



**EUROPEAN UNION**

**THE EUROPEAN PARLIAMENT**

**THE COUNCIL**

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**LEGISLATIVE ACTS AND OTHER INSTRUMENTS**

**Subject: REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE  
COUNCIL establishing an EU Talent Pool**

**REGULATION (EU) 2026/...**  
**OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**of ...**

**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>,

Acting in accordance with the ordinary legislative procedure<sup>2</sup>,

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<sup>1</sup> OJ C, C/2024/4067, 12.7.2024, ELI: <http://data.europa.eu/eli/C/2024/4067/oj>.

<sup>2</sup> Position of the European Parliament of 10 March 2026 (not yet published in the Official Journal) and decision of the Council of ....

Whereas:

- (1) The Union and individual Member States are facing labour and skills shortages in a wide range of sectors and occupations, including in those relevant for the green and digital transitions. Skilled workers at all levels could be needed in order to address those shortages. There are long-standing, extensive shortages in construction, healthcare, hospitality, transport, information and communications technology, science technology, engineering and mathematics. Those shortages have been exacerbated by the COVID-19 pandemic and the acceleration of the green and digital transitions. Labour and skills shortages are expected to persist and could become worse in the light of demographic challenges.

- (2) Addressing labour and skills shortages requires an ambitious and comprehensive approach at Union and national level, which includes, as a priority, enabling those underrepresented in the labour market to better achieve their full potential. That approach could include reskilling and upskilling the existing workforce in line with the objectives of the European Year of Skills, established by Decision (EU) 2023/936 of the European Parliament and of the Council<sup>3</sup>, facilitating intra-EU labour mobility, including by making better use of Council Directive 2003/109/EC<sup>4</sup> and Directive (EU) 2021/1883 of the European Parliament and of the Council<sup>5</sup> and by promoting the EURES network, as well as improving working conditions and the attractiveness of certain occupations. However, due to the scale of the current labour market shortages and to demographic trends, measures targeting domestic and Union workforces alone are likely to be insufficient to address existing and future labour and skills shortages. According to Commission estimates, the population of the Union is projected to shrink significantly. Furthermore, the number of people of working age is projected to decline even more. Therefore, legal and orderly migration is key to complement those measures and must be part of the solution to ensure the quality of welfare systems, competitiveness and sustained economic growth in the Union and to fully support the green and digital transitions.

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<sup>3</sup> Decision (EU) 2023/936 of the European Parliament and of the Council of 10 May 2023 on a European Year of Skills (OJ L 125, 11.5.2023, p. 1, ELI: <http://data.europa.eu/eli/dec/2023/936/oj>).

<sup>4</sup> Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ L 16, 23.1.2004, p. 44, ELI: <http://data.europa.eu/eli/dir/2003/109/oj>).

<sup>5</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>).

- (3) In order to enhance the attractiveness of the Union for talent from third countries, facilitate fair international recruitment, overcome labour and skills shortages and provide opportunities for third-country nationals to work in Union-wide shortage occupations, an EU Talent Pool should be established. The EU Talent Pool should take 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 with job vacancies of participating employers and other participating entities established in the participating Member States. The European Parliament called for the establishment of an EU Talent Pool in its resolution of 25 November 2021 with recommendations to the Commission on legal migration policy and law<sup>6</sup>.
- (4) Commission Recommendation (EU) 2020/1364<sup>7</sup> encourages Member States to put in place and support complementary labour pathways for those in need of international protection. The EU Talent Pool could also help to make such complementary pathways operational.

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<sup>6</sup> OJ C 224, 8.6.2022, p. 69.

<sup>7</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 (OJ L 317, 1.10.2020, p. 13, ELI: <http://data.europa.eu/eli/reco/2020/1364/oj>).

- (5) The EU Talent Pool should aim to support participating Member States to address existing and future labour and skills shortages via the recruitment of third-country nationals to the extent that the activation of the domestic workforce and intra-EU mobility are not sufficient to achieve that 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 that end, complementarity and interoperability of the EU Talent Pool IT platform (the ‘IT Platform’) with existing Union and national initiatives and platforms should be ensured. The specific needs of Member States 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 all-encompassing term referring to the entire range of skills and competences that might be needed on the labour markets of different Member States.
- (6) Given the voluntary nature of the EU Talent Pool, participating Member States should also be able to withdraw from the EU Talent Pool. For that purpose, Member States should notify the EU Talent Pool Secretariat (the ‘Secretariat’) of their intention to withdraw from the EU Talent Pool. In order to allow the Secretariat and the Member States to carry out all the necessary technical and practical arrangements for such withdrawal as well as to ensure sufficient stability and predictability for jobseekers from third countries, participating employers and other participating entities, withdrawal should take effect 9 months after notification of an intention to withdraw. No new vacancies of participating employers and other participating entities from the Member State concerned should be made available on the IT Platform from the date of that notification.

- (7) The EU Talent Pool aims to provide information to jobseekers from third countries and to participating employers and other participating entities that are lawfully established in the participating Member States. For the purposes of this Regulation, an employer or other entity is to be considered to be lawfully established in a Member State where it pursues a genuine substantial economic activity in compliance with the national laws and administrative requirements of that Member State. The concept of “other participating entity” should refer to a temporary work agency, a private employment agency or a labour market intermediary. The term ‘temporary work agency’ is to be understood as the term defined in Article 3(1), point (b), of Directive 2008/104/EC of the European Parliament and of the Council<sup>8</sup>. The term ‘private employment agency’ is to be understood as the term defined in the Private Employment Agencies Convention, 1997 (No. 181) of the International Labour Organization (ILO).
- (8) Registered jobseekers from third countries are considered as having been selected for a job vacancy in the EU Talent Pool when they have been offered employment which allows them to enter into an employment relationship in the participating Member State where the participating employer or the other participating entity is lawfully established and where the jobseeker will habitually work.

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<sup>8</sup> Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9, ELI: <http://data.europa.eu/eli/dir/2008/104/oj>).

- (9) Strong partnerships and bilateral cooperation with third countries contribute to effective migration management. Cooperation can be targeted at maximising the positive impact of migration and reducing the negative consequences for third country nationals' countries of origin, such as the risk of 'brain drain', for example by facilitating circular migration. The EU Talent Pool should support the implementation of Talent Partnerships, bilateral arrangements and national frameworks on the development and validation of skills in a third country. Talent Partnerships are some of the key aspects of the external dimension of the communication of the Commission of 23 September 2020 on a New Pact on Migration and Asylum and are operationalised in line with the communication of the Commission of 27 April 2022 entitled 'Attracting skills and talent to the EU'. The participation of a Member State in a Talent Partnership, bilateral arrangement or national framework on the development and validation of skills in a third country is without prejudice to its decision whether to participate in the EU Talent Pool.

- (10) In order to ensure that Member States' authorities are adequately represented in the EU Talent Pool Steering Group (the 'Steering Group'), participating Member States should appoint two representatives each, of which one expert in the field of employment and one in the field of immigration. Member States are encouraged to ensure that those representatives are supported by two alternate members who would be able to represent them in their absence. The Steering Group should also include two representatives from the Commission and six representatives of the cross-industry social partner organisations at Union level, with an equal representation of trade union and employer organisations. It should also be possible to invite an expert from the European Parliament. It should also be possible for additional representatives from the Commission to participate in the meetings of the Steering Group, if required. It should also be possible to invite representatives of Union bodies, offices and agencies, international organisations, third countries participating in Talent Partnerships, bilateral arrangements or national frameworks on the development and validation of skills in a third country and other relevant stakeholders to attend the meetings of the Steering Group to present their views. Such organisations and stakeholders could, for example, include the European Labour Authority, the European Centre for the Development of Vocational Training, the European Foundation for the Improvement of Living and Working Conditions, the European Training Foundation, ILO, the International Organization for Migration, local and regional authorities and civil society organisations.

