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## OUTCOME OF PROCEEDINGS

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	10602/24 + COR 1
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Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing an EU Talent pool - General approach

Delegations will find attached the text of the general approach on the above-mentioned Regulation, reached by the Council at its meeting on 13 June 2024.

Modifications as compared to the Commission proposal are indicated as follows:

- new text is in **bold underline**;
- deleted text is in ~~strikethrough~~.

**2023/0404 (COD)**

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 Committee<sup>1</sup>,Having regard to the opinion of the Committee of the Regions<sup>2</sup>,Having regard to the opinion of the European Data Protection Supervisor<sup>3</sup>,

Acting in accordance with the ordinary legislative procedure,

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<sup>1</sup> OJ C , , p. .<sup>2</sup> OJ C , , p. .<sup>3</sup> OJ C , , p. .

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 **including by making better use of the Council Directive 2003/109 and Directive 2021/1883 of the European Parliament and the Council as well as the EURES-network**, 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 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 **participating employers and other participating entities** established in the participating Member States.

- (4) The Recommendation of the Commission on legal pathways to protection in the EU<sup>4</sup> encourages Member States to put in place and support complementary labour pathways for those in need of international protection<sup>5</sup>. 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 **and Union** 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.

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<sup>4</sup> 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.

<sup>5</sup> "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>.

- (6) The EU Talent Pool aims at providing services to participating employers and other participating entities 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.~~ A participating employer is an employer whose job vacancies are made available on the EU Talent Pool IT Platform by the National Contact Point of the Member State where the employer is established. Once these vacancies are removed from the EU Talent Pool IT Platform, the employer will no longer be regarded as participating employer. Other participating entities may also be included in the EU Talent Pool. The concept of other participating entity refers to a temporary work agency, a private employment agency or a labour market intermediary, whose job vacancies have been made available on the EU Talent Pool IT Platform by the National Contact Point of the Member State where the other participating entity is established. Once these vacancies are removed from the EU Talent Pool IT Platform, the other entity will no longer be regarded as other participating entity. A temporary work agency is to be understood as the term defined in Article 3, paragraph 1(b), of Directive 2008/104/EC of the European Parliament and of the Council. A private employment agency is to be understood as the term defined in the ILO Convention 181 from 1997.
- (6a) Registered jobseekers from third countries are considered as selected for a job vacancy in the EU Talent Pool when they are being offered an employment which allows the jobseeker to enter into an employment relationship in the Member State participating in the EU Talent Pool where the participating employer or the other participating entity is established and where the jobseeker will normally work.

- (7) The EU Talent Pool should also support the implementation of Talent Partnerships **and national frameworks on skills development and validation in a third country. Talent Partnerships**, ~~which~~ are one of the key aspects of the external dimension of the Pact on Migration and Asylum<sup>6</sup> and are operationalised in line with the Commission's Communication on attracting skills and talent to the EU<sup>7</sup>. 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 **field of** employment **authorities** and one from the **field of** immigration **authorities**. **Member States are encouraged to ensure that these representatives are complemented by two alternate members who will be able to represent them in their absence.**
- (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.

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<sup>6</sup> [COM/2020/609 final](#).

<sup>7</sup> [COM/2022/657 final](#).

(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) 2016/589<sup>8</sup> 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, **participating** employers **and other participating entities**, 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 **participating** employers **and other participating entities**, thereby enabling a high-quality matching process. Where applicable, the EU Talent Pool National Contact Points should use the ESCO format for the **transfer transmission** 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.

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<sup>8</sup> 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>).

- (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) 2018/1725<sup>9</sup>, and Article 6(1), point (e) of Regulation (EU) 2016/679<sup>10</sup>, 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.
- (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, participating employers and other participating entities 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.

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<sup>9</sup> 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>).

<sup>10</sup> 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>).



