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REPORT

from:	General Secretariat of the Council
to:	Permanent Representatives Committee (Part I)
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Subject:	Proposal for a Regulation of the European Parliament and of the Council on a European Network of Employment Services, workers' access to mobility services and the further integration of labour markets (EURES) - Analysis of the final compromise text with a view to agreement

Delegations will find in the Annex the provisional agreement on the compromise text on the above proposal, with a view to reaching a first-reading agreement with the European Parliament.

REGULATION (EU) 2015/...
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of

**on a European Network of Employment Services, workers' access to mobility services and the
further integration of labour markets (EURES)**

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 46 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 Committee¹,

Having regard to the opinion of the Committee of the Regions²,

[...]

Acting in accordance with the ordinary legislative procedure,

Whereas:

¹. OJ C , , p. .

². OJ C , , p. .

- (1) The free movement of workers is a fundamental freedom of Union citizens and one of the pillars of the internal market in the Union enshrined in Article 45 of the Treaty on the Functioning of the European Union (TFEU). Its implementation is further developed by Union law aiming at guaranteeing the full exercise of rights conferred on Union citizens and the members of their family.
- (2) The free movement of workers is one of the key elements in the development of a more integrated Union labour market, including in cross-border regions, which allows higher worker mobility, thereby increasing diversity and contributing to Union-wide social inclusion and integration of persons excluded from the labour market. It also contributes to finding the right skills for vacant positions and overcoming bottlenecks in the labour market.
- (3) The provisions of Regulation (EU) No 492/2011 of the European Parliament and of the Council³ [...] established mechanisms for clearance and for information exchange and the Commission Implementing Decision 2012/733/EU [...] ⁴ laid down provisions on the functioning of a network for European Employment Services entitled EURES in accordance with that Regulation. That regulatory framework needs to be revised to reflect new mobility patterns, enhanced requirements for fair mobility, changes in the technology for sharing job vacancy data, the use of a variety of recruitment channels by workers and employers and the increasing role of other labour market brokers next to the Public Employment Services ('PES') in the provision of recruitment services.

³. Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union (codification) (OJ L 141, 27.5.2011, p.1).

⁴ Commission Implementing Decision 2012/733/EU of 26 November 2012 implementing Regulation (EU) No 492/2011 of the European Parliament and of the Council as regards the clearance of vacancies and applications for employment and the re-establishment of EURES (OJ L 328, 28.11.2012, p. 21).

- (4) In order to help the workers who enjoy the right to work in another Member State to effectively exercise that right, assistance in accordance with this Regulation is open to all Union citizens who has a right to take up an activity as an employed person and the members of their family [...], in accordance with Article 45 TFEU. Member States should give the same access to any third-country national benefiting, as per Union or national law, from equal treatment with their own nationals in this field. This Regulation is without prejudice to the rules on the access of third-country nationals to national labour markets as set out in the relevant Union legislation and [...] national law.
- (5) Growing interdependency among labour markets calls for reinforced cooperation between employment services, including in cross-border regions, to bring about freedom of movement for all workers through voluntary labour mobility on a fair basis which is in compliance with Union law and national law and practice within the Union in accordance with Article 46 (a) TFEU, and therefore a [...] framework for cooperation should be established between Member States and the Commission on labour mobility within the Union. This framework should bring together job vacancies from across the Union and the possibility of applying for those job vacancies ('clearance'), define the provision of related support services to workers and employers and provide for a common approach to share information necessary to facilitate such co-operation.