- (11) The 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 IT Platform, including the single coordinated channel and the automated matching tool with relevant adaptations. It is important that the IT Platform ensure intuitive navigation and be user-friendly, as well as easily accessible for persons with disabilities, in accordance with Directives (EU) 2016/2102<sup>9</sup> and (EU) 2019/882<sup>10</sup> of the European Parliament and the Council.

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<sup>9</sup> Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, p. 1, ELI: <http://data.europa.eu/eli/dir/2016/2102/oj>).

<sup>10</sup> Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70, ELI: <http://data.europa.eu/eli/dir/2019/882/oj>).

- (12) Synergies should be ensured, where appropriate, between the IT Platform and other relevant instruments and services at Union level, including with regard to access to training materials such as those provided by the EU Academy and the Interoperable Europe Academy. The 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. For those purposes, the Commission should conduct a feasibility study assessing the possibility of integrating multiple matching algorithms into the IT Platform. In that feasibility study, the Commission should duly explore budgetary implications, data protection risks and risks with regard to compliance with Regulation (EU) 2024/1689 of the European Parliament and of the Council<sup>11</sup>. The results of the feasibility study should be presented to the Steering Group and should inform the discussion on future developments of the EU Talent Pool.

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<sup>11</sup> Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) (OJ L, 2024/1689, 12.7.2024, ELI: <http://data.europa.eu/eli/reg/2024/1689/oj>).

- (13) The format of profiles of jobseekers from third countries and job vacancies should be established using the European Skills, Competences, Qualifications and Occupations (ESCO) classification as developed by the Commission in accordance with Regulation (EU) 2016/589 of the European Parliament and of the Council<sup>12</sup>, which provides for a standardised terminology for skills, competences, qualifications and occupations and facilitates their transparency. The ESCO classification should support jobseekers from third countries, participating employers and other participating entities, and the EU Talent Pool National Contact Points (the ‘National Contact Points’) in providing comparable information on work experience, occupations covered by a vacancy, as well as the skills offered by the jobseekers from third countries and required by the participating employers and other participating entities, thereby enabling a high-quality matching process. Commission Recommendation (EU) 2023/2611<sup>13</sup> states that national procedures for recognition of skills and qualifications should emphasise a person’s full talent and potential. All types of qualifications and skills, such as vocational education and training, degrees, specific certificates (‘micro-credentials’) as well as skills and competences gained in non-formal and informal settings, could be taken into account. Where applicable, the National Contact Points should use the ESCO classification format for the transmission of job vacancies to the IT Platform. Member States not adopting the ESCO classification for national job vacancies should produce correspondence tables establishing the interoperability between the classification used in the national systems and the ESCO classification. Those tables should be made available to the Commission and should be used for automatic transcoding of information on job vacancies or profiles of registered jobseekers from third countries for the purpose of automated matching through the IT Platform.

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<sup>12</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>).

<sup>13</sup> Commission Recommendation (EU) 2023/2611 of 15 November 2023 on the recognition of qualifications of third-country nationals (OJ L, 2023/2611, 24.11.2023, ELI: <http://data.europa.eu/eli/reco/2023/2611/oj>).

- (14) Tasks should be assigned to the Secretariat and the National Contact Points to ensure the search and matching functions of the IT Platform. Those 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 6(1), point (e), of Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>14</sup> and Article 5(1), point (a), of Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>15</sup>, respectively. The processing of personal data should be carried out in compliance with Article 8 of the Charter of Fundamental Rights of the European Union (the ‘Charter’), and Regulations (EU) 2016/679 and (EU) 2018/1725.
- (15) The processing of personal data for the purpose of the search and matching functions of the IT Platform should be limited to personal data necessary to identify registered jobseekers from third countries, participating employers and other participating entities, to enable the search and matching on the IT Platform and for data collection to improve the functioning of the EU Talent Pool, which should not require the processing of any special categories of personal data as referred to in Article 9 of Regulation (EU) 2016/679 and Article 10 of Regulation (EU) 2018/1725.

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<sup>14</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 (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).

<sup>15</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>).

- (16) Registered jobseekers from third countries should have the right to edit, delete or restrict access to their personal data, for instance, by restricting access to their contact details. Profiles of registered jobseekers from third countries in the IT Platform that have not been accessed by them for a period of one year should be removed. A notification should be sent one month prior to the removal of their profiles, allowing jobseekers reasonable time to react. When those profiles are removed, it should be possible for a limited set of anonymised data to continue to be stored on the IT Platform for research and statistical purposes, including for the purpose of producing and ensuring the quality of European statistics.
- (17) 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 Secretariat and the National Contact Points should also inform registered jobseekers from third countries, participating employers and other participating entities about their right to technically restrict access to their personal data and to require, at any time, the deletion or modification of their personal data.

(18) 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 entry or stay in a Member State, or an entry ban as referred to in Directive 2008/115/EC of the European Parliament and of the Council<sup>16</sup>, should not be allowed to register on the IT Platform, given that they would not be permitted to enter or stay in the Union. To that end, before registering on the IT Platform, jobseekers from third countries should be required to declare that they are not currently subject to a national judicial or administrative decision refusing entry or stay in a Member State or to an entry ban as referred to in Directive 2008/115/EC. Information should be provided on the IT Platform informing jobseekers from third countries that if they are subject to such a decision or entry ban, admission to the territory of the Member States is prohibited and, therefore, they should not create a profile on the IT Platform. Information should also be provided on the consequences of making a false declaration in that respect, in particular, that their profiles would be removed from the IT Platform. The fact that certain third-country nationals are not entitled to enter or stay in the Schengen area could be revealed when carrying out necessary security checks in relevant Union and national databases, such as the Schengen Information System, as part of Member States' immigration procedures. In cases where the national immigration authority issues a decision rejecting an application for entry by a jobseeker from a third country based on an administrative decision refusing the entry or stay in a Member State or on an entry ban as referred to in Directive 2008/115/EC, and where the national immigration authority becomes aware that the jobseeker in question has been selected for a job vacancy through the EU Talent Pool, the national immigration authority should transmit that information to the National Contact Points for the purpose of removing that jobseeker's profile from the IT Platform. Information should be available on the IT Platform informing jobseekers from third countries that registration in the EU Talent Pool is not a guarantee that security checks required as part of national immigration procedures have been carried out.

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<sup>16</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>).

(19) To ensure that all participating employers and other participating entities comply with relevant Union and national law and practice regarding protection against unfair recruitment, inadequate working conditions, discrimination, adverse treatment and trafficking in human beings, Member States can rely on existing information on non-compliant employers and other entities. Moreover, the National Contact Points should keep a registry of employers and other entities who have been permanently excluded from the EU Talent Pool or whose access to the EU Talent Pool has been refused or suspended. Participating Member States should also be able to introduce, in compliance with Union law, additional conditions for the employers' and other entities' participation in the EU Talent Pool in accordance with relevant national practices, collective agreements and the principles and guidelines set out by ILO. The National Contact Points should be able to refuse access to the EU Talent Pool. For the purpose of transparency, the National Contact Points should share the registry of participating employers and other participating entities with the Steering Group. It is also important that the national competent authorities are able to identify participating employers and other participating entities in the individual Member States. To facilitate such identification and to ensure transparency, it should be possible to share the registry of participating employers and other participating entities with relevant national authorities. To further strengthen transparency, it should also be possible to make the registry of participating employers and other participating entities publicly available to other interested stakeholders outside the Steering Group. Trade unions, non-governmental organisations and other stakeholders could also benefit from such transparency.

