Participating Member States shall ensure that relevant authorities from the field of employment and immigration are appointed as the EU Talent Pool National Contact Points.
2. The EU Talent Pool National Contact Point shall be responsible for:
 - (a) facilitating the functioning of the EU Talent Pool IT platform at national level in accordance with Article 5;
 - (b) transferring job vacancies to the EU Talent Pool IT platform through the single coordinated channel and facilitating the matching between registered jobseekers from third countries and employers participating in the EU Talent Pool;
 - (c) notifying to the EU Talent Pool Secretariat the national list of shortage occupations once a year and any national adjustments to the list of EU-wide shortage occupations pursuant to Article 15;
 - (d) keeping a registry of employers participating in the EU Talent Pool;

- (e) suspending the access of employers participating in the EU Talent Pool and removing their job vacancies from the EU Talent Pool IT platform in case of a breach of the relevant law and practice pursuant to Article 13(3) is notified to the EU Talent Pool National Contact Points by the relevant national authorities responsible for enforcing the relevant law and practice;
 - (f) providing information to the EU Talent Pool Secretariat on immigration and recognition procedures at national level, including with regard to the implementation of the principle of preference for Union citizens and relevant data for the monitoring of the EU Talent Pool as set out in Article 20;
 - (g) providing information and support services to registered jobseekers from third countries and employers participating in the EU Talent Pool in accordance with Article 17.
3. The EU Talent Pool National Contact Points from each participating Member State shall be regularly convened by the EU Talent Pool Secretariat in the Network of the EU Talent Pool National Contact Points to exchange information and best practices on the implementation of this Regulation.

CHAPTER IV

REGISTRATION OF JOBSEEKERS FROM THIRD COUNTRIES AND PARTICIPATION OF EMPLOYERS IN THE EU TALENT POOL

Article 11

Registration and access of jobseekers from third countries

1. Jobseekers from third countries may create their profiles via the Europass profile builder in order to register on the EU Talent Pool IT platform.
2. Access to registering a profile in the EU talent Pool IT platform shall be limited to persons who expressly declare not to be subject to a judicial or administrative decision refusing the entry or stay in a Member State in accordance with its national law or an entry ban to the territory of the Union in accordance with Directive 2008/115/EC.
3. Profiles of jobseekers from third countries registered in the EU Talent Pool shall be visible to employers participating in the EU Talent Pool.
4. Jobseekers from third countries registered in the EU Talent Pool IT platform may search for job vacancies.

Article 12

Profile registration and access of jobseekers from third countries in the context of Talent Partnerships

1. Participating Member States taking part in a Talent Partnership may decide to rely on the EU Talent Pool to facilitate the recruitment of jobseekers from that third country

whose skills were developed or validated in the framework of that Talent Partnership and certified by an ‘EU Talent Partnership pass’.

2. Jobseekers from third countries who have received an ‘EU Talent Partnership pass’ certifying the skills developed or validated in the context of a Talent Partnership may register their profile in the EU Talent Pool IT platform linking their profiles to the ‘EU Talent Partnership pass’.
3. The ‘EU Talent Partnership pass’ shall be visible on the EU Talent Pool IT platform and shall contain information on one or more of the following elements:
 - (a) the details of education and training obtained by the third country national participating in the Talent Partnership, including the subject-matter of education the training, its duration and the type of skills obtained and their level;
 - (b) the qualification acquired and the skills of the third country national which have been validated in the context of the Talent Partnership, including skills and competencies relating to a specific occupation, language skills, or competencies facilitating their integration in one or more Member States;
 - (c) any other information considered relevant for the purpose of the recruitment.
4. The Commission shall, by means of implementing acts, adopt templates for the format of the ‘EU Talent Partnership pass’. These implementing acts shall be adopted in accordance with the advisory procedure referred to in Article 22(2).
5. The conditions for the issuance of the ‘EU Talent Partnership pass’ shall be determined by the Member States in the framework of the Talent Partnership in which they are participating. The Commission shall publish information on those conditions on the EU Talent Pool IT platform.
6. Participating Member States may decide, in the framework of the relevant Talent Partnership, to limit the visibility of profiles of registered jobseekers from third countries having obtained an ‘EU Talent Partnership pass’, for a maximum period of one year, to employers established in one or more Member States taking part in that same Talent Partnership. The EU Talent Pool Secretariat shall publish information on the application of this paragraph on the EU Talent Pool IT platform.
7. The list of third countries and participating Member States taking part in a Talent Partnership and the relevant occupations covered therein shall be published on the EU Talent Pool IT platform.

Article 13

Participation of employers in the EU Talent Pool

1. Employers interested in participating in the EU Talent Pool may request the EU Talent Pool National Contact Point in the Member State where they are established to transfer their job vacancies to the EU Talent Pool IT platform.
2. The EU Talent Pool National Contact Points shall transfer to the EU Talent Pool IT platform job vacancies that:

- (a) fall within the list of EU-wide shortage occupations set in Article 14 and the national adjustments to the list pursuant to Article 15(1) or those job vacancies which are relevant for a Talent Partnership;
 - (b) are open to the recruitment of jobseekers from third countries in accordance with the principle of preference for Union citizens, where applicable under national law.
3. Employers participating in the EU Talent Pool shall comply with the relevant Union and national law and practice to ensure third-country nationals' protection against unfair recruitment and inadequate working conditions as well as non-discrimination. Participating Member States may introduce additional conditions for the employers' participation in the EU Talent Pool to ensure compliance with other relevant national practices, collective agreements and the principles and guidelines set out by the International Labour Organisation, in compliance with Union law.
- Employers participating in the EU Talent Pool shall not charge fees to registered jobseekers from third countries for the purpose of the recruitment.
4. Job vacancies of employers participating in the EU Talent Pool shall be visible to registered jobseekers from third countries in the EU Talent Pool IT platform.
5. Employers participating in the EU Talent Pool shall indicate, without undue delay, in the EU Talent Pool IT platform that they have successfully completed the recruitment of registered jobseekers from third countries for the given job vacancy. The profiles of those registered jobseekers and the fulfilled job vacancies shall automatically cease to be visible in the EU Talent Pool IT platform.
6. The national authorities responsible for the relevant law and practice in the participating Member States shall immediately inform the EU Talent Pool National Contact Points on any breaches of the provisions of the relevant law and practice set out in paragraph 3 for the purposes of Article 10(2), point (e).

Article 14

List of EU-wide shortage occupations

1. For the purpose of this Regulation, a list of EU-wide shortage occupations at the ISCO-08 4-digit level is set out in the Annex.
- The Commission shall be empowered to adopt delegated acts in accordance with the procedure referred to in Article 21 to amend the Annex, in accordance with the following criteria:
- (a) shortage occupations common to a significant number of participating Member States as notified to the EU Talent Pool Secretariat by the EU Talent Pool National Contact Points pursuant to Article 10(2)(c);
 - (b) occupations which contribute directly to the EU green and digital transitions and which are likely to grow in importance.
2. The EU Talent Pool Secretariat shall publish the list of the EU-wide shortage occupations on the EU Talent Pool IT platform.

Article 15

National adjustments to the list of EU-wide shortage occupations

1. The participating Member States may decide to add shortage occupations at the ISCO-08 4-digit level, in order to satisfy their specific labour market needs. They may also decide to remove shortage occupations from the EU-wide list where those do not correspond to their specific labour market needs. The country-specific adjustments shall only affect the matching of job vacancies in the Member State concerned.

The EU Talent Pool National Contact Points of the Member States notifying their participation in the EU Talent Pool pursuant to Article 3 shall notify any additions to or removals from the EU-wide list of shortage occupations at the latest 3 months before joining the EU Talent Pool.

The EU Talent Pool National Contact Points of the participating Member States shall notify any additions to or removals from the EU-wide list of shortage occupations within 3 months following the amendments to the Annex.

The EU Talent Pool National Contact Points may notify to the EU Talent Pool Secretariat further additions to and removals from the EU-wide list of shortage occupations maximum once a year.

2. The EU Talent Pool Secretariat shall publish the adjustments to list of EU-wide shortage occupations notified by the EU Talent Pool Contact Points on the EU Talent Pool IT platform.
3. The EU Talent Pool National Contact Points shall transfer to the EU Talent Pool IT platform only those job vacancies that correspond to the EU-wide list of shortage occupations taking into account the adjustments referred to in paragraph 1.

Article 16

Search and matching

1. Employers participating in the EU Talent Pool IT platform may search for registered jobseekers from third countries in the EU Talent Pool IT platform.
2. Employers participating in the EU Talent Pool may use a specific filter available on the EU Talent Pool IT platform to search for profiles of registered jobseekers having obtained an 'EU Talent Partnership pass'.
3. Employers participating in the EU Talent Pool may access a list of suggested registered jobseekers' profiles generated by the automatic matching tool and based on the relevance of their skills, qualifications and work experiences for the job vacancy.
4. Registered jobseekers from third countries may search for job vacancies in the EU Talent Pool and access a list of suggested relevant job vacancies generated by the automated matching tool.

CHAPTER V

INFORMATION PROVISION, SUPPORT SERVICES AND ACCELERATED IMMIGRATION PROCEDURES

Article 17

Information provision and support services

1. Participating Member States shall make information concerning the EU Talent Pool and its functioning easily accessible.

The EU Talent Pool Secretariat, with the support of the EU Talent Pool National Contact Points, shall make available, on the EU Talent Pool IT platform, the following information:

- (a) information concerning recruitment and immigration procedures, recognition of qualifications and validation of skills, rights of third country nationals, including with regard to available redress mechanisms as well as information on living and working conditions in the participating Member States;
 - (b) clear explanation to jobseekers from third countries that if they are subject to a judicial or administrative decision refusing the entry or stay in a Member State or an entry ban in accordance with Directive 2008/115/EC of the European Parliament and of the Council, their entry into and stay on the territory of all the Member States shall be prohibited.
2. Upon request from registered jobseekers from third countries and employers participating in the EU Talent Pool, the EU Talent Pool National Contact Points shall provide additional support, and post-selection assistance to registered jobseekers from third countries and employers participating in the EU Talent Pool, in particular with regard to:
 - (a) specific information on national immigration procedures to obtain visas and residence permits for work purposes following the selection process;
 - (b) specific guidance and information on family reunification procedures and family members' rights;
 - (c) specific information on third-country nationals' rights and obligations including access to social benefits, health assistance, education, housing, recognition of qualifications and the complaint mechanism pursuant to Article 18;
 - (d) information available at national level to facilitate third-country nationals' integration in the host Member State such as language courses, vocational training and education as well as other integration measures;
 - (e) where available, the contact details of organisations which offer post-recruitment assistance for third country nationals.