- (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 participating~~ employers and other participating entities 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 participating~~ employers and other participating entities 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 Council<sup>11</sup>, 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, **including on the deletion of the profiles of these jobseekers from the EU Talent Pool IT Platform. In addition, during the immigration procedures carried out by the Member States, necessary checks in relevant national and EU databases such as the Schengen Information System, which contains alerts on third country nationals who are not entitled to enter or stay in the Schengen area, may be conducted. On the EU Talent Pool IT Platform, information should be provided that the registration in the EU Talent Pool by a jobseeker from third countries is not a guarantee that the security checks have been carried out.**

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<sup>11</sup> 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>).

- (17) Jobseekers from third countries wishing to register in the EU Talent Pool should create a profile using the Europass<sup>12</sup> 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 States upon request of the jobseeker ~~or~~ the **participating** employer **or other participating entity** 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~~ **specific information** should be provided by the EU Talent Pool National Contact Points **to registered jobseekers from third countries who have been selected for a job vacancy in the EU Talent Pool.**

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<sup>12</sup> 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>).

(19) In the context of Talent Partnerships, nationals of selected third countries may 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.~~ This program of development and validation of skills can be financially supported by the European Union or can be part of a bilateral initiative or agreement of a Member State within the context of the Talent Partnerships. The skills developed or validated in the framework of a Talent Partnership may be certified according to the conditions determined by the Member States in the framework of the Talent Partnership in which they are participating. ~~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.~~

(19a) Jobseekers from third countries may also receive support through national frameworks on skills development and validation in a third country. These frameworks are financially supported by a Member State and/or by Union funding outside the context of a Talent Partnership. Regarding the recognition of skills acquired in a third country in the context of such a national framework, the national legislation of the respective Member State applies.

- (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. The EU Talent Pool Secretariat should publish the list of third countries and Member States participating in Talent Partnerships on the EU Talent Pool IT platform. The EU Talent Pool Secretariat should also publish a list of national frameworks on skills development and validation in a third country, including the third countries taking part in these frameworks, and information about specific support provided in these frameworks, which participating Member States chose to link to the EU Talent Pool, on the EU Talent Pool IT platform.~~
- (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.~~

- (21a) Jobseekers from third countries who have benefitted from specific support within the framework of a Talent Partnership or a national framework on skills development and validation in a third country should be able to link their profile in the EU Talent Pool to the Talent Partnership or the national framework. Their profiles should be flagged accordingly in the EU Talent Pool IT platform. Participating employers and other participating entities should be able to filter the profiles of registered jobseekers having participated in a Talent Partnership or in a national framework on skills development and validation in a third country. This could encourage participating employers and other participating entities to offer a job placement in the Union.**
- (22) ~~The principles of the European Pillar of Social Rights should apply for~~ All activities conducted in the context of the EU Talent Pool ~~should respect, 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. Also in line ~~accordance~~ with ~~those~~ the principles of the European Pillar of Social Rights, the EU Talent Pool should ensure quality employment and fair competition.

(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 **and other entities participating or having participated in the EU Talent Pool** 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 **participating employers and other participating entities** in accordance with Directive **2024/1233** **2011/98**<sup>13</sup>, Directive **2014/36/EU**<sup>14</sup>, Directive **2021/1883/EU**<sup>15</sup>, and Directive **2016/801/EU**<sup>16</sup>. In accordance with Directive **2019/1152/EU**<sup>17</sup>, **participating employers and other participating entities** ~~**participating in the EU Talent Pool**~~ should provide to registered jobseekers from third countries information in writing and in an **easily** 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. A **participating employer or other participating entity** 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. **Participating employers and other participating entities** ~~**in the EU Talent Pool**~~ should

<sup>13</sup> 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>).

<sup>14</sup> 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>).

<sup>15</sup> 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>).

<sup>16</sup> 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>).