- (20) Where an infringement of relevant law and practice by a participating employer or other participating entity is notified to the National Contact Point by the national competent authorities, the access of the participating employer or other participating entity to the EU Talent Pool should be suspended and their job vacancies should be removed from the IT Platform. The suspension should be lifted once the national competent authorities have notified the National Contact Point that the infringement of the relevant law or practice has been remedied.
- (21) Jobseekers from third countries wishing to register in the IT Platform should be able to create a profile using the profile builder functionality of Europass, established by Decision (EU) 2018/646 of the European Parliament and of the Council<sup>17</sup>, which enables users to create a free profile and report relevant skills, qualifications and other experience in one secure online location. Other existing relevant tools at Union and national level could include a direct link to the CV module of the IT Platform.

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<sup>17</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 (Europass) and repealing Decision No 2241/2004/EC (OJ L 112, 2.5.2018, p. 42, ELI: <http://data.europa.eu/eli/dec/2018/646/oj>).

- (22) Where necessary, the recognition of qualifications and the validation of skills, whether from formal, non-formal or informal learning or from work experience, of registered jobseekers from third countries are conducted in the participating Member States upon request by the registered jobseeker from a third country, the participating employer or other participating entity, in accordance with national law and practice, and with any relevant international agreements, including mutual recognition arrangements for professional qualifications. Online information on existing recognition and validation procedures at national level should be available in the IT Platform and specific information should be provided to registered jobseekers from third countries who have been selected for a job vacancy in the EU Talent Pool and to participating employers and other participating entities.
- (23) In the context of Talent Partnerships, nationals of selected third countries could receive support for the development and validation of skills . The skills developed or validated in the framework of a Talent Partnership could be certified in accordance with the conditions determined by Member States in the framework of the Talent Partnership in which they are participating.
- (24) Jobseekers from third countries can also receive support through bilateral arrangements and national frameworks on the development and validation of skills in a third country. Regarding the recognition of qualifications and validation of skills acquired in a third country in the context of such an arrangement or framework, the national legislation of the respective Member State applies.

- (25) Participating Member States taking part in a Talent Partnership, or having in place bilateral arrangements or national frameworks on the development and validation of skills in a third country, should be able to rely on the EU Talent Pool to facilitate the recruitment of jobseekers from third countries whose skills and competences were developed in the framework of that Talent Partnership, arrangement or framework. To that end, such skills and competences should be visible on the IT Platform by allowing jobseekers from third countries who have benefitted from specific support within the framework of such a Talent Partnership, arrangement or framework in a third country to indicate the skills and competences developed therein in a ‘flag’ (the ‘Flag’) on their profiles. The Flag will be a visual cue to the employer that the jobseeker has participated in such a Talent Partnership, arrangement or framework. The inclusion on profiles of registered jobseekers from third countries of a Flag is without prejudice to Union and national rules on recognition of diplomas and professional qualifications or on access to regulated professions. The Flag is also without prejudice to entry and residence rights.
- (26) The Secretariat should publish the list of third countries and Member States participating in Talent Partnerships on the IT Platform. The Secretariat should also publish, based on the information provided by the Member States, a list of bilateral arrangements and national frameworks on the development and validation of skills in third countries, including the third countries participating in those arrangements and frameworks, and information about specific support provided in that context.

- (27) Participating employers and other participating entities should be able to filter the profiles of registered jobseekers from third countries who have provided information in the Flag indicating that they have benefitted from specific support within the framework of a Talent Partnership, bilateral arrangement or national framework on the development and validation of skills in a third country. This could encourage participating employers and other participating entities to offer a job placement in the Union.
- (28) All activities conducted in the context of the EU Talent Pool should respect the right to fair and equal treatment with respect to working conditions, minimum wages, access to social protection, training and protection of young people at work. Also, in line with the principles of the European Pillar of Social Rights, the EU Talent Pool should ensure quality employment and fair competition. Furthermore, it is important to ensure that jobseekers from third countries have access to equality bodies in accordance with Directive (EU) 2024/1500 of the European Parliament and of the Council<sup>18</sup> and Council Directive (EU) 2024/1499<sup>19</sup>, where applicable.

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<sup>18</sup> Directive (EU) 2024/1500 of the European Parliament and of the Council of 14 May 2024 on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and amending Directives 2006/54/EC and 2010/41/EU (OJ L, 2024/1500, 29.5.2024, ELI: <http://data.europa.eu/eli/dir/2024/1500/oj>).

<sup>19</sup> Council Directive (EU) 2024/1499 of 7 May 2024 on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and amending Directives 2000/43/EC and 2004/113/EC (OJ L, 2024/1499, 29.5.2024, ELI: <http://data.europa.eu/eli/dir/2024/1499/oj>).

- (29) In its general principles and operational guidelines for fair recruitment, the ILO 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 between jobseekers from third countries and nationals of the participating Member States is also to be ensured by the participating employers and other participating entities in accordance with Directives 2011/98/EU<sup>20</sup>, 2014/36/EU<sup>21</sup>, (EU) 2016/801<sup>22</sup>, (EU) 2021/1883<sup>23</sup> and (EU) 2024/1233<sup>24</sup> of the European Parliament and of the Council. In accordance with Directive (EU) 2019/1152 of the European Parliament and of the Council<sup>25</sup>, employers are to provide workers with information in writing on their rights and obligations resulting from the employment relationship at the start of the employment.

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<sup>20</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, ELI: <http://data.europa.eu/eli/dir/2011/98/oj>).

<sup>21</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>22</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 (OJ L 132, 21.5.2016, p. 21, ELI: <http://data.europa.eu/eli/dir/2016/801/oj>).

<sup>23</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>24</sup> Directive (EU) 2024/1233 of the European Parliament and of the Council of 24 April 2024 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, 2024/1233, 30.4.2024, ELI: <http://data.europa.eu/eli/dir/2024/1233/oj>).

<sup>25</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>).

That information is to include the essential aspects of the employment relationship, such as 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. Additionally, in accordance with Directive (EU) 2023/970 of the European Parliament and of the Council<sup>26</sup>, employers are to provide jobseekers with the information needed to ensure informed and transparent negotiations with regard to pay. Participating employers or other participating entities should neither charge recruitment fees or undisclosed costs nor prohibit a jobseeker from a third country from taking up employment with other employers outside the work schedule established with that employer, nor subject such a person to adverse treatment for doing so. Participating employers and other participating entities are to comply, under all circumstances, with Directives 96/71/EC<sup>27</sup> and (EU) 2020/1057<sup>28</sup> of the European Parliament and of the Council when posting workers in the framework of the provision of services, in particular with regard to the terms and conditions of employment established in those Directives. Participating employers and other participating entities are also to comply with the requirements arising from the relevant case law of the Court of Justice, in particular its judgment in case C-43/93<sup>29</sup>, such as the requirement that third country nationals can only be posted to a Member State if they are lawfully and habitually employed in the Member State of establishment of the posting undertaking. Participating employers and other participating entities are also to comply with the relevant law of the host Member State.

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<sup>26</sup> Directive (EU) 2023/970 of the European Parliament and of the Council of 10 May 2023 to strengthen the application of the principle of equal pay for equal work or work of equal value between men and women through pay transparency and enforcement mechanisms (OJ L 132, 17.5.2023, p. 21, ELI: <http://data.europa.eu/eli/dir/2023/970/oj>).

<sup>27</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>).

<sup>28</sup> Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012 (OJ L 249, 31.7.2020, p. 49, ELI: <http://data.europa.eu/eli/dir/2020/1057/oj>).

<sup>29</sup> Judgment of the Court of Justice of 9 August 1994, *Raymond Vander Elst v Office des Migrations Internationales*, C-43/93, ECLI:EU:C:1994:310.