3. Where relevant, the EU Talent Pool National Contact Points shall refer requests for information, guidance and support to other national competent authorities and, if applicable, other appropriate bodies at national level supporting the integration of third country nationals on the labour market.

Article 18

Facilitation of complaints

1. Participating Member States shall ensure that there are effective mechanisms through which registered jobseekers from third countries may lodge complaints in case of breach by the employers participating in the EU Talent Pool of the obligations and conditions laid down in Article 13(3).
2. Participating Member States shall make information concerning available redress mechanisms easily accessible.

Article 19

Accelerated immigration procedures

1. Participating Member States may decide to put in place accelerated immigration procedures to allow for a faster recruitment of registered jobseekers from third countries who have been selected for a job vacancy in the EU Talent Pool.
2. The procedure referred to paragraph 1 may cover:
 - (a) the obtention of visas and residence permits for work purposes;
 - (b) the exemption from the principle of preference for Union citizens for job vacancies transferred to the EU Talent Pool IT platform.

CHAPTER VI FINAL PROVISIONS

Article 20

Monitoring activities

1. The performance of the EU Talent Pool shall be regularly monitored by the EU Talent Pool Secretariat in accordance with Article 8(2), point (e). In particular, data shall be gathered on:
 - (a) the number and type of profiles of registered jobseekers from third-countries registered in the EU Talent Pool IT platform;
 - (b) the number and type of job vacancies transferred to the EU Talent Pool IT platform;
 - (c) the number of visits on the EU Talent Pool IT platform;
 - (d) the number and type of job placements facilitated via the EU Talent Pool;
 - (e) the number of 'EU Talent Partnerships passes' issued;

- (f) the number of placements facilitated via the EU Talent Pool in the context of the Talent Partnerships.
- 2. The EU Talent Pool Secretariat shall set up the data collection according to the statistical concepts and definitions and exchange information and data with the Commission for the purpose of quality of data collected under this Regulation and the production and quality of European statistics.
- 3. The EU Talent Pool Secretariat shall gather the data referred to in paragraph 1 with the support of the EU Talent Pool National Contact Points and the EU Talent Pool Steering Group.

Article 21

Exercise of the delegation

- 1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
- 2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission for a period of five years from the entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such an extension not later than three months before the end of each period.
- 3. The delegation of power referred to in Article 14, may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
- 4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
- 5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
- 6. A delegated act adopted pursuant to Article 14 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Article 22

Committee procedure

1. The Commission shall be assisted by a Committee established by this Regulation. That Committee shall be a committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 23
Reporting

1. By 31.12.2031 and every five years thereafter, the Commission shall submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the application of this Regulation.

Article 24
Entry into force

1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
2. This Regulation shall be binding in its entirety and directly applicable in the participating Member States in accordance with the Treaties.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

LEGISLATIVE FINANCIAL STATEMENT

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

1.2. Policy area(s) concerned

1.3. The proposal/initiative relates to:

1.4. Objective(s)

1.4.1. General objective(s)

1.4.2. Specific objective(s)

1.4.3. Expected result(s) and impact

1.4.4. Indicators of performance

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative

1.5.2. Added value of Union involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this point 'added value of Union involvement' is the value resulting from Union intervention, which is additional to the value that would have been otherwise created by Member States alone.

1.5.3. Lessons learned from similar experiences in the past

1.5.4. Compatibility with the Multiannual Financial Framework and possible synergies with other appropriate instruments

1.5.5. Assessment of the different available financing options, including scope for redeployment

1.6. Duration and financial impact of the proposal/initiative

1.7. Method(s) of budget implementation planned

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

2.2. Management and control system(s)

2.2.1. Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed

2.2.2. *Information concerning the risks identified and the internal control system(s) set up to mitigate them*

2.2.3. *Estimation and justification of the cost-effectiveness of the controls (ratio of "control costs ÷ value of the related funds managed"), and assessment of the expected levels of risk of error (at payment & at closure)*

2.3. Measures to prevent fraud and irregularities

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

3.2. Estimated financial impact of the proposal on appropriations

3.2.1. *Summary of estimated impact on operational appropriations*

3.2.2. *Estimated output funded with operational appropriations*

3.2.3. *Summary of estimated impact on administrative appropriations*

3.2.3.1. *Estimated requirements of human resources*

3.2.4. *Compatibility with the current multiannual financial framework*

3.2.5. *Third-party contributions*

3.3. Estimated impact on revenue

1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

1.1. Title of the proposal/initiative

Proposal for a Regulation of the European Parliament and of the Council establishing an EU Talent Pool

1.2. Policy area(s) concerned

Migration and employment

1.3. The proposal/initiative relates to:

a new action

a new action following a pilot project/preparatory action⁴⁵

the extension of an existing action

a merger or redirection of one or more actions towards another/a new action

1.4. Objective(s)

1.4.1. General objective(s)

The general objective of the initiative is to support international recruitment of jobseekers from third countries via legal pathways to address EU labour and skills shortages.

1.4.2. Specific objective(s)

The specific policy objectives are:

1) Ensuring more effective international job matching;

2) Improving comparability of skills and qualifications obtained in third countries with those required at national level;

3) Improving understanding and access to the migration procedures;

4) Incentivising cooperation on migration with third countries, including in the context of a Talent Partnership.

⁴⁵ As referred to in Article 58(2)(a) or (b) of the Financial Regulation.

1.4.3. *Expected result(s) and impact*

Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.