<sup>17</sup> 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>).

comply under all circumstances with Directive 96/71/EC<sup>18</sup> as amended by Directive 2018/957 and Directive 2020/1057 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.~~ Participating employers and other participating entities should also comply with the relevant case law, such as the obligation that third country workers can only be posted to a Member State if they are legally and habitually employed in the Member State of entrance and also take into account the relevant legislation of the host Member State.

(23a) Member States should ensure that all employers and other entities participating in the EU Talent Pool are in compliance with the relevant Union and national law and practice regarding third-country nationals' protection against unfair recruitment and inadequate working conditions as well as non-discrimination. The EU Talent Pool National Contact Point is responsible for refusing, suspending or withdrawing access to the EU Talent Pool IT Platform of those employers and other entities participating or having participated in case their breach of the relevant law and practice is notified to the EU Talent Pool National Contact Points. Member States should provide that temporary work agencies, labour market intermediaries and private employment agencies that have fulfilled their due diligence obligations regarding those aspects, as defined by national law, should not be suspended or withdrawn from the EU Talent Pool as a consequence of a breach of the relevant Union and national law and practice by an employer. Such measures should take into account the specific circumstances of the Member State concerned.

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<sup>18</sup> 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>).



(24) In order to ensure high quality matching, registered jobseekers from third countries and **participating** employers **and other participating entities** ~~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.

**(24a) Participating employers and other participating entities should strive for thorough selection of candidates and an initial assessment of the jobseekers' profiles and qualifications and the assessment of the suitability of the jobseeker vis-à-vis the job vacancy, with respect of fair recruitment.**

(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 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 **as well as migration policies** 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. **Member States may decide that adjustments to the list of EU-wide shortage occupations have to correspond to specific labour market needs at national or regional level. In case of specific regional labour market needs, Member States may decide that the EU Talent Pool National Contact Point is responsible for filtering the job vacancies so that they correspond to the relevant territorial dimension when they are made available on the EU Talent Pool IT Platform.** 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 **and, where applicable under national law, the examination of the labour market situation.**

- (26) Participating Member States should make information concerning the EU Talent Pool and its functioning easily accessible to jobseekers from third countries and employers **and other entities interested in participating in the Talent Pool**, 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. **Participating Member States should provide information on the EU Talent Pool IT Platform as regards the types of entities that are allowed to make available job vacancies on the EU Talent Pool IT Platform.**
- (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 **and obligations**, living and working conditions, **as well as** available redress mechanisms for cases of labour exploitation and unfair recruitment practices, **as well as support measures available in the context of complementary labour pathways to jobseekers in need of international protection who reside outside the Union**, 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. **Member States in this context should be able to refer to existing sources of information at national level or at Union level.** ~~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. **The possibility of integration of mechanisms for automatically translating content in other languages in the EU Talent Pool IT platform may be examined by the EU Talent Pool Secretariat.**
- (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.
- (29a) Member States may decide that public employment services are part of the EU Talent Pool National Contact Point and that within the EU Talent Pool National Contact Point public employment services are responsible for making available job vacancies on the EU Talent Pool IT platform through the single coordinated channel. Where it concerns a job vacancy made publicly available by the public employment service and as a consequence was published on the EURES Portal, the EU Talent Pool National Contact Point may make available eligible job vacancies on the EU Talent Pool IT Platform on request of an employer or other entity interested in participating in the Talent Pool.**

- (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~~ should provide standardised specific information ~~additional support to registered jobseekers from third countries who have been selected for a job vacancy in the EU Talent Pool, participating employers and other participating entities~~. ~~Additional support should include tailored~~ Specific information should include 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~~ should ~~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 complaints and redress mechanisms for cases of labour exploitation and unfair recruitment practices in the participating Member States. Registered jobseekers who have been selected for a job vacancy in the Talent Pool and are eligible for participation in a complementary labour pathway for those in need of international protection in that Member State, should benefit from specific information from the relevant EU Talent Pool National Contact Point including as regards obtaining a travel document and integration support upon arrival. The EU Talent Pool National Contact Points should provide information to participating employers and other participating entities ~~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.