(30) Employers or other entities who have been permanently excluded from the IT Platform, or whose access to the IT Platform has been refused or suspended, should not be able to make use of the IT Platform, including through other participating entities. The National Contact Points should ensure that the job vacancies of such employers or other entities are not made available on the IT Platform. Before making a job vacancy available, the National Contact Points should check that the employer or other entity interested in participating in the EU Talent Pool is not recorded in the registry of employers or other entities who have been permanently excluded from the IT Platform, or whose access to the IT Platform has been refused or suspended, to ensure that such employers or other entities do not use the IT Platform. When carrying out such checks, the National Contact Points should be able to also rely on existing information on non-compliant employers and other entities in accordance with national practice. Such information could also include lists established in accordance with Directives 2009/52/EC<sup>30</sup> and 2011/36/EU<sup>31</sup> of the European Parliament and of the Council. Such checks, carried out on the basis of existing information on non-compliant employers and other entities in the Member States, could contribute to the effectiveness of the means to refuse access to the EU Talent Pool, from the first day of participation of a Member State, for employers and other entities that have infringed relevant Union or national law and practice. Member States should ensure that other participating entities which, in accordance with national law, have fulfilled their due diligence obligations regarding compliance by participating employers with the relevant Union and national law and practice on protection against unfair recruitment, inadequate working conditions, discrimination, adverse treatment and trafficking in human beings should not be excluded from the IT Platform or have their access to the IT Platform refused or suspended in the event that a participating employer infringes relevant Union or national law or practice.

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<sup>30</sup> Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009, p. 24,

ELI: <http://data.europa.eu/eli/dir/2009/52/oj>).

<sup>31</sup> Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA (OJ L 101, 15.4.2011, p. 1, ELI: <http://data.europa.eu/eli/dir/2011/36/oj>).

- (31) The Secretariat should regularly convene the Network of the National Contact Points composed of the National Contact Points from each participating Member State. The Network of the National Contact Points should serve as a means by which the National Contact Points can exchange information and best practices on the implementation of this Regulation, such as on the National Contact Points' practices when dealing with non-compliance with the obligations or conditions laid down in this Regulation by participating employers and other participating entities.
- (32) In order to ensure high quality matching, participating employers and other participating entities should be able to access a list of suggested profiles of registered jobseekers from third countries and registered jobseekers from third countries should be able to access a list of suggested job vacancies. Those lists, generated by the automated matching tool of the IT Platform, should be based on the relevance, for the job vacancy, of the skills, qualifications and work experience of the jobseekers' from third countries. Jobseekers from third countries should also be able to indicate in which Member States they would prefer to work, as well as their availability to start work. Information about a jobseeker's Member States of preference should not be used for the purpose of matching.
- (33) It is important that participating employers and other participating entities aim to ensure a thorough selection of candidates, an initial assessment of their profiles, including their qualifications, and an evaluation of their suitability, in line with the principles of fair recruitment.

(34) The EU Talent Pool 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 and skills shortages and improving competitiveness, the EU Talent Pool should target specific occupations at relevant skill 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, listed in the Annex to this Regulation. In order to adapt the job vacancies to the specific needs of the national labour markets as well to as national migration policies and taking as a starting point the list of Union-wide shortage occupations, participating Member States should be able to notify the Secretariat of specific shortage occupations to be added or removed from that list. Member States should be able to decide on necessary adjustments to the list of Union-wide shortage occupations so that the list corresponds to specific labour market needs at national or regional level. In the case of specific regional labour market needs, Member States should be able to decide that the National Contact Point be responsible for filtering the job vacancies, so that they correspond to the relevant territorial dimension when they are made available on the IT Platform. Such notifications should only impact the matches for job vacancies submitted by the respective Member State. It is important that neither the list of Union-wide shortage occupations nor the Member States' notifications affect the principle of preference for Union citizens and, where applicable under national law, the examination of the labour market situation.

(35) In order to promote fair recruitment and strengthen transparency for jobseekers from third countries and for employers who wish to recruit from third countries, the Secretariat, with the support of the National Contact Points and the Steering Group, 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 EU Talent Pool, including small and medium-sized enterprises, in particular with regard to information on the competent authorities in the participating Member States. Such information should include the conditions, obligations and procedures as regards the registration and participation in the EU Talent Pool and should stress that its use is free of charge. Participating Member States should provide the Secretariat with information on the types of entities that are allowed to make job vacancies available on the IT Platform in the Member State concerned. The Secretariat should publish that information on the IT Platform.

- (36) In order to promote fair recruitment and strengthen transparency towards jobseekers from third countries, the Secretariat, with the support of the National Contact Points, should ensure that easily accessible information is available on the IT Platform. That information should cover employment and immigration procedures, recognition of qualifications and validation of skills, third-country nationals' rights and obligations, living and working conditions, existing complaints and redress mechanisms in the case 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. The National Contact Points should provide the Secretariat with the relevant information for publication on the IT Platform. National Contact Points should also be able to refer to existing sources of information at Union or national level. It is important that the Secretariat, in cooperation with the Union delegations, raise public awareness about the existence, objectives and functioning of the EU Talent Pool through communication activities and information campaigns, where possible and subject to the resources available. In order to ensure the success of such communication campaigns, it is also important that the National Contact Points provide support to the Secretariat in disseminating the relevant information within the participating Member States.
- (37) It is important that information provided on the IT Platform 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 IT Platform can be explored by the Secretariat.

- (38) It is important that Union delegations support the provision of information to jobseekers from third countries on the EU Talent Pool and how it functions, as well as on the participating Member States.
- (39) It should be possible for Member States to decide that their public employment services be part of their National Contact Points and are responsible for making available job vacancies on the IT Platform through the single coordinated channel. Where a job vacancy is published on the EURES Portal, it should be possible, in accordance with national law, for the National Contact Points to make such job vacancies available to jobseekers from third countries on the IT Platform on request of an employer or other entity interested in participating in the EU Talent Pool.
- (40) The EU Talent Pool should not be used to recruit trainees or apprentices. Therefore, when making job vacancies available on the IT Platform, the National Contact Points should not transmit job vacancies relating to apprenticeships and traineeships.

(41) Registered jobseekers from third countries who have been selected for a job vacancy, participating employers and other participating entities should be provided with specific information by the National Contact Points. That 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 information should also be provided on family reunification procedures, family members' rights and existing measures to facilitate integration in the host Member State, such as language courses and vocational training. Such specific information should also include existing complaints and redress mechanisms for cases of labour exploitation or unfair recruitment practices in the participating Member States. Such information should be made available in clear and plain language, and include, in particular, the contact details of the competent authorities in accordance with national practice and, where available, of the organisations which offer post-recruitment support and assistance for third-country nationals. Registered jobseekers from third countries who have been selected for a job vacancy through the EU Talent Pool and are eligible to participate in a complementary labour pathway for those in need of international protection in a Member State, should receive specific information from the relevant National Contact Point, including as regards obtaining a travel document and integration support upon arrival. The National Contact Points should provide information to participating employers and other participating entities on their rights and obligations relating to social security, active labour market measures, taxation, issues relating to work contracts, pension entitlements and health insurance.

- (42) Complaints regarding participating employers and other participating entities who infringe relevant Union and national law and practice should be handled through existing complaints mechanisms by the national competent authorities in accordance with national law and practice. Jobseekers from third countries should also be able to report infringements to the National Contact Points. National Contact Points should forward such reports to the relevant competent authorities.
- (43) For the purpose of ensuring transparency and predictability of the EU Talent Pool, the Secretariat, with the support of the National Contact Points, should make available on the IT Platform the information regarding Member States that have notified their intention to withdraw from the EU Talent Pool. That information should be made publicly available on the IT Platform without delay after the notification of withdrawal, and reasonably in advance before the job vacancies concerned are removed from the IT Platform. In accordance with national practice, the National Contact Points should also inform the participating employers and other participating entities established in their Member State that their job vacancies will be removed from the IT Platform.