The EU Talent Pool will be the first EU-wide platform aimed at facilitating international recruitment and providing opportunities for jobseekers from third countries that are interested and have the skills required to work in EU-wide shortage occupations. The initiative is voluntary, thus leaving the Member States a choice to join it or not. For the purpose of assessing potential budgetary implications of the proposal, while taking into account its voluntary nature and the fact that some Member States may decide to join once the system is fully operational, it is assumed that between 11 and 20 Member States will join by 2030, with further Member States joining afterwards. This assumption does not prejudge Member States' choices and the budget will be adjusted depending on the number of the Member States participating in the EU Talent Pool. Offering a job matching platform and a wide range of personalised guidance and services would benefit business and in particular SMEs, as it would guarantee access to a wider pool of relevant jobseekers from outside the EU. It would also make recruitment faster, easier and more effective and ensure better quality of matches via specific tools and personalised support. The benefits for employers are mainly linked to time savings across the various steps of the recruitment process. In addition, further total cost savings for European employers of a range between EUR 74 500 000 and EUR 77 700 000 would result from the fact that the new platform would be free to use for businesses. Filling in the job vacancy posts would allow employers to increase their productivity and capacity to innovate and to grow. Further costs savings could be generated, if the Member States decided to introduce facilitation measures related to the migration procedures.

The initiative would have a positive impact on GDP with an additional GDP of EUR around EUR 3.855 – 4.255 billion with 11 to 20 Member States participating until 2030 generated by additional wages. It would also positively impact fiscal contributions (EUR 918-957 million) and remittances for third countries (EUR 712-748 million).

By filling in EU-wide labour shortages, the EU Talent Pool will have a positive impact on the EU future prosperity and allow the participating Member States to better address challenges related to shrinking working age population and the twin transition.

Making the EU Talent Pool the tool for job placements in the context of the Talent Partnerships would facilitate the implementation of this initiative. Hence, it will indirectly contribute to the overall migration management by incentivising cooperation with third countries on migration, while boosting international mobility and skills development. This would benefit the EU, its Member States and the EU citizens, as well as third countries and their citizens.

1.4.4. *Indicators of performance*

Specify the indicators for monitoring progress and achievements.

A dedicated monitoring framework, including a number of indicators per the specific objectives, is described in the Impact Assessment Report accompanying the proposal.

Indicators will include:

- the number and type of profiles of jobseekers from third countries registered in the EU Talent Pool IT platform;
- the job vacancies registered in the EU Talent Pool IT Platform;
- the number of visits on the EU Talent Pool IT Platform and the number of job placements facilitated via the EU Talent Pool;
- the number of ‘EU Talent Partnerships passes’ issued and the number of placements facilitated via the EU Talent Pool in the context of the Talent Partnerships.

This would allow to monitor the effectiveness and success of the initiative in achieving the specific objectives.

The performance of the EU Talent Pool would be regularly monitored by the EU Talent Pool Secretariat, (every second year) which will include detailed performance indicators accompanied by targets and baseline.

1.5. Grounds for the proposal/initiative

1.5.1. Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative

Following the adoption of the proposal on the EU Talent Pool by the co-legislators (expected to happen at the end of 2025), the development of the EU Talent Pool IT Platform would start and last around two years (2026-2027). In the same period, the Commission would need to guarantee, in cooperation with the participating Member States, interoperability of their national databases with the EU Talent Pool.

In parallel, the EU Talent Pool Secretariat would need to be established as well as other governance fora (the EU Talent Pool Steering Group, the EU Talent Pool National Contact Points), and relevant committees for the adoption of the implementing acts. In addition, the Commission will need to take on a more important role in monitoring the implementation the new Regulation, to ensure that its objectives are met.

The implementation of the Regulation will require that a number of detailed issues are adopted through implementing or delegated acts within two years from the date of application of the Regulation.

Until the start of the operation of the EU Talent Pool IT platform, the Commission shall be empowered to adopt the following delegated act:

- establishing a list of EU-wide shortage occupations.

The Commission shall be empowered to adopt the following implementing acts:

- adopting necessary technical standards for the data exchange, data formats, job vacancies and jobseekers' profiles formats;
- adopting templates for the format of the 'EU Talent Partnership pass',
- adopting further provisions on the subcategories of personal data to be processed, responsibilities of data controllers, including rules governing the possible use of a data processor or processors, as well as on the conditions for accessing personal data and the option available to jobseekers to restrict the access to their personal data on the EU Talent Pool IT platform.

1.5.2. *Added value of Union involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this point 'added value of Union involvement' is the value resulting from Union intervention, which is additional to the value that would have been otherwise created by Member States alone.*

Reasons for action at European level (ex-ante): All Member States face worsening skills and labour shortages in view of the demographic challenges and requirements of the twin transition. While some of them are already addressing these shortages by re-activating the domestic workforce and improving intra-EU mobility, these efforts might be insufficient to fully address existing and future shortages. For this reason, some Member States already recognised the key role of legal migration and developed talent attraction policies, but these are widely fragmented and vary across Member States with regard to their scale of intervention. They are expected to be insufficient in comparison with the expected labour demand in the EU. Although some digital platforms and talent attraction tools have been set up at national level, they exist in only a few Member States and are limited in scope, while the EU shortages concern all skill levels, thus not addressing the EU dimension of the issue.