- (30a) Member States should provide standardised specific information to registered jobseekers who have been selected for a job vacancy in the EU Talent Pool, including by referring to existing sources. In addition, the National Contact Points, should be able to refer to the appropriate sources of information and/or the competent authorities.**
- (31) To achieve the objective of this Regulation, the effective **application implementation** of the EU legal migration *acquis* should be ensured, **in particular the legislation and procedures, in accordance with national law, in view of obtaining a work permit and a residence permit in a Member State for work purposes. This Regulation should furthermore not affect the right of Member States to determine volumes of admission of third-country nationals in accordance with Article 79(5) of the Treaty on the Functioning of the European Union (TFEU).** ~~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.~~
- (31a) The main purpose of the EU Talent Pool is supporting the recruitment of registered jobseekers from third countries residing outside the Union and job vacancies of participating employers and other participating entities established in the participating Member States. Therefore, on the EU Talent Pool IT Platform the EU Talent Pool Secretariat should provide clear information that the registration in the EU Talent Pool by jobseekers from third countries and the selection for a job vacancy through the EU Talent Pool IT Platform is not a guarantee that following the selection process a work permit, a visa or a residence permit will be issued by the participating Member State in which the participating employer or other participating entity is established.**

**(31b)** In addition, to make the recruitment of jobseekers from third countries residing outside the Union easier and faster for **participating** employers **and other participating entities**, participating Member States may put in place accelerated immigration procedures in particular as regards the **obtention issuance** of visas and residence permits for work purposes and the exemption from the principle of preference for Union citizens **and/or the requirements for checking the labour market situation**. **The Practices regarding the implementation of these accelerated immigration procedures among the Member States could be discussed exchanged** in the context of the EU Talent Pool Steering Group.

**(31c)** In addition, to ensure fair mobility rules, taking into account the specific issue linked to **the economic activity of the other participating entities, the Member States will be able to organize specific arrangements for monitoring the activity of the other participating entities, at the request of one or more Member States if required, and inspection services if necessary, in connection with the monitoring of mobile non-EU workers present on their territories.**

(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 **fair** 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-Making<sup>19</sup>. 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 Council<sup>20</sup>.

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<sup>19</sup> 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\\_interinstit/2016/512/oj](http://data.europa.eu/eli/agree_interinstit/2016/512/oj)).

<sup>20</sup> 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>).



- (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 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 **March 5 2024**...], 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 **and other entities**;
  - (d) the facilitation of recruitment of jobseekers from third countries **having benefitted benefitting** from **specific support within the framework of** a Talent Partnership **or a national framework on skills development and validation in a third country**.

### *Article 2*

#### **Scope**

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

### Article 3

#### **Participation and withdrawal**

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 **and indicate the types of entities allowed to make job vacancies available on the EU Talent Pool IT Platform.** From the first day of participation, job vacancies of employers **and other entities** established in that Member State may be ~~transferred~~ **made available on** ~~to~~ the EU Talent Pool IT platform.

- 1a. **A participating Member State may withdraw its participation from the EU Talent Pool at any time. It shall notify its decision to the Commission at the latest 6 months before the date from which it intends to withdraw.**

**From the date of notification, job vacancies of participating employers and other participating entities established in that Member State shall no longer be made available on the EU Talent Pool IT Platform.**

**The withdrawal of a Member State in the first two years of participation in the EU Talent Pool shall result in the net cancellation or recovery of all Union funding provided up to the withdrawal date. After the second year of participation, the withdrawal of a Member State shall result in the net cancellation or recovery of any Union funding already paid for any period after the withdrawal date in accordance with the applicable rules.**

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 to seek 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;~~
  - (3a) ‘participating employer’ means an employer whose job vacancies are available on the EU Talent Pool IT Platform as transmitted by the National Contact Point of the Member State where the employer is established.**
  - (3b) “other participating entity” means a temporary work agency, private employment agency or a labour market intermediary whose job vacancies are available on the EU Talent Pool IT Platform as transmitted by the National Contact Point of the Member State where the other participating entity is established.**
  - (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.