- (44) National Contact Points should provide specific information to jobseekers from third countries who have been selected for a job vacancy through the EU Talent Pool, including by referring to existing sources of information. In addition, the National Contact Points should be able to provide information in an automated and standardised format, including by referring to the appropriate sources of information or to the competent authorities. Where relevant, the National Contact Points could also rely on other national competent authorities for the purpose of fulfilling the tasks set out in this Regulation.
- (45) Specific information provided to jobseekers from third countries who have been selected for a job vacancy and to participating employers and other participating entities should include clear, detailed and comprehensive information on the relevant steps of the procedures to be followed to obtain residence and work permit in the relevant Member State. For that purpose, such information should also include information on the applicable requirements and the relevant documentation to be submitted to the national competent authorities, including the contact details of the relevant competent authorities, in accordance with national practice and relying on existing ways to contact the relevant competent authorities. The information provided should be regularly updated by the National Contact Points, taking into account feedback provided by the users of the IT Platform. The different options to provide specific standardised and automated information could be discussed within the Network of the National Contact Points.

- (46) The main purpose of the EU Talent Pool is to support participating employers and other participating entities for the purpose of promoting and filling their job vacancies. Therefore, on the IT Platform the Secretariat should provide clear information that registration in the EU Talent Pool by jobseekers from third countries and selection for a job vacancy through the IT Platform does not guarantee that 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.
- (47) This Regulation does 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).

- (48) To make the recruitment of jobseekers from third countries who reside outside the Union easier and faster for participating employers and other participating entities, it should be possible for participating Member States to put in place simplified or accelerated immigration and recognition procedures. It should be possible for those national procedures to cover, in particular, the issuance of visas and residence permits for work purposes, the exemption from the principle of preference for Union citizens, the requirements for checking the labour market situation, and the recognition of qualifications and validation of skills, as well as the procedure laid down in Article 13(2) of Directive (EU) 2021/1883 and the possibility of not extending the period for assessing the application for a single permit as envisaged in Article 8(3) of Directive (EU) 2024/1233. Practices regarding the implementation of those accelerated immigration procedures among the Member States could be exchanged in the context of the Steering Group.
- (49) To ensure fair mobility rules, taking into account any specific issues linked to the economic activity of other participating entities, the Member States are able to organise specific arrangements for monitoring the activity of 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 workers from third countries present on their territories.

- (50) In order to fulfil the objective of this Regulation of facilitating fair international recruitment, the power to adopt acts in accordance with Article 290 of the TFEU should be delegated to the Commission in respect of amending this Regulation with regard to the Annex providing the list of Union-wide shortage occupations. It is of particular importance that the Commission carry 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>32</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.
- (51) 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>33</sup>.

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<sup>32</sup> 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>33</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>).

- (52) Since the objective 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 Union-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 (TEU). 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 that objective.
- (53) This Regulation respects the fundamental rights and observes the principles recognised by the Charter, including the right of collective bargaining and action, the principle of non-discrimination on the basis of sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation, the right to fair and just working conditions, the protection of young people at work and the principle of equality between women and men, in accordance with Article 6 TEU.
- (54) 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.

- (55) 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 TEU and to the TFEU, Ireland has notified , by letter of 5 March 2024, its wish to take part in the adoption and application of this Regulation.
- (56) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on 9 January 2024,

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, in order to:
  - (a) facilitate the recruitment of jobseekers from third countries who reside outside the Union and have the relevant skills and level of qualifications to fill shortage occupations in the Union;
  - (b) promote fair recruitment standards;
  - (c) enhance the Union's ability to attract talent from 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 such authorities;

- (b) the functioning of the IT Platform and the provision of information;
- (c) the conditions and procedures for participation in the EU Talent Pool of jobseekers from third countries, and employers and other entities;
- (d) the facilitation of the recruitment of jobseekers from third countries who have benefitted from specific support within the framework of a Talent Partnership, a bilateral arrangement or a national framework on the development and validation of skills in a third country;
- (e) the protection of the rights of jobseekers and participating employers and other participating entities for the purposes of this Regulation.

## *Article 2*

### *Scope*

This Regulation applies to jobseekers from third countries who reside outside the Union and to participating employers and other participating entities that are established in the participating Member States.

### *Article 3*

#### *Participation and withdrawal of Member States*

1. Any Member State may, at any time, decide to participate in the EU Talent Pool. It shall notify the Secretariat of its intention 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 IT Platform.

From the first day of participation, job vacancies of employers and other entities established in that Member State may be made available on the IT Platform.

The Secretariat shall make information on participating Member States available on the IT Platform.

2. A participating Member State may withdraw from the EU Talent Pool. Participating Member States who intend to withdraw from the EU Talent Pool shall notify the Secretariat. Notifications of withdrawals shall be submitted in June or in December.

The withdrawal shall take effect 9 months after the notification.

From the date of notification, no new job vacancies of participating employers or other participating entities established in the Member State which notified its intention to withdraw from the EU Talent Pool shall be made available on the IT Platform. Job vacancies that are already available on the IT Platform shall be removed from the date on which withdrawal takes effect.

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 relevant Union funding provided to the Member State up to the date on which withdrawal takes effect. The withdrawal of a Member State after the second year of participation shall result in the net cancellation or recovery of any Union funding provided to the Member State corresponding to the period after the withdrawal date comes into effect.

The Secretariat, with the support of the National Contact Points, shall make available without delay on the IT Platform information on Member States that have notified their intention to withdraw from the EU Talent Pool.

#### *Article 4*

#### *Definitions*

For the purposes of this Regulation, the following definitions apply:

- (1) ‘participating Member State’ means a Member State participating in the EU Talent Pool;
- (2) ‘jobseeker from a third country’ means a natural person residing outside the Union who, under the national law or practice of the relevant participating Member State, has reached the age of majority and who is not a citizen of the Union within the meaning of Article 20(1) TFEU and who is seeking employment in the Union;
- (3) ‘registered jobseeker from a third country’ means a jobseeker from a third country who has registered on the IT Platform in accordance with Article 11;

- (4) ‘participating employer’ means an employer who is lawfully established in a participating Member State and whose job vacancies are available on the IT Platform as transmitted by the National Contact Point of the Member State where the employer is established;
- (5) ‘other participating entity’ means a temporary work agency, private employment agency or a labour market intermediary whose job vacancies are available on the IT Platform as transmitted by the National Contact Point of the Member State where the other participating entity is lawfully established;
- (6) ‘profile’ means the information provided by a jobseeker from a third country in a standard data format for the purpose of seeking employment through the IT Platform;
- (7) ‘single coordinated channel’ means the IT service for the transmission of job vacancies from the participating Member States to the IT Platform in accordance with a uniform system and using the necessary technical infrastructure;
- (8) ‘job vacancy’ means a paid position which would allow the jobseeker from a third country 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 from a third country will habitually work.