- (5a) The Court of Justice of the European Union has considered that the concept of "worker" in Article 45 TFEU must be given a Union meaning and be defined in accordance with objective criteria which distinguish the employment relationship by reference to the rights and duties of the persons concerned. In order to be treated as a worker, a person must pursue an activity which is genuine and effective, to the exclusion of activities on such a small scale as to be regarded as purely marginal and ancillary. The essential feature of an employment relationship has been considered to be that, for a certain period of time, a person performs services for and under the direction of another person in return for which remuneration is received.⁵ The concept of worker has been considered to include, under certain circumstances, persons doing an apprenticeship⁶ or a traineeship⁷.
- (5b) The Court of Justice[...] has consistently held, that freedom of movement for workers forms one of the foundations of the Union and, consequently, that the provisions laying down that freedom must be given a broad interpretation⁸ The Court of Justice has held that the freedom of movement of workers contained in Article 45 TFEU also entails certain rights for nationals of Member States moving within the Union for the purposes of seeking employment⁹. The concept of worker should therefore, for the purposes of this Regulation, be understood to cover job seekers, whether or not they are currently in an employment relationship.

⁵ See in particular Case 66/85 Lawrie-Blum [1986] ECR 2121, paragraphs 16 and 17; Case 197/86 Brown [1988] ECR 3205, paragraph 21 and Bettray [1989] ECR 1621, paragraphs 15 and 16

⁶ Kurz C-188/00

⁷ Case C-3/90 Bernini [1992] ECR I-1071 and Kranemann C-109/04

⁸ *See, in particular, the judgment of 3 June 1986 in Case 139/85 Kempf v Staatssecretaris van Justitie, paragraph 13.*

⁹ Case C-292/89, *The Queen v Immigration Appeal Tribunal, ex parte Gustaff Desiderius Antonissen.*

- (6) In order to facilitate labour mobility within the Union, the European Council requested in the ‘Compact for Growth and Jobs’, [...] to explore the possibility of extending the EURES network to apprenticeships and traineeships [...]. Apprenticeships and traineeships should be covered under this Regulation, provided that successful applicants would be [...] subject to an employment relationship. Member States should be able to exclude from the clearance certain categories of apprenticeships and traineeships in order to ensure the coherence and functioning of their educational systems and to take into account the need to design their active labour market policy measures on the basis of the needs of the workers targeted by those schemes. The Council Recommendation of 10 March 2014 on a Quality Framework for Traineeships¹⁰ is to be considered, in order to improve the quality of traineeships, in particular as regards learning and training content and working conditions, with the aim of easing the transition from education, unemployment or inactivity to work. In accordance with the said Recommendation, the rights and working conditions of trainees under applicable Union and national law are to be respected.
- (6a) The information on traineeship and apprenticeship offers provided under this Regulation can be complemented by web-based tools and services developed by the Commission or other actors, allowing employers to share directly with jobseekers opportunities on traineeships and apprenticeships across the Union.
- (7) Since its launch in 1994, EURES has been a co-operation network between the Commission and the Public Employment Services [...] to provide information, advice and recruitment/placement for the benefit of workers and employers, as well as any citizen wishing to benefit from the principle of the free movement of workers, through its human network and via online service tools available on the EURES Portal. A more coherent application [...] of clearance, support services and exchange of information on labour mobility within the Union is needed. The EURES network should therefore be re-established and reorganised as [...] a part of the revised regulatory framework [...] in order to be further strengthened. The roles and responsibilities of the different organisations participating in the network [...] should be determined.

¹⁰ OJ C 88, 27.3.2014, p. 1.

- (7a) The composition of the EURES network should be flexible enough to adjust to changing developments on the market for recruitment services. The emergence of a variety of employment services points towards the need for a concerted effort by Member States and the Commission to open up the EURES network as the main Union tool delivering recruitment services within the Union. A broader membership of the EURES network has social, economic and financial benefits and could also contribute to generating innovative forms of learning and co-operation, including on quality standards for job vacancies and support services, at the national, regional, local as well as at the cross-border level.
- (7b) Opening up EURES membership would improve efficiency in service delivery by facilitating partnerships, enhancing complementarity and quality improvements and would increase the market share of the EURES network, insofar as new participants make available job vacancies, job applications and curriculum vitae ('CV's') and offer support services to workers and employers.
- (7c) A EURES Member could be any organisation, including public, private or third sector employment services, which undertakes to fulfil all criteria and the full range of tasks set out under this Regulation.
- (7d) Some organisations would not be able to provide the full range of tasks, as it is required from EURES Members under this Regulation. Given the importance of their potential contribution to the EURES Network, it is however appropriate to give them the opportunity to become EURES Partners. Such an exception could only be justified for reasons of their small size, limited financial capacity or because they usually do not provide the whole range of tasks required or being a non-profit organisation.