**(5a) 'job vacancy' means an offer of employment which would allow the jobseeker who has been selected to enter into an employment relationship in the participating Member State where the participating employer or the other participating entity is established and where the jobseeker will normally work;**

## 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~~ **transmit** 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 **participating** employers **and other participating entities** ~~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 **participating** employers **and other participating entities** ~~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 **participating employers and other participating entities** **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 **participating employers and other participating entities** **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 **participating** employers **and other participating entities 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 **participating** employers **and other participating entities 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 participating employers and other participating entities ~~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 participating employers and other participating entities ~~participating in the EU Talent Pool~~, and to the EU Talent Pool National Contact Points. The data of participating employers and other participating entities ~~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~~ 2), 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;
  - (ab) facilitating the exchange between the participating Member States regarding their adjustments to the list of EU-wide shortage occupations pursuant to Article 15 (1);**
  - (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) **exchanging practices regarding** ~~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. **Each participating Member State shall appoint two representatives, one expert in the field of employment and one expert in the field of immigration.** 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 entity which shall act as its** ~~an~~ EU Talent Pool National Contact Point. Participating Member States shall ensure that **the EU Talent Pool National Contact Point is composed of experts coming from** relevant **national** authorities from the field of employment and immigration ~~are appointed as the EU Talent Pool National Contact Points.~~ **Where relevant, the EU Talent Pool National Contact Point may rely on other national competent authorities for the purpose of fulfilling the tasks set out in paragraph 2.**
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) **make available ~~transferring~~** job vacancies **to on** 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) **where applicable**, notifying to the EU Talent Pool Secretariat **~~the national list of shortage occupations once a year~~** any **national** adjustments to the list of EU-wide shortage occupations pursuant to Article 15;
- (d) keeping a registry of **participating** employers **and other participating entities** **~~participating in the EU Talent Pool~~**;
- (e) **refusing**, suspending **or withdrawing** the access **to the EU Talent Pool IT Platform** of **those** employers **and other entities participating or having participated** **~~and removing their job vacancies from the EU Talent Pool IT platform~~** in case a **their** 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 **and remove the related job vacancies from the EU Talent Pool IT Platform**;

- (f) providing information to the EU Talent Pool Secretariat **pursuant to Article 17 (1) 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 **specific** information ~~and support services~~ to registered jobseekers from third countries **who have been selected for a job vacancy in the EU Talent Pool** and **participating** employers **and other participating entities** ~~participating in the EU Talent Pool~~ in accordance with Article 17**(2)**.
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 AND OTHER ENTITIES IN THE EU TALENT POOL

#### *Article 11*

##### **Registration and access of jobseekers from third countries**

1. Jobseekers from third countries ~~may~~ **shall** 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. **Profiles of jobseekers who made a false declaration in this respect shall be deleted from the EU Talent Pool IT Platform.**
3. Profiles of jobseekers from third countries registered in the EU Talent Pool shall be visible to **participating** employers **and other participating entities** ~~participating in the EU Talent Pool~~.
4. Jobseekers from third countries registered in the EU Talent Pool IT platform may search for job vacancies.



**Profile registration and access of jobseekers from third countries in the context of Talent Partnerships and national frameworks on skills development and validation in a third country**

1. Participating Member States taking part in a Talent Partnership or **implementing national frameworks on skills development and validation in a third country** 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’.~~ **Jobseekers from third countries who benefitted from specific support within the framework of a Talent Partnership may link their profile to the Talent Partnership and indicate the skills developed and validated in that context. These profiles shall be flagged accordingly on the EU Talent Pool IT platform.**
3. **Jobseekers from third countries who benefitted from national frameworks on skills development and validation in a third country may link their profile to these frameworks and indicate the skills developed and validated in that context. These profiles shall be flagged accordingly on the EU Talent Pool IT platform. 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 shall be published on the EU Talent Pool IT platform by the EU Talent Pool Secretariat and the relevant occupations covered therein shall be published on the EU Talent Pool IT platform. The EU Talent Pool Secretariat shall also publish a list of national frameworks on skills development and validation in a third country, including the third countries taking part in these frameworks and information about specific support provided in these frameworks, which participating Member States chose to link to the Talent Pool, on the EU Talent Pool IT platform.