The lack of a harmonised approach together with the potentially limited visibility of existing national platforms at the global level reduce the Member States' ability to achieve economies of scale when developing talent attraction policies individually. Therefore, the insufficient recruitment of third country nationals through existing labour migration channels to address EU labour and skills shortages cannot be addressed sufficiently by individual Member States: Member States acting alone, especially smaller Member States with less visibility worldwide, may not be able to compete for jobseekers from third countries.

A unified EU platform could help connect and bridge the gap between third country nationals' labour supply and EU demand, thus attracting the foreign talent to a greater extent to what Member States acting alone would achieve.

Expected generated Union added value (ex-post): The EU Talent Pool would allow to support international recruitment of third-country nationals via legal pathways to address EU labour and skills shortages. As one EU-wide job matching platform offering also transparent information on immigration and recruitment processes as

well as support services, it would improve the overall efficiency of labour migration management at EU level and promote the EU as a destination for foreign workers. It would also improve the Union's competitiveness and economic growth by enhancing the visibility of the EU and Member States' legal migration policies at global level and by attracting more third-country nationals from abroad. Thanks to the economies of scale, the EU would be better equipped to compete on the global stage in attracting foreign talent and to achieve the green and digital transition. This will ensure that a greater number of potential candidates with the right skills are encompassed, and the labour needs of employers in each Member State are better addressed. It would send a clear message to jobseekers from third countries that the EU is ready to welcome them in its labour market. The EU Talent Pool will complement and reinforce the existing national talent attraction initiatives.

1.5.3. Lessons learned from similar experiences in the past

In October 2022 the EU Talent Pool Pilot was launched to support the integration into the labour market of people fleeing the war in Ukraine. Under this Pilot initiative, beneficiaries of temporary protection residing in a Member State are now able to register their CVs on the EURES platform and seek job opportunities in another Member State, but their CVs are not matched with the vacancies. While the EU Talent Pool Pilot is specifically conceived to facilitate integration in the labour market of beneficiaries of temporary protection already in the EU, the EU Talent Pool proper would be directed at attracting jobseekers from third countries that are not already residing in the EU. Therefore, the two initiatives have a different logic, legal basis and scope of application and the lessons learnt from the Pilot can be used for this initiative only to a limited extent. However, the Pilot experience shows the importance of ensuring a matching system between job profiles and vacancies and of conducting an extensive awareness campaign in order to reach out to the third country nationals potentially interested in using the tool. In addition, the relevant role of the Public Employment Services (PES) was equally confirmed.

1.5.4. Compatibility with the Multiannual Financial Framework and possible synergies with other appropriate instruments

The proposal follows up on the New Pact on Migration and Asylum which recognised legal migration as an essential part of the comprehensive approach to migration and committed to 'further explore an EU Talent Pool for third-country skilled workers which could operate as an EU-wide platform for international recruitment'.

The intention to establish an EU Talent Pool was announced in the Skills and Talent Package. The EU Talent Pool initiative would improve the use of the EU legal migration Directives, as receiving a job offer which the EU Talent Pool will facilitate is in the EU an essential prerequisite to receive a visa or a residence permit related to work. By making the legal migration legislative framework clearer, via the provision of online information and support services, the EU Talent Pool would facilitate access to the procedures and, therefore, support international recruitment of third country national via legal pathways. In addition, effective legal pathways can contribute to the decrease of irregular migration and benefit our labour market.

The EU Talent Pool will also support the implementation of the Talent Partnerships by providing a tool for an effective job placement of jobseekers from the partner countries participating in these partnerships, thus increasing the effectiveness of the EU cooperation with third countries on legal migration and, as a consequence, of the overall migration management.

As the EU Talent Pool will be also open to jobseekers in need of international protection in third countries, it will contribute to the objective of providing and enhancing legal and safe channels to the EU for those in need of international protection around the world, as set out in the 2020 Commission Recommendation on legal pathways to protection to the EU.

The EU Talent Pool is one of the key components of the Commission's Package on talent mobility adopted as part of the European Year of Skills.

It will also complement EU policy initiatives which strive to address labour and skills shortages in the EU such as the European Skills Agenda, while facilitating the achievement of the green and digital transition in the EU, in line with the Net Zero Industry Act and the Green Deal Industrial Plan.

Building upon the experience of EURES and the European Labour Authority, it will help to achieve synergies with other EU policy measures aimed at addressing the EU skills and labour shortages (in particular EURES).

The investment required at the EU level and Member States' level are compatible with the 2021-2027 Multiannual Financial Framework with the use of the AMIF to finance these investments.

1.5.5. *Assessment of the different available financing options, including scope for redeployment*

Within the current MFF, the needs can be met by redeployment within the existing programme AMIF.

No additional cost is foreseen within the current MFF. In the post-2027 MFF, the cost for the EU Talent Pool is proposed to be financed through the subsequent MFF, without pre-empting the agreement on the MFF and programmes. The costs covering the period after 2027 are indicative and do not prejudice the available budget for the initiative under the future MFF.

1.6. Duration and financial impact of the proposal/initiative

limited duration

- in effect from [DD/MM]YYYY to [DD/MM]YYYY
- Financial impact from YYYY to YYYY for commitment appropriations and from YYYY to YYYY for payment appropriations.

unlimited duration

- Implementation with a start-up period from 2026 to 2028.

- followed by full-scale operation.

