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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
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Subject:	COMMISSION STAFF WORKING DOCUMENT SUBSIDIARITY GRID Accompanying the document Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL on portability of qualifications and skills and amending Regulation (EU) 2018/1724 ("Skills Portability Act")

Delegations will find attached document SWD(2026) 992 final.

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Strasbourg, 15.9.2026
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COMMISSION STAFF WORKING DOCUMENT

SUBSIDIARITY GRID

Accompanying the document

Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on portability of qualifications and skills and amending Regulation (EU) 2018/1724 ("Skills Portabilty Act")

{COM(2026) 992 final} - {SEC(2026) 992 final} - {SWD(2026) 993 final} - {SWD(2026) 994 final}

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Subsidiarity Grid

1. Can the Union act? What is the legal basis and competence of the Unions' intended action?
1.1 Which article(s) of the Treaty are used to support the legislative proposal or policy initiative?
The proposal is based on Article 46 TFEU which provides the legal basis for adopting measures to facilitate the free movement of workers. Pursuant to Article 46 TFEU, the European Parliament and the Council are mandated to adopt the necessary measures to bring about the freedom of movement for workers. This includes, among several elements, the systematic removal of administrative and legislative obstacles hindering the search, application for, and take-up of employment across Member States (Article 46(b) TFEU), as well as setting up appropriate mechanism to bring offers of employment into touch with applications for employment and facilitating the balance between supply and demand and level of employment in the various regions and industries (Article 46(d) TFEU).
1.2 Is the Union competence represented by this Treaty article exclusive, shared or supporting in nature?
The initiative concerns the functioning of the internal market, which is an area of shared competence between the Union and the Member States pursuant to Article 4(2)(a) TFEU. Accordingly, the principle of subsidiarity applies.
*Subsidiarity does not apply for policy areas where the Union has **exclusive** competence as defined in Article 3 TFEU[1]. It is the specific legal basis which determines whether the proposal falls under the subsidiarity control mechanism. Article 4 TFEU[2] sets out the areas where competence is shared between the Union and the Member States. Article 6 TFEU[3] sets out the areas for which the Unions has competence only to support the actions of the Member States.*
2. Subsidiarity Principle: Why should the EU act?
2.1 Does the proposal fulfil the procedural requirements of Protocol No. 2[4]: - Has there been a wide consultation before proposing the act? - Is there a detailed statement with qualitative and, where possible, quantitative indicators allowing an appraisal of whether the action can best be achieved at Union level?
The preparation of the initiative was supported by extensive stakeholder consultation activities to gather a broad and representative evidence base on the portability of skills and qualifications across EU Member States. The stakeholder consultations showed that labour market actors lack a sufficient understanding of qualifications from other Member States to assess what the holder's knowledge or skills. They expressed broad support for improving the availability and interoperability of qualifications information, in particular where these help make skills more visible, portable and verifiable. In addition, digitalisation through the use of verifiable digital credentials in the EUDI Wallets was strongly supported. In this context, stakeholders also supported the need to build on existing EU tools such as the European Qualifications Framework.

[1] https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12008E003&from=EN
[2] https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12008E004&from=EN
[3] https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:12008E006:EN:HTML
[4] https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12016E/PRO/02&from=EN

These consultations, the Commission's assessment of how they have been reflected in the proposal, and the explaination of why the proposed actions can best be achieved at Union level are summarised in the explanatory memorandum accompanying the draft legal act and further detailed in the impact assessment supporting the proposal.

2.2 Does the explanatory memorandum (and any impact assessment) accompanying the Commission's proposal contain an adequate justification regarding the conformity with the principle of subsidiarity?

The explanatory memorandum and impact assessment provide a clear justification demonstrating the conformity of the proposal with the subsidiarity principle.

Barriers related to the portability of qualifications and skills are one of the factors hindering individuals to make full use of their free movement rights and to work in another Member State. Without an EU-level action aimed at improving information on qualifications and skills obtained in other Member States and providing tools facilitating effectively the portability of such qualifications and skills, businesses and workers will continue to face difficulties when considering opportunities across the EU.

