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'I/A' ITEM NOTE

From: General Secretariat of the Council
To: Permanent Representatives Committee/Council
Subject: Draft REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE
COUNCIL establishing an EU Talent Pool (**first reading**)
- Adoption of the legislative act
= Statements

Hungary has requested that the following statement be entered in the Council minutes

Hungary appreciates the Presidency's efforts to establish a Talent Pool.

At the same time, we believe that the labour shortage in Europe stems primarily from the continent's demographic challenges, which Hungary does not seek to address by encouraging migration.

We believe that the involvement of labour from outside the European Union can serve at most as a temporary solution. Hungarian employment policy remains committed to protecting the Hungarian labour market, representing the interests of domestic workers, and addressing labour shortages in a targeted manner.

The proposal offers limited added value for the labour market at EU level, in view of which Hungary does not wish to participate in operating the system. Voluntary participation is a fundamental element of the proposal. Hungary respects how other Member States wish to address their own labour market needs.

While acknowledging the efforts of the Presidency, for the reasons set out above, Hungary will abstain from voting on adopting the regulation.

The Netherlands has requested that the following statement be entered in the Council minutes

The Netherlands recognises that the EU Talent Pool can contribute to alleviating labour market shortages in Member States. We also recognise that proposals such as the EU Talent Pool Regulation can make a positive contribution to the migration dialogue with partner countries of origin and transit. During the interinstitutional negotiations we extensively raised attention to the prevention of abuse and exploitation of third-country nationals. The Netherlands is of the opinion that the improper posting of third-country nationals in the EU-Member States should be prevented as much as possible, also in the specific context of the EU Talent Pool. Practices such as these place the third-country nationals in a vulnerable position, leading to a higher risk of labour exploitation, creating unfair competition between companies and a race to the bottom on labour conditions and circumventing national migration policies.

We should ensure that the EU Talent Pool does not further enable improper posting of third-country nationals. After all, the EU Talent Pool will not function to alleviate specific labour market shortages in Member States if third-country nationals can be posted quickly and for long periods of time to other (even non-participating) Member States. In doing so, posting in the context of the EU Talent Pool is not only undesirable for Member States that are trying to address labour market shortages, but also for jobseekers and receiving Member States.

We therefore believe additional EU action is required to promote genuine posting of third-country nationals and advocate for clarifying the legal framework surrounding the posting of third-country nationals. Legal clarity, for example via a new EU Directive, is a precondition for effective enforcement of the posting rules. Effective enforcement subsequently ensures an equal level playing field for companies and fair treatment of third-country nationals. Lastly, the challenges related to third-country nationals must be firmly embedded within the mandate of the European Labour Authority.