1.7. Method(s) of budget implementation planned⁴⁶

Direct management by the Commission

- by its departments, including by its staff in the Union delegations;
- by the executive agencies

Shared management with the Member States

Indirect management by entrusting budget implementation tasks to:

- third countries or the bodies they have designated;
 - international organisations and their agencies (to be specified);
 - the EIB and the European Investment Fund;
 - bodies referred to in Articles 70 and 71 of the Financial Regulation;
 - public law bodies;
 - bodies governed by private law with a public service mission to the extent that they are provided with adequate financial guarantees;
 - bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that are provided with adequate financial guarantees;
 - bodies or persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.
- *If more than one management mode is indicated, please provide details in the 'Comments' section.*

Comments

The development phase of the EU Talent Pool is expected to last two years during which the EU Talent Pool IT Platform will be established, next to the EU Talent Pool Secretariat and other governance fora. The EU Talent Pool is expected to be operational as from the beginning of 2028.

Indirect management will be applicable as from 2028, as there is an intention as from 2028 to support financially international or EU- based actors present in the third countries that could help displaced people in need of international protection to make use of the EU Talent Pool opportunities, thus supporting the development of the complementary labour pathways.

⁴⁶ Details of budget implementation methods and references to the Financial Regulation may be found on the BUDGpedia site: <https://myintracomm.ec.europa.eu/corp/budget/financial-rules/budget-implementation/Pages/implementation-methods.aspx>

2. MANAGEMENT MEASURES

2.1. Monitoring and reporting rules

Specify frequency and conditions.

Funding implemented under the **direct and indirect management** will be implemented under the AMF Thematic Facility, which also falls under the general monitoring and evaluation mechanism of AMF. Streamlined templates and rules will be established in order to collect indicators from the grant and contribution agreements' beneficiaries at the same pace as for the shared management, in order to ensure the disclosure of comparable data.

When the Union contribution will be provided through **shared management**, the following rules shall apply: Funding implemented by Member States under shared management will follow the rules set out in Regulation (EU) 2021/1060 of 24 June 2021, referred further as the CPR regulation, in Regulation 2018/2016 (Financial Regulation) and in Regulation (EU) 2021/1147 of 7 July 2021 establishing the Asylum, Migration and Integration Fund, referred further as AMIF Regulation. In line with the CPR regulation, each Member State has already established a management and control system for its programme to ensure the quality and the reliability of the monitoring system. Therefore, for shared management, a coherent and efficient reporting, monitoring and evaluation framework is in place. Member States are required to set up a monitoring committee to which the Commission may participate in advisory capacity. Monitoring committees will review all issues that affect programme progress towards achieving its objectives. For the HOME affairs funds, Member States submit to the Commission their annual performance reports on the implementation of the programme and the progress in achieving the milestones and targets. Such reports should also raise any issues affecting the performance of the programme and describe the action taken to address them.

2.2. Management and control system(s)

2.2.1. *Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed*

The control strategy will be based on the Financial Regulation and on the CPR regulation. For the part implemented through **direct and indirect management** under the thematic facility, the management and control system will build on the experience gained in the implementation of the current MFF.

When the Union contribution will be provided through **shared management**, the following rules shall apply: the Member States will receive an additional contribution for interoperability of their national systems with the EU Talent Pool IT Platforms, for their National Contact Points as well as administrative support for issuing the "EU Talent Partnership passes" in the context of the Talent Partnerships (where appropriate). The corresponding amounts will be allocated to the Member States through the amendment of their programme. These programmes are managed under

shared management in line with Article 63 of the Financial Regulation, the CPR regulation and the AMIF regulation. The payment arrangements for shared management are set out in the CPR regulation.

Any irregularities detected by the Commission or the European Court of Auditors after the transmission of the annual assurance package may lead to a net financial correction.

2.2.2 *Information concerning the risks identified and the internal control system(s) set up to mitigate them*

As the EU Talent Pool will involve creating a specific EU Talent Pool IT Platform that would need in addition to be interoperable with relevant Member States' national systems and require them to designate the National Contact Points, there is a potential risk that, if the cooperation of the Member States is insufficient, development of the EU Talent Pool will not be on schedule.

The importance of the preparatory work will be therefore crucial. The Commission should start as quickly as possible preparing the ground-work for the relevant governance and IT arrangements.

Frequent meetings and regular contacts will be required between the Commission and the Member States to ensure that all relevant decisions are taken swiftly and do not negatively affect the timing of the implementation.

DG HOME runs an annual risk management exercise to identify and assess potential high risks. Risks considered as critical are reported annually in DG HOME management plan and are accompanied by an action plan stating the mitigating action.

2.2.3. *Estimation and justification of the cost-effectiveness of the controls (ratio of "control costs ÷ value of the related funds managed"), and assessment of the expected levels of risk of error (at payment & at closure)*

The ratio of "control costs/value of the related funds managed" is regularly reported on by the Commission. DG HOME's 2022 Annual Activity Report reports 0.45% ratio in relation to shared management, 0.83% ratio in relation to direct management grants and 0.12% ratio in relation to indirect management.

2.3. Measures to prevent fraud and irregularities

Specify existing or envisaged prevention and protection measures, e.g. from the Anti-Fraud Strategy.

DG HOME will continue to apply its Anti-Fraud Strategy in line with the Commission's Anti-Fraud Strategy (CAFS) in order to ensure inter alia that its internal anti-fraud related controls are fully aligned with the CAFS and that its fraud risk management approach is geared to identify fraud risk areas and adequate responses.