Given the cross-border nature of the problems, effective solutions are best pursued at the EU level to allow for interoperability across Member States instead of 27 different national frameworks and systems, thereby avoiding fragmentation and reducing administrative burdens by facilitating the cross-border use and recognition of digital qualifications attestations, without prejudice to Member States' competence for education and training.

An EU-level action creating a common legal and technical framework underpinning the digitalisation of qualifications will allow digital qualifications attestations issued in any Member State to become more trustworthy and easier to verify for employers and, in case of regulated professions in accordance with Directive 2005/36/EC, recognition authorities in different Member States. Digital qualification attestations issued in a standardised manner will be better understood across the EU. This in turn can make job applications less cumbersome and facilitate smoother access to jobs in all Member States.

The EU-level action will help accelerate the digitalisation of public services on cross-border interoperability, contribute to a well-functioning, integrated digital single market, ultimately benefitting European competitiveness. By building on and reinforcing key digital EU initiatives - such as the Single Digital Gateway Regulation (SDGR), the Once Only Technical System (OOTS), and the EUDI Wallet framework – the EU-level action can help maximise the impact of prior EU investments, being part of a coherent and cohesive EU digital landscape that serves the interest of the EU and its Member States. The EU-level action at this stage will help ensure coordinated and interoperable solutions across Member States, while ensuring alignment with existing EU initiatives. Acting now will also help maximise the benefits of these initiatives and avoid additional costs and complexity that could arise from having to align or replace divergent solutions at a later stage.

2.3 Based on the answers to the questions below, can the objectives of the proposed action be achieved sufficiently by the Member States acting alone (necessity for EU action)?

(a) Are there significant/appreciable transnational/cross-border aspects to the problems being tackled? Have these been quantified?

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(b) Would national action or the absence of the EU level action conflict with core objectives of the Treaty[5] or significantly damage the interests of other Member States?
(c) To what extent do Member States have the ability or possibility to enact appropriate measures?
(d) How does the problem and its causes (e.g. negative externalities, spill-over effects) vary across the national, regional and local levels of the EU?
(e) Is the problem widespread across the EU or limited to a few Member States?
(f) Are Member States overstretched in achieving the objectives of the planned measure?
(g) How do the views/preferred courses of action of national, regional and local authorities differ across the EU?
The problems addressed by the proposal have a strong cross-border dimension by nature, as they relate to the use of qualifications and skills in other Member States than the one in which they were awarded. In this context, the problem is widespread across the EU, with border regions- where businesses rely more than elsewhere on daily or seasonal cross-border mobility of workers - being particularly affected. Differences in the format, content, classification and verification of qualifications affect their use across Member States. The digitalisation of qualifications will facilitate their portability across the EU only if it is carried out in a harmonised and interoperable way across Member States. Solutions implemented at the level of a single country may not ensure the full benefits for the Single Market but rather deepen its fragmentation. While Member States can improve their national systems, they cannot individually ensure cross-border interoperability, common verification arrangements and mutual reliance on digital qualifications. Coordinated action at the EU level can help ensure that labour market actors have access to reliable and comparable information on skills and qualifications issued in the EU and can benefit from interoperable and verifiable digital attestations of qualifications and skills. The proposal nevertheless allows for flexibility in the implementation to take account of Member States' differences, in particular for older qualifications. While Member States will, to the extent possible, provide the same level of content description for newly awarded qualifications and use the same trust framework, for qualifications issued in the past 10 years, some flexibility will be allowed through optional data fields. Moreover, for older qualifications, automatic issuance would not be required, and issuance within a reasonable time on demand with fewer mandatory data fields would allow Member States to take account of the time needed to retrieve and verify the relevant information. Currently, important differences between Member States exist in relation to updating the referencing of their national qualifications frameworks to the European Qualifications Framework (EQF), the state of play of national qualifications databases and the sharing of qualifications information with the EU-level platform, Europass. Furthermore, Member States are at different levels of readiness regarding digital infrastructures and the rollout of digital credentials. Although Member States are yet to use the EUDI Wallets, the requirements for digital attestations of qualifications still need to be laid down in sectoral legislation. The proposal contains measures ensuring that there is a balanced situation across Member States regarding the availability of comparable information on qualifications, which is also required to have a qualifications comparison

[5] https://europa.eu/european-union/about-eu/eu-in-brief_en

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tool in place that contains information on national qualifications framework qualifications from across the EU.