## **Chapter II**

### **IT system architecture**

#### *Article 5*

#### *EU Talent Pool IT platform*

1. The IT Platform for facilitating the recruitment of jobseekers from third countries is established.
2. The IT Platform shall be composed of:
  - (a) the single coordinated channel enabling participating Member States to transmit job vacancies to the IT Platform;
  - (b) the technical infrastructure enabling the IT Platform to receive job vacancies from the participating Member States;
  - (c) the technical infrastructure to collect and store profiles of registered jobseekers from third countries;
  - (d) the technical infrastructure to enable the National Contact Points, participating employers and other participating entities to search for registered jobseekers from third countries and to enable such jobseekers to search for job vacancies;

- (e) the automated matching tool;
  - (f) the secure communication channel to enable registered jobseekers from third countries, and participating employers and other participating entities to communicate via and upload documents to the IT Platform.
3. The functioning of the automatic matching tool shall be governed by the principles of non-discrimination, legality and fairness, and shall not result in unfair biases or practices prohibited under Union or national law.
  4. The Secretariat shall conduct a feasibility study within two years following the launch of the IT Platform, assessing the possibility of integrating multiple matching algorithms into the IT Platform.
  5. The Commission shall adopt, by means of implementing acts, the necessary technical standards for the data exchange, data formats that include the European Skills, Competences, Qualifications and Occupations (ESCO) classification, formats for job vacancies taking into account Article 13(4), (5) and (6) and formats for profiles of registered jobseekers from third countries taking into account Articles 6, 11 and 12. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(2).
  6. Participating Member States and the Secretariat shall ensure technical interoperability between national systems and the IT Platform. The 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 Secretariat may process personal data of registered jobseekers from third countries and those of participating employers and other participating entities only to the extent necessary for the performance of its tasks pursuant to Article 8(2). When processing personal data for that purpose, the Secretariat shall act as controller as defined in Article 3(8), of Regulation (EU) 2018/1725.
2. The National Contact Points may process personal data of registered jobseekers from third countries and those of participating employers and other participating entities only to the extent necessary for the performance of their tasks pursuant to Article 10(2). When processing personal data for that purpose, National Contact Points shall act as controllers as defined in Article 4(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 or nationalities, information on academic and professional qualifications, volunteering or work experience, other skills and language knowledge.  
  
Profiles of registered jobseekers from third countries may also include information on the availability of the jobseeker from a third country to start work and the Member States of preference.

4. The Secretariat and the National Contact Points shall inform registered jobseekers from third countries, and participating employers and other participating entities about the processing of their personal data and their rights as data subjects as well as about their rights under paragraphs 5 and 6.
5. The personal data registered in or transmitted to the 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 edit, delete or restrict access to their personal data.
6. Profiles of registered jobseekers from third countries that have not been accessed by the jobseekers concerned for a period of one year shall be removed and no personal data shall be stored. In such cases, the jobseekers concerned shall be automatically notified one month prior that their profiles will be removed if they are not accessed within that period. Once profiles are removed, a limited set of anonymised data may 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 Secretariat shall make the data included in the profiles of registered jobseekers from third countries and the job vacancies of participating employers and other participating entities available for searches and matching on the IT Platform.

8. The data included in the profiles of registered jobseekers from third countries shall be accessible only to participating employers and other participating entities, and to the National Contact Points. The data included in the job vacancies shall be accessible to registered jobseekers from third countries and to the National Contact Points.
9. The processing of data on the jobseeker's Member States of preference as referred to in paragraph 4 for the purpose of matching in accordance with Article 16 shall be prohibited.
10. 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 profiles of registered jobseekers from third countries , on the responsibilities of controllers, including rules governing the possible use of a processor or processors, as well as on the conditions for accessing personal data and the option available to registered jobseekers from third countries to restrict the access to their personal data on the IT Platform. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(2).

## Chapter III

### Governance

#### *Article 7*

##### *Structure*

The EU Talent Pool shall consist of:

- (a) the Secretariat;
- (b) the Steering Group;
- (c) the National Contact Points.

#### *Article 8*

##### *The Secretariat*

1. The Commission shall provide the 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, as well as raising public awareness about it through communication activities and information campaigns;

- (b) setting up and managing the IT Platform and related IT services necessary for its functioning, in particular by using available technical infrastructure at Union level where relevant;
- (c) publishing on the IT Platform the relevant information referred to in Article 3(1), Article 3(2), fifth subparagraph, Article 9(5), Article 10(2), point (i), Article 12(4), Article 14(2), Article 15(2) and Article 17(1), second subparagraph;
- (d) convening and preparing the meetings of the Steering Group;
- (e) collecting relevant data for monitoring the performance of the EU Talent Pool pursuant to Article 20;
- (f) convening meetings of the Network of the National Contact Points referred to in Article 10(3) on a regular basis.

The Secretariat shall provide the Steering Group, on a yearly basis, with the data referred to in Article 20(1) and (4). Where such data contains personal data, it shall be anonymised.

#### *Article 9*

#### *The Steering Group*

1. The Steering Group shall be composed of the following members:
  - (a) two representatives from each participating Member State, of which one expert in the field of employment and one expert in the field of immigration;

- (b) two representatives from the Commission;
- (c) six representatives of the cross-industry social partner organisations at Union level, with an equal representation of trade union and employer organisations.

Only the members referred to in points (a) and (b) of the first subparagraph shall have the right to vote.

2. An expert from the European Parliament may be invited to attend the meetings of the Steering Group. Additional representatives of the Commission may also participate in the meeting of the Steering Group if required.
3. Representatives of Union bodies, offices and agencies, representatives of international organisations, representatives of third countries participating in Talent Partnerships, bilateral arrangements or national frameworks on the development and validation of skills in a third country and other relevant stakeholders may be invited to attend the meetings of the Steering Group to present their views.
4. Only representatives from participating Member States shall be members of the Steering Group. Representatives from Member States not participating in the EU Talent Pool may participate in the meetings of the Steering Group as observers.
5. The representatives referred to in paragraph 1, point (c), shall sign a written statement declaring that they are not in a situation of conflict of interest. The Secretariat shall publish those statements and updates to those statements on the IT Platform.

6. The Steering Group shall be responsible for:
- (a) providing support to the Secretariat in the preparation of the list of Union-wide shortage occupations referred to Article 14;
  - (b) facilitating the exchange of best practices among the participating Member States regarding the national or regional adjustments to the list of Union-wide shortage occupations pursuant to Article 15(1);
  - (c) providing support to the Secretariat in the planning and coordination of the activities of the EU Talent Pool;
  - (d) facilitating the collection of data relevant for the monitoring activities of the EU Talent Pool referred to in Article 20;
  - (e) exchanging best practices regarding the implementation of accelerated immigration procedures to facilitate the recruitment of registered jobseekers from third countries pursuant to Article 19;
  - (f) providing support to the Secretariat with regard to raising awareness about the EU Talent Pool as referred to in Article 8(2), point (a).
7. The Steering Group shall meet twice a year and on an ad-hoc basis when necessary. The meetings shall be convened and chaired by the Secretariat.

*Article 10*  
*National Contact Points*

1. Each participating Member State shall designate an entity which shall act as its National Contact Point. Participating Member States shall ensure that their National Contact Point is composed of experts in the fields of employment and immigration from relevant national authorities. Where relevant, the National Contact Point may rely on other national competent authorities for the purpose of fulfilling the tasks set out in paragraph 2.
  
2. The National Contact Point shall be responsible for:
  - (a) facilitating the functioning of the IT Platform at national level;
  - (b) making job vacancies available on the IT Platform through the single coordinated channel, in accordance with Article 13(2);
  - (c) removing job vacancies from the IT Platform pursuant to Article 13(12) and profiles of registered jobseekers from third countries pursuant to Article 11(2), second subparagraph, following the transmission of relevant information by the national competent authorities;
  - (d) where applicable, notifying the Secretariat of any country-specific adjustments to the list of Union-wide shortage occupations pursuant to Article 15(1), second, third and fourth subparagraphs;

- (e) keeping registries of:
  - (i) participating employers and other participating entities;
  - (ii) employers and other entities who have been permanently excluded from the EU Talent Pool or whose access to the EU Talent Pool has been refused or suspended;
- (f) checking the registry referred to in point (e)(ii) before making a job vacancy available on the IT Platform and refusing access to the IT Platform by employers or other entities interested in participating in the EU Talent Pool if they are recorded in that registry or on the basis of other information on infringements of relevant Union or national law and practice that have been established;
- (g) sharing the registry referred to in point (e)(i) with the Steering Group and, where the participating Member State so decides, sharing that registry with the relevant national authorities;
- (h) where the participating Member State so decides, making the registry referred to in point (e)(i) publicly available;
- (i) excluding participating employers or other participating entities, or suspending access by them to the EU Talent Pool, and removing the related job vacancies from the IT Platform in accordance with Article 13(8) and (9);

- (j) providing the Secretariat with information as referred to Article 17(1), second subparagraph, and relevant data for the monitoring of the EU Talent Pool as referred to in Article 20;
  - (k) providing specific information 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 in accordance with Article 17(2).
3. When a meeting of the Network of the National Contact Points from each participating Member State is convened by the Secretariat pursuant to Article 8 (2), point (f), representatives from the National Contact Points shall meet 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 create their profiles via the Europass profile builder in order to register on the IT Platform. Direct links to the IT Platform may be published on the websites of other relevant tools.
2. In order to register on the IT Platform, jobseekers from third countries shall be required to declare that they are not 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 as referred to in Directive [2008/115/EC](#).