3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff. ⁴⁷	from EFTA countries ⁴⁸	from candidate countries and potential candidates ⁴⁹	from other third countries	other assigned revenue
4	10 02 01	Diff./Non-diff.	YES/NO	YES/NO	YES/NO	YES/NO

- New budget lines requested

In order of multiannual financial framework headings and budget lines.

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff.	from EFTA countries	from candidate countries and potential candidates	from other third countries	other assigned revenue
	[XX.YY.YY.YY]		YES/NO	YES/NO	YES/NO	YES/NO

⁴⁷ Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

⁴⁸ EFTA: European Free Trade Association.

⁴⁹ Candidate countries and, where applicable, potential candidates from the Western Balkans.

3.2. Estimated financial impact of the proposal on appropriations

3.2.1. Summary of estimated impact on operational appropriations⁵⁰

- The proposal/initiative does not require the use of operational appropriations
- The proposal/initiative requires the use of operational appropriations, as explained below:

EUR million (to three decimal places)

Heading of multiannual financial framework	4	2024	2025	2026	2027	Total 24-27	2028 ⁵¹	2029 ⁵²	2030 ⁵³	Total 24-30
Operational appropriations										
10 02 01 - Asylum, Migration and Integration Fund (AMIF)	Commitments	0,000	0,000	12,309	12,309	24,618	23,513	23,513	22,262	93,906
10 02 01 - Asylum, Migration and Integration Fund (AMIF)	Payments	0,000	0,000	1,361	6,075	7,436	6,884	7,958	10,823	33,101
Appropriations of an administrative nature financed from the envelope of specific programmes										
10 01 01 - Support expenditure for the Asylum, Migration and Integration Fund (AMIF)	CA=PA									
TOTAL appropriations for DG HOME	Commitments	0,000	0,000	12,309	12,309	24,618	23,513	23,513	22,262	93,906
	Payments	0,000	0,000	1,361	6,075	7,436	6,884	7,958	10,823	33,101
TOTAL operational appropriations	Commitments	0,000	0,000	12,309	12,309	24,618	23,513	23,513	22,262	93,906
	Payments	0,000	0,000	1,361	6,075	7,436	6,884	7,958	10,823	33,101

⁵⁰ The tables in this section represent a scenario where 20 Member States participate. This does not prejudice Member States' choices and the budget will be adjusted depending on the number of the Member States participating in the EU Talent Pool.

⁵¹ The costs covering the period after 2027 are indicative and do not prejudice the available budget for the initiative under the future MFF.

⁵² Idem.

⁵³ Idem.

TOTAL appropriations of an administrative nature financed from the envelope for specific programmes	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000
TOTAL appropriations under HEADING 4 of the multiannual financial framework	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000
Commitments	0,000	12,309	12,309	12,309	24,618	23,513	23,513	22,262	93,906	
Payments	0,000	1,361	6,075	7,436	6,884	7,958	10,823	33,101		

Heading of multiannual financial framework	7	‘Administrative expenditure’
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EUR million (to three decimal places)

DG: HOME	2024	2025	2026	2027	Total 24-27	2028⁵⁴	2029⁵⁵	2030⁵⁶	Total 24-30
Human Resources	0,086	0,433	1,037	1,470	3,026	1,903	1,903	1,903	8,735
Other administrative expenditure	0,000	0,000	0,078	0,078	0,155	0,061	0,102	0,061	0,379
TOTAL DG HOME	0,086	0,433	1,115	1,548	3,181	1,964	2,005	1,964	9,113
TOTAL appropriations under HEADING 7 of the MFF	0,086	0,433	1,115	1,548	3,181	1,964	2,005	1,964	9,113
TOTAL appropriations under HEADING 1 to 7 of the MFF	0,086	0,433	13,423	13,856	27,798	25,477	25,517	24,226	103,019
	0,086	0,433	2,475	7,623	10,617	8,848	9,963	12,787	42,214

As of 2028, the annual cost of the proposal is estimated at 25 million, which is proposed to be financed through the subsequent MFF, without pre-empting the agreement on the MFF and programmes. In addition, there is an intention as from 2028 to support financially international or EU-based actors present in the third countries that could help displaced people in need of international protection to make use of the EU Talent Pool opportunities, thus supporting the development of the complementary labour pathways. It is not possible at this stage to quantify this amount in detail.

⁵⁴ Idem.

⁵⁵ Idem.

⁵⁶ Idem.

3.2.2. Estimated output funded with operational appropriations

Commitment appropriations in EUR million (to three decimal places)⁵⁷

Indicate objectives and outputs ↓	Type	2026		2027		2028 ⁵⁸		2029 ⁵⁹		TOTAL	
		Number	Cost	Number	Cost	Number	Cost	Number	Cost	Number	Cost
ALL OBJECTIVES:											
Governance – Human resources											
National Contact Points (Member States, to be covered by AMIF)			4,856		4,856		14,567		14,567		53,413
Subtotal			4,856		4,856		14,567		14,567		53,413
SPECIFIC OBJECTIVE NO 2:											
IT costs re-using certain EURES components											
Europass adaptation and integration			0,087		0,087						0,175
Pre-screening tool creation			0,112		0,112						0,225
TCNs CVs database			0,112		0,112						0,225
EURES' job vacancies' database adaptation and integration			0,300		0,300						0,600
EURES search/matching engine adaptation and integration			0,225		0,225						0,450

⁵⁷

This table represents a scenario where 20 Member States participate. This does not prejudice Member States' choices and the budget will be adjusted depending on the number of the Member States participating in the EU Talent Pool.