The proposal is also timely because the EUDI Wallets will come into application at the end of 2026: the EUDI framework regulates and harmonises the issuance of attestations via a trust service and public bodies, which can include education and training credentials. Moreover, some Member States have already introduced or announced the possibility to request electronic qualifications under their jurisdiction. To avoid a situation where digitalised qualifications cannot be relied on in other countries due to a lack of interoperability, it is timely for the Union to act by adopting common standards for digital qualifications across the EU. A transitional period requiring an initial investment, and support to Member States in their implementation of issuance systems for the digital qualification attestations aims to create a situation of comparable conditions in Member States.

Finally, the free movement of people is a fundamental principle of the European Union. To fully benefit from this right, individuals must be able to rely on the qualifications awarded in any Member State when they apply for, take up or pursue a professional occupation in another Member State. The digitalisation of qualifications will facilitate their portability across the EU. In the absence of an EU-level action, there is a risk that differences between Member States will deepen, further exacerbating existing obstacles (as Member States continue to rely on paper-based or fragmented digital systems when issuing qualifications) and there will be different situations across Member States with regard to the available and comparable information on qualifications.

2.4 Based on the answer to the questions below, can the objectives of the proposed action be better achieved at Union level by reason of scale or effects of that action (EU added value)?

(a) Are there clear benefits from EU level action?

(b) Are there economies of scale? Can the objectives be met more efficiently at EU level (larger benefits per unit cost)? Will the functioning of the internal market be improved?

(c) What are the benefits in replacing different national policies and rules with a more homogenous policy approach?

(d) Do the benefits of EU-level action outweigh the loss of competence of the Member States and the local and regional authorities (beyond the costs and benefits of acting at national, regional and local levels)?

(e) Will there be improved legal clarity for those having to implement the legislation?

The proposal provides clear EU added value as only a common approach will ensure that digital qualifications can be used, verified and relied upon across Member States, rather than requiring separate national solutions and arrangements. The EU-level action will provide common technical, interoperability and trust arrangements and build on existing EU investments and infrastructure, including the Single Digital Gateway, the Once Only Technical System and the EUDI framework. It will also improve the functioning of the internal market by avoiding fragmentation and reducing administrative burden and costs associated with different national approaches, thereby introducing economies of scale.

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At the same time, the proposal respects Member States' competence for education and training: Member States retain responsibility for determining qualifications, their content and their national qualifications frameworks, as well as the organisation of their education and training systems, while the common framework covers their digital portability, verification and interoperability, and measures for the provision of comparable information on qualifications, including through a new qualifications comparison tool.

The common framework will provide greater legal certainty for Member States, issuers, employers, workers and other actors using digital qualification attestations across borders and having a better overall access to information on qualifications and skills. Overall, the benefits of a coordinated EU approach in terms of interoperability, economies of scale and greater portability of qualifications outweigh the limited constraints arising from common requirements for their digitalisation.

3. Proportionality: How the EU should act

3.1 Does the explanatory memorandum (and any impact assessment) accompanying the Commission's proposal contain an adequate justification regarding the proportionality of the proposal and a statement allowing appraisal of the compliance of the proposal with the principle of proportionality?

As underlined in the explanatory memorandum accompanying the Commission's proposal, the proposal is necessary and proportionate to the objective of facilitating the portability of qualifications and skills between Member States, ensuring that they provide a consistent and reliable indication of the skills and qualifications held by an individual, regardless of the Member State in which they were issued. It does so by establishing common rules on and standards for the digitalisation of qualifications and the access to reliable and comparable information on skills and qualifications issued in the EU. Without such common requirements, Member States would continue to rely on paper-based or fragmented digital systems when issuing qualifications.