Profiles of registered jobseekers from third countries who made a false declaration under the first subparagraph shall be removed from the IT Platform following the transmission of the relevant information by the national competent authorities. Jobseekers from third countries may create a new profile once the judicial or administrative decision or entry ban no longer applies.

3. The profiles of registered jobseekers from third countries shall be visible to participating employers and other participating entities.

### *Article 12*

#### *Indication of participation in Talent Partnerships, bilateral arrangements or national frameworks on the development and validation of skills in a third country*

1. Jobseekers from third countries who have benefitted from specific support within the framework of a Talent Partnership, a bilateral arrangement or a national framework on the development and validation of skills in a third country, may indicate this in their profiles.
2. For the purpose of paragraph 1, a ‘flag’ shall be developed within the IT Platform to be integrated in the profiles of jobseekers from third countries in accordance with Article 5(5) (the ‘Flag’).

Jobseekers from third countries who indicate their participation in one of the Talent Partnerships, arrangements or frameworks referred to in paragraph 1, shall provide the following information in the Flag:

- (a) the name of the Talent Partnership, bilateral arrangement or national framework on the development and validation of skills in a third country; and
- (b) the details of any training followed in the context of point (a), including its subject-matter, duration and the type of skills developed, including relevant language skills.

If available, documentation supporting the information provided may be attached to the profiles of registered jobseekers from third countries. Jobseekers from third countries may also indicate any other information considered relevant for the purpose of the recruitment.

3. The Flag shall be visible on the profiles of registered jobseekers from third countries in the IT Platform, shall specify that it is for information purposes only within the context of the EU Talent Pool and that it does not amount to the formal recognition or validation of skills and qualifications that the jobseeker from a third country may have developed through participation in the Talent Partnerships, arrangements or frameworks referred to in paragraph 1. The Flag is without prejudice to entry and residence rights.
4. A list of third countries and participating Member States taking part in a Talent Partnership shall be published on the IT Platform by the Secretariat. The Secretariat shall also publish on the IT Platform a list of bilateral arrangements and national frameworks on the development and validation of skills in third countries, including the third countries taking part in those arrangements and frameworks and information about specific support provided in those arrangements and frameworks, which participating Member States chose to link to the EU Talent Pool.

### *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 shall request the National Contact Point in the Member State where they are established to make their job vacancies available on the IT Platform.
2. The National Contact Points shall make available on the IT Platform job vacancies that:
  - (a) fall within the list of Union-wide shortage occupations referred to in Article 14 and the country-specific adjustments to that list pursuant to Article 15(1) or which are relevant for an Talent Partnership, bilateral arrangement or national framework on the development and validation of skills in a third country listed in the IT Platform;
  - (b) are open to the recruitment of jobseekers from third countries without prejudice to the principle of preference for Union citizens, where applicable under national law.
3. When making job vacancies available on the IT Platform, the National Contact Points shall not transmit job vacancies:
  - (a) relating to apprenticeships and traineeships;
  - (b) of employers and other entities that are recorded in the registry referred to in Article 10(2), point (e)(ii).

4. Job vacancies made available on the IT Platform shall include at least the following information:
  - (a) the name and contact details of the employer with whom the jobseeker from a third country would engage in a direct employment relationship and of any other participating entity;
  - (b) the job description;
  - (c) the duration of the employment contract; and
  - (d) the normal place of work.
5. Job vacancies made available on the IT Platform may include additional information, such as the initial pay or pay range offered.
6. In addition to the information referred to in paragraph 4, participating employers and other participating entities may provide additional information for the purpose of presenting the undertaking to jobseekers from third countries, including the sector in which it is active, a brief description of its operations and, where relevant, the company registration number.

7. Participating employers and other participating entities shall comply with the relevant Union and national law and practice regarding protection of third-country nationals against unfair recruitment, inadequate working conditions, discrimination, adverse treatment and trafficking in human beings, where applicable. Participating employers and other participating entities shall also comply with the applicable collective agreements that protect third-country nationals' right to freedom of association and collective bargaining. 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 of ILO, such as its general principles and operational guidelines on fair recruitment, in accordance with Union law.
8. Where a national competent authority establishes that a participating employer or other participating entity does not comply with the obligations and conditions referred to in paragraph 7, the national competent authority shall notify the relevant National Contact Point thereof.

Upon receipt of a notification as referred to in the first subparagraph, the National Contact Point shall suspend access to the IT Platform by the participating employer or other participating entity concerned and remove their job vacancies from the IT Platform. In such cases, the participating employer or other participating entity shall not be allowed to make use of the IT Platform, including through other participating entities.

Where a national competent authority notifies the National Contact Point that the non-compliance of the employer or other entity concerned with the obligations and conditions referred to in the first subparagraph has been remedied, the relevant National Contact Point shall lift the suspension of access to the IT Platform.

9. By way of derogation from paragraph 8 of this Article, Member States may decide to permanently exclude participating employers and other participating entities from the EU Talent Pool, as well as employers and other entities interested in participating in the EU Talent Pool in the case of offences referred to in Articles 2, 3 and 18a of Directive 2011/36/EU and in the case of criminal offences related to the employment of illegally staying third-country nationals as laid down in Article 9 in connection with Article 3 of Directive 2009/52/EC.

Where a participating Member State derogates from paragraph 8, it shall notify the relevant National Contact point thereof.

Upon receipt of a notification as referred to in the second subparagraph of this paragraph, the National Contact Point shall permanently exclude the employer or other entity concerned from the EU Talent Pool and, where applicable, remove their job vacancies from the IT Platform.

Where an employer or other entity has been permanently excluded from participating in the EU Talent Pool, they shall not be allowed to make use of the IT Platform, including through other participating entities.

10. The use of the EU Talent Pool shall be free of charge for jobseekers from third countries. Participating employers and other participating entities shall not charge any fees or undisclosed costs to registered jobseekers from third countries for the purpose of recruitment, whether before or after the completion of the recruitment process.
11. Job vacancies of participating employers and other participating entities shall be visible to registered jobseekers from third countries on the IT Platform.
12. Job vacancies shall immediately be removed from the 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;
  - (b) a notification made by the participating employer or other participating entity to the National Contact Point in accordance with paragraph 13;
  - (c) the absence of any match with a registered jobseeker from a third country for a period of one year;
  - (d) suspension of access by or permanent exclusion of the participating employer or the other participating entity;
  - (e) removal of the relevant occupations following adjustments to the Union-wide list of shortage occupations in accordance with Article 15.

13. Participating employers and other participating entities shall, without undue delay, indicate on the I IT Platform that they have successfully recruited a registered jobseeker from a third country for a given job vacancy. The profiles of such registered jobseekers from third countries shall be removed from the IT Platform.

#### *Article 14*

##### *List of Union-wide shortage occupations*

1. For the purpose of this Regulation, a list of Union-wide shortage occupations at the International Standard Classification of Occupations 2008 of the International Labour Office (ISCO-08) 4-digit level is set out in the Annex.