⁵⁸

Idem.

⁵⁹

Idem.

3.2.3. Summary of estimated impact on administrative appropriations⁶⁰

- The proposal/initiative does not require the use of appropriations of an administrative nature
- The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	2024	2025	2026	2027	TOTAL 24-27	2028 ⁶¹	2029 ⁶²	2030 ⁶³	TOTAL 24-30
HEADING 7 of the MFF									
Human Resources	0,086	0,433	1,037	1,470	3,026	1,903	1,903	1,903	8,735
Other administrative expenditure	0,000	0,000	0,078	0,078	0,155	0,061	0,102	0,061	0,379
Subtotal HEADING 7 of the MFF	0,086	0,433	1,115	1,548	3,181	1,964	2,005	1,964	9,113
Outside HEADING 7 of the MFF									
Human Resources	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000
Other administrative expenditure	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000
Subtotal Outside HEADING 7 of the MFF	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000	0,000
TOTAL	0,086	0,433	1,115	1,548	3,181	1,964	2,005	1,964	9,113

The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the Commission Services that are already assigned to management of the action and/or have been redeployed within these Commission Services, together if necessary with any additional allocation which may be granted to the managing Commission Services under the annual allocation procedure and in the light of budgetary constraints.

3.2.3.1. Estimated requirements of human resources

- The proposal/initiative does not require the use of human resources.
- The proposal/initiative requires the use of human resources, as explained below:

Estimate to be expressed in full time equivalent units

	2024	2025	2026	2027	2028 ⁶⁴	2029 ⁶⁵	2030 ⁶⁶
Establishment plan posts (officials and temporary staff)							
20 01 02 01 (Headquarters and Commission's Representation Offices)	1	2	5	7	9	9	9
20 01 02 03 (Delegations)							

⁶⁰ This table represents a scenario where 20 Member States participate. This does not prejudice Member States' choices and the budget will be adjusted depending on the number of the Member States participating in the EU Talent Pool.

⁶¹ Idem.

⁶² Idem.

⁶³ Idem.

⁶⁴ Idem.

⁶⁵ Idem.

⁶⁶ Idem.

01 01 01 01 (Indirect research)							
01 01 01 11 (Direct research)							
Other budget lines (specify)							
External staff (in Full Time Equivalent unit: FTE)							
20 02 01 (AC, END, INT from the 'global envelope')	0	1	2	3	4	4	4
20 02 03 (AC, AL, END, INT and JPD in the delegations)							
01 01 01 02 (AC, END, INT - Indirect research)							
01 01 01 12 (AC, END, INT - Direct research)							
Other budget lines (specify)							
TOTAL	1	3	7	10	13	13	13

The human resources required will be met by staff from the Commission Services who are already assigned to management of the action and/or have been redeployed within these Commission Services, together if necessary with any additional allocation which may be granted to the managing Commission Services under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	<ul style="list-style-type: none"> - Support to negotiations of the legislative proposal in the European Parliament and the Council - Drafting delegated and implementing acts + negotiations over years 2026 - 2027 - Setting up governance structure and comitology - Implementation of the tasks of the EU Talent Pool Secretariat, including the planning and coordination of the activities of the EU Talent Pool - Data protection (including drafting and finalising controllership agreements) - Contract management of service providers and IT coordination (internal IT Steering Group and submission to IT board) - Cooperation and support with establishing the National Contact Points related activities - Administrative support for issuing the “EU Talent Partnership passes” - Support to Member States participating in Talent Partnerships <p>Specific regime for Talent Partnership (pass requirements, information campaign)</p>
External staff	<ul style="list-style-type: none"> - Support to negotiations and preparation ahead entry into force - Preparation of training needs and capacity building modules - Support with setting up indicators framework, monitoring and evaluation - Communication strategy and organisation of events, networking

3.2.4. Compatibility with the current multiannual financial framework

The proposal/initiative:

- can be fully financed through redeployment within the relevant heading of the Multiannual Financial Framework (MFF).

The costs of the EU Talent Pool proposal will be covered by AMIF without jeopardising the existing envelope

- requires use of the unallocated margin under the relevant heading of the MFF and/or use of the special instruments as defined in the MFF Regulation.

Explain what is required, specifying the headings and budget lines concerned, the corresponding amounts, and the instruments proposed to be used.

- requires a revision of the MFF.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

3.2.5. Third-party contributions

The proposal/initiative:

- does not provide for co-financing by third parties
- provides for the co-financing by third parties estimated below:

Appropriations in EUR million (to three decimal places)

	Year N ⁶⁷	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body								
TOTAL appropriations co-financed								

3.3. Estimated impact on revenue

- The proposal/initiative has no financial impact on revenue.
- The proposal/initiative has the following financial impact:
 - on own resources
 - on other revenue
 - please indicate, if the revenue is assigned to expenditure lines

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative ⁶⁸					Enter as many years as necessary to show the duration of the impact (see point 1.6)		
		Year N	Year N+1	Year N+2	Year N+3				
Article									

For assigned revenue, specify the budget expenditure line(s) affected.

⁶⁷ Year N is the year in which implementation of the proposal/initiative starts. Please replace "N" by the expected first year of implementation (for instance: 2021). The same for the following years.

⁶⁸ As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 20 % for collection costs.

Other remarks (e.g. method/formula used for calculating the impact on revenue or any other information).