### Article 13

#### Participation of employers and other entities in the EU Talent Pool

1. Employers and other entities interested in participating in the EU Talent Pool ~~may~~ shall request the EU Talent Pool National Contact Point in the Member State where they are established to ~~transfer~~ make their job vacancies available on ~~to~~ the EU Talent Pool IT platform.
2. The EU Talent Pool National Contact Points shall ~~transfer~~ make available on ~~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~~ the Talent Partnerships and the national frameworks on skills development and validation in a third country listed in the EU Talent Pool IT platform;
  - (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.~~

Making available job vacancies on the EU Talent Pool IT platform shall be without prejudice to the principle of preference for Union citizens and to the check of the labour market situation.

3. Employers and other entities participating or having participated ~~participating in the EU Talent Pool~~ shall be in compliance ~~comply~~ with the relevant Union and national law and practice ~~to ensure~~ regarding 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' and other entities' 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.

Participating employers and other participating entities ~~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 participating employers and other participating entities ~~participating in the EU Talent Pool~~ shall be visible to registered jobseekers from third countries in the EU Talent Pool IT platform.

Job vacancies shall immediately cease to be visible in the EU Talent Pool IT platform in the case of:

- a) A request made by the participating employer or other participating entity to the National Contact Point to remove any or all of their job vacancies that had been made available on the EU Talent Pool IT platform by the National Contact Points in application of Article 13(1);
- b) A notification made by the participating employer or other participating entity to the National Contact Point that they have successfully completed the recruitment of a registered jobseeker for a given job vacancy, in accordance with Article 13 (5);

- c) Absence of a match with a registered jobseeker for a period of one year;
  - d) A notification to the Commission made by the Member State where that participating employer or other participating entity is established to withdraw its participation from the EU Talent Pool, in accordance with Article 3(1a). These vacancies shall cease to be visible at the latest from the date of withdrawal of that Member State;
  - e) A decision made by the National Contact Point to suspend or withdraw the access of a participating employer or other participating entity, and to remove any or all of their job vacancies from the EU Talent Pool IT platform, in accordance with Article 10 (2), point(e).
  - f) Removal of the relevant occupations following adjustments to the EU-wide list of shortage occupations in accordance with article 15.
5. Participating employers and other participating entities ~~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 in accordance with paragraph (4b).
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.

**National Aadjustments 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 **at national or regional level or their migration policy objectives**. They may also decide to remove shortage occupations from the EU-wide list where those do not correspond to their specific labour market needs **at national or regional level or their migration policy objectives**. 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 **every six months** ~~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~~ **make available on** 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 **and other entities** participating in the EU Talent Pool IT platform may search for registered jobseekers from third countries in the EU Talent Pool IT platform.
2. **Participating** employers **and other participating entities** ~~participating in the EU Talent Pool~~ may use ~~a~~ specific filters available on the EU Talent Pool IT platform to search for profiles of registered jobseekers **having benefitted from specific support within the framework of a Talent Partnership or a national framework on skills development and validation in a third country** ~~having obtained an ‘EU Talent Partnership pass’~~.
3. **Participating** employers **and other participating entities** ~~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.
5. **The functioning of the automatic matching tool shall be governed by the principles of non-discrimination, legality and fairness.**



## CHAPTER V

### **INFORMATION PROVISION, ~~SUPPORT SERVICES~~ FACILITATION OF COMPLAINTS 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. **Participating Member States shall make information easy accessible as regards the entities that are allowed to make available job vacancies on the EU Talent Pool IT Platform according to article 3(1).**

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.