The Commission is empowered to adopt delegated acts in accordance with the procedure referred to in Article 21 to amend the Annex, having regard to:

- (a) shortage occupations notified to the Secretariat by the National Contact Points pursuant to Article 15(1), third and fourth subparagraphs, which are common to a significant number of participating Member States;
  - (b) occupations which contribute directly to the Union's competitiveness and to the green and digital transitions, and which are likely to grow in importance.
2. The Secretariat shall publish the list of the Union-wide shortage occupations on the IT Platform.

## *Article 15*

### *Adjustments to the list of Union-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 and their policy objectives. They may also decide to remove shortage occupations from the Union-wide list where those shortage occupations do not correspond to their specific labour market needs at national or regional level or to their policy objectives. Such country-specific adjustments shall only affect the matching of job vacancies in the Member State concerned.

The National Contact Point shall notify any country-specific adjustments to the list of Union-wide shortage occupations at the latest 3 months before the date from which the relevant Member State intends to participate in the EU Talent Pool referred to in Article 3(1).

The National Contact Points may notify the Secretariat of further country-specific adjustments to the list of Union-wide shortage occupations every 6 months.

Where the Annex is amended in accordance with Article 14(1), second subparagraph, the National Contact Points shall notify the Secretariat of any country-specific adjustments to the list of Union-wide shortage occupations within 3 months.

2. The Secretariat shall publish the country-specific adjustments to the list of Union-wide shortage occupations notified by the National Contact Points on the IT Platform.

*Article 16*  
*Search and matching*

1. Participating employers and other participating entities may search for profiles of registered jobseekers from third countries and match them with job vacancies available on the IT Platform.
2. Participating employers and other participating entities may use specific filters available on the IT Platform to search for profiles of registered jobseekers from third countries who have provided information in the Flag referred to in Article 12(2) indicating that they have benefitted from specific support within the framework of a Talent Partnership, a bilateral arrangement or a national framework on the development and validation of skills in a third country.
3. Participating employers and other participating entities may access a list of suggested profiles of registered jobseekers from third countries, generated by the automatic matching tool and based on the relevance of the skills, competences, qualifications, work experience and availability for the job vacancy of registered jobseekers from third countries.
4. Registered jobseekers from third countries may search for job vacancies on the IT Platform and access a list of suggested relevant job vacancies generated by the automated matching tool.

## **Chapter V**

### **Information provision, facilitation of complaints and accelerated immigration procedures**

#### *Article 17*

#### *Information provision*

1. Participating Member States shall make information concerning the EU Talent Pool and its functioning easily accessible, including for persons with disabilities.

The Secretariat, with the support of the National Contact Points, shall make the following information available on the IT Platform:

- (a) information on fair recruitment and employment procedures, including on the recognition of qualifications and validation of skills, and on living and working conditions in the participating Member States;
- (b) information on immigration procedures, including the procedures for obtaining visas and residence permits for the purpose of work;
- (c) information on the rights and obligations of third-country nationals, including with regard to access to existing complaint and redress mechanisms in order to ensure effective access to justice;

- (d) 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 as referred to in Directive 2008/115/EC, their entry into and stay on the territory of the Member States shall be prohibited;
- (e) a clear explanation that the registration in the EU Talent Pool by jobseekers from third countries, the inclusion of the Flag referred to in Article 12(2) on their profiles or the selection for a job vacancy through the IT Platform do not guarantee that entry to the territory of the Member States will be granted, that a work permit, a visa or a residence permit will be issued or that security checks have been carried out;
- (f) a clear explanation that the use of the EU Talent Pool shall be free of charge and that employers are not to charge fees or undisclosed costs to registered jobseekers from third countries for the purpose of recruitment.

2. The National Contact Points shall provide registered jobseekers from third countries who have been selected for a job vacancy and participating employers and other participating entities with specific information, in particular with regard to:

- (a) national immigration procedures to obtain visas and residence permits for work purposes, including that security checks will be carried out;
- (b) family reunification procedures and family members' rights and obligations;

- (c) third-country nationals' rights and obligations including with regard to working conditions, taxation, access to social benefits, health assistance, education, housing, recognition of skills and qualifications and the existing complaint and redress mechanisms;
  - (d) activities to facilitate the integration of third-country nationals in the host Member State such as language courses, vocational training and education as well as other integration measures;
  - (e) the contact details, in accordance with national practice, of the national competent employment and immigration authorities and, where available, the contact details of national competent organisations which offer post-recruitment assistance for third-country nationals, such as trade unions, employer associations and chambers of commerce;
  - (f) where relevant, disability-related support services and the provision of reasonable accommodation in accordance with Council Directive [2000/78/EC](#)<sup>34</sup>;
  - (g) if applicable, the contact details of other appropriate bodies at national level supporting the integration of third-country nationals on the labour market.
3. The National Contact Points shall be responsible for updating the information referred to in paragraphs 1 and 2, when necessary.

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<sup>34</sup> Council Directive [2000/78/EC](#) of 27 November 2000 establishing a general framework for equal treatment in employment and occupation (OJ L 303, 2.12.2000, p. 16, ELI: <http://data.europa.eu/eli/dir/2000/78/oj>).

4. The National Contact Points may decide to provide the information referred to in paragraph 2 in an automated and standardised format, including by referring to existing sources of information, by using digital tools.

#### *Article 18*

##### *Facilitation of complaints*

1. Registered jobseekers from third countries shall have effective access to existing complaint mechanisms in accordance with national law. In the event of any infringement by participating employers or other participating entities of any of the obligations laid down in Article 13(7), registered jobseekers from third-countries or their representatives shall have the right to report the infringement to the National Contact Point or to lodge a complaint in accordance with national law to the national competent authorities.
2. If an infringement is reported to the National Contact Point pursuant to paragraph 1, the National Contact Point shall refer it to the national competent authorities.

#### *Article 19*

##### *Accelerated immigration procedures*

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.

# Chapter VI

## Final provisions

### *Article 20*

#### *Monitoring activities and feedback*

1. The performance and cost-effectiveness of the EU Talent Pool shall be regularly monitored by the Secretariat. In particular, data shall be collected on:
  - (a) the number and type of profiles of registered jobseekers from third countries;
  - (b) the number and type of participating employers and other participating entities;
  - (c) the number and type of job vacancies made available on the IT Platform;
  - (d) the number of visits on the IT Platform;
  - (e) the number and type of job placements facilitated via the EU Talent Pool;
  - (f) the number of profiles of registered jobseekers from third countries including a Flag as referred to in Article 12(2);

- (g) the number of job placements facilitated via the IT Platform in the context of the Talent Partnerships, bilateral arrangements or national frameworks on the development and validation of skills in a third country;
  - (h) the levels of skills and qualifications of jobseekers from third countries who have been recruited from the EU Talent Pool.
2. The Secretariat shall set up the data collection in accordance with established statistical concepts and definitions and exchange information and data with the Commission for the purpose of ensuring the quality of data collected under this Regulation and for producing and ensuring the quality of European statistics.
  3. The Secretariat shall collect the data referred to in paragraph 1 with the support of the National Contact Points and the Steering Group.
  4. The performance of the EU Talent Pool shall be regularly monitored by the Secretariat, taking into account the feedback gathered from and experiences of registered jobseekers from third countries and participating employers and other participating entities as well as civil society organisations, in particular those working with third-country nationals, including persons with disabilities.

### *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(1) 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(1), 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(1) shall enter into force only if no objection has been expressed either by the European Parliament or by 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 of the Council.

#### *Article 22*

##### *Committee procedure*

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

#### *Article 23*

##### *Reporting*

By 31 December 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*

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at ..., ...

*For the European Parliament*

*The President*

*For the Council*

*The President*

## ANNEX

### List of Union-wide shortage occupations

ISCO-08 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

ISCO-08 code	Occupation
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