The proposal does not go beyond what is necessary to achieve the objectives of ensuring an improved portability of skills and qualifications in the context of the freedom of movement of workers. The objective of achieving a quick impact was carefully balanced against the financial and administrative burden created for public administrations. The action focuses on the most relevant segment of qualifications and takes a pragmatic approach to data fields required. While newly issued qualifications would be digitalised into the EUDI Wallets by default, recent qualifications, i.e. those issued in the past ten years, would be digitalised as soon as possible, and in any case no later than two weeks after request for their issuance and without the need for manual processing. Member States may limit the issuance of digital attestations for older qualifications to the cases where it is requested for the purpose of pursuit of employment in another Member State.
Preparing the infrastructure for digitalisation of recent qualification attestations requires a certain upfront investment but strongly reduces the recurring cost for issuance at a later stage. Data availability is expected to be high for this ten-year period since it coincides with the time after adoption of the Council Recommendation on a European Qualifications Framework (EQF) in which archives tend to be already digital. Indeed, 25 EU Member States have had their NQFs referenced to the EQF for ten years or more. However, going further back would mean reviewing qualifications from before these frameworks existed, requiring substantially more effort. Conversely, a shorter cut-off would not proportionally reduce Member States' effort, since the core verification and mapping tasks remain largely fixed regardless of the period covered. Ten years therefore offers a proportionate balance between comprehensiveness and administrative burden. In terms of policy impact, it allows for a rapid rollout for the younger cohorts who tend to change jobs most frequently and are most likely to move to another Member State.

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For qualifications obtained more than 10 years ago, digital qualification attestations need to be issued within a reasonable timeframe i.e. maximum two weeks. In addition, for such older qualifications, the data fields need be adapted whereby Member States need to provide the certain degree of minimum information, with some other data fields being optional. Overall, only minimum common requirements are provided for digital qualification attestations.

By relying on existing EU frameworks, in particular the EUDI Wallet framework and existing transparency tools such as the EQF, the proposal complies with the principle of proportionality.

3.2 Based on the answers to the questions below and information available from any impact assessment, the explanatory memorandum or other sources, is the proposed action an appropriate way to achieve the intended objectives?

(a) Is the initiative limited to those aspects that Member States cannot achieve satisfactorily on their own, and where the Union can do better?

(b) Is the form of Union action (choice of instrument) justified, as simple as possible, and coherent with the satisfactory achievement of, and ensuring compliance with the objectives pursued (e.g. choice between regulation, (framework) directive, recommendation, or alternative regulatory methods such as co-legislation, etc.)?

(c) Does the Union action leave as much scope for national decision as possible while achieving satisfactorily the objectives set? (e.g. is it possible to limit the European action to minimum standards or use a less stringent policy instrument or approach?)

(d) Does the initiative create financial or administrative cost for the Union, national governments, regional or local authorities, economic operators or citizens? Are these costs commensurate with the objective to be achieved?

(e) While respecting the Union law, have special circumstances applying in individual Member States been taken into account?

The proposed action is limited to aspects that require EU-level intervention, namely establishing a common framework and set of standards for digital qualification attestations that are understood, trusted, verifiable and interoperable across the Union and for the provision of comparable information on qualifications, including through a new qualifications comparison tool, while leaving Member States responsible for the organisation of their education and training systems and for determining the content and award of qualifications.

Given the cross-border nature of the problem and the need to prevent regulatory fragmentation, a regulation is considered the most suitable, effective and proportionate instrument. As a directly applicable act, it ensures uniform application, legal certainty and a common set of rules and formats across Member States, in line with the identified legal basis. At the same time, the proposal leaves flexibility for national implementation, including regarding the organisation of national issuing systems and the information available for older qualifications, while common requirements are limited to what is necessary to ensure interoperability and trust.

The proposal entails costs for the Union, principally related to the development and improvement of the Europass comparison tool, the reference software for digital verification, the back-office tool supporting Member States in sharing information on qualifications, governance, communication and awareness raising activities and implementation support to Member States. Member States will incur costs related to establishing and maintaining national qualification registries, integrating

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qualifications issued over the previous ten years into the trust framework, deploying the national verification infrastructure required for the EUDI Wallet ecosystem and adapting national issuing systems. These costs are considered proportionate to the objectives pursued, as a common framework avoids the higher costs and administrative burdens associated with developing and aligning separate national solutions.

Finally, the proposal is designed to apply across the Union while allowing for differences in national systems and levels of readiness, including through flexibility in the implementation of the requirements for older qualifications.