**ba) clear explanation that the registration in the EU Talent Pool by jobseekers from third countries is not a guarantee that security checks have been carried out.**

**bb) clear explanation that the registration in the EU Talent Pool by jobseekers from third countries and the selection for a job vacancy through the EU Talent Pool IT Platform is no guarantee that following the selection process a work permit, a visa or a residence permit will be issued by the participating Member State in which the participating employer or other participating entity is established.**

**bc) clear explanation that participating employers and other participating entities shall not charge fees to registered jobseekers from third countries for the purpose of the recruitment.**

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 standardised specific information additional support, and post-selection assistance** to registered jobseekers from third countries **who have been selected for a job vacancy in the EU Talent Pool, participating** employers **and other participating entities 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 working conditions, access to social benefits, health assistance, education, housing, recognition of qualifications and ~~the available~~ redress ~~complaint mechanisms~~ and the complaint mechanism pursuant to Article 18;
- (d) ~~information available at national level~~ the facilitation of ~~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, and in accordance with national practice, the contact details of national competent 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). Registered jobseekers from third countries shall have the right to report to National Contact Points any breach by the employers and other entities participating and having participated of the obligations and conditions laid down in Article 13(3).~~**

**The National Contact Point shall refer the complaints to the competent national authorities.**

**~~2. Participating Member States shall make information concerning available redress mechanisms easily accessible.~~**

*Article 19*

**Accelerated immigration procedures**

1. Participating Member States may, **in accordance with national law**, 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~~ **made available on** 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 **job** placements facilitated via the EU Talent Pool **IT Platform** in the context of the Talent Partnerships **or national frameworks on skills development and validation in a third country.**
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.
- 4. The performance of the EU Talent Pool shall be regularly monitored by the EU Talent Pool Secretariat taking into account the feedback and experiences gathered among job seekers and participating employers and other participating entities.**

#### *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.

**The report shall, in particular, assess the effectiveness of this Regulation in addressing labour and skills shortages in participating Member States and the effectiveness of the recruitment process, including in terms of ensuring fair recruitment practices, and the respect of fair and just working conditions.**

## *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*



## ANNEX

### List of EU-wide shortage occupations

ISCO code	Occupation
2142	Civil engineers
2151	Electrical engineers
2211	Generalist medical practitioners
2212	Specialist medical practitioners
2221	Nursing professionals
2411	Accountants
2511	Systems analysts
2512	Software developers
2513	Web and multimedia developers
2514	Applications programmers
2519	Software and applications developers and analysts not elsewhere classified
3113	Electrical engineering technicians
3221	Nursing associate professionals
5120	Cooks
5131	Waiters
5321	Health care assistants

7112	Bricklayers and related workers
7114	Concrete placers, concrete finishers and related workers
7115	Carpenters and joiners
7121	Roofers
7123	Plasterers
7126	Plumbers and pipe fitters
7127	Air conditioning and refrigeration mechanics
7212	Welders and flame cutters
7213	Sheet-metal workers
7214	Structural-metal preparers and erectors
7223	Metal working machine tool setters and operators
7231	Motor vehicle mechanics and repairers
7233	Agricultural and industrial machinery mechanics and repairers
7411	Building and related electricians
7412	Electrical mechanics and fitters
7511	Butchers, fishmongers, and related food preparers
8331	Bus and tram drivers
8332	Heavy truck and lorry drivers
9112	Cleaners and helpers in offices, hotels and other establishments
3119	Physical and engineering science technicians not elsewhere classified

2143	Environmental engineers
2133	Environmental protection professionals
2145	Chemical engineers
2144	Mechanical engineers
3115	Mechanical engineering technicians
2141	Industrial and production engineers

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