- (8) The transnational and cross-border co-operation and the support to all EURES Members and Partners operating [...] in Member States would be facilitated by a structure at Union level ('the European Coordination Office') that should provide common information, tools and guidance regarding the EURES network, as well as training activities developed together with Member States and a help desk function for the network. The training activities and the help desk function should in particular assist staff operating in the organisations participating in the network who are experts on providing job matching, placement and recruitment activities, as well as information, guidance and assistance to workers, employers and organisations interested in transnational and cross-border mobility issues and are in direct contact with those target groups for this purpose. The European Coordination Office should also be responsible for the operation and development of the 'European Job Mobility portal' (EURES Portal) and the common IT platform. To guide its work, multiannual work programmes should be developed in consultation with Member States.
- (9) Member States should establish National Coordination Offices to ensure the transfer of available data to the EURES Portal, to provide general support and assistance to all EURES Members and Partners on their territory including on how to deal with complaints and problems with job vacancies, where appropriate in cooperation with other relevant public authorities such as labour inspectorates, and support their cooperation with their counterparts in the other Member States, including at cross-border level, and with the European Coordination Office. The National Coordination Offices should also have the task of verifying compliance issues as regards standards for the intrinsic and [...] technical quality of data and data protection. To facilitate communication with the European Coordination Office and help National Coordination Offices promote compliance with these standards by all EURES Members and Partners on their territory, the National Coordination Offices should ensure a coordinated transfer of the data to the EURES Portal through a single coordinated channel, where appropriate using already existing national IT platforms. In order to deliver quality service in a timely manner, Member States should ensure that their National Coordination Offices have sufficient number of trained staff and other resources necessary to carry out their tasks as defined under this Regulation.

- (10) The social partners' participation in the EURES network contributes in particular to the analysis of obstacles to mobility as well as the promotion of voluntary labour mobility on a fair basis within the Union, including in the cross-border regions. The representatives of the social partners at Union level should therefore be able to attend the meetings of the Coordination Group and should have a regular dialogue with the European Coordination Office, while national employers' organisations and trade unions should be involved in cooperation with the EURES network facilitated by the NCO's through a regular dialogue with the social partners in accordance with national law and practices. The social partners should be able to apply to become a EURES Member or Partner upon fulfilment of the relevant obligations under this Regulation.
- (11) [...]
- (12) [...]
- (12a) Given their special status, the PES should be appointed by the Member States as EURES Members, without having to undergo the admission procedure. Member States should ensure that PES comply with the minimum common criteria set in the Annex to this Regulation ('minimum common criteria') and the obligations under this Regulation. In addition, Member States may delegate to their PES general tasks or activities relating to the organisation of the work under this Regulation, including development and running of the national systems for admitting EURES Members and Partners. In order to fulfil their obligations under this Regulation, each PES should have sufficient capacity, technical assistance and financial and human resources.
- (13) In line with their competences on the organisation of labour markets, Member States [...] should be responsible for admitting organisations as EURES Members and Partners [...] each on their own territory. The admission should be subject to minimum common criteria and a limited set of basic rules on the process of admission, to ensure transparency and equal opportunities when joining the EURES network, without prejudice to the flexibility necessary to take into account the different national models and forms of co-operation between PES and other labour market actors in the Member States. Member States should be able to revoke an admission in case an organisation ceased to fulfil the criteria based on which it was admitted.

- (13a) The purpose of establishing minimum common criteria to become a EURES Member or Partner is to ensure compliance with minimum quality standards. Applications for admission should therefore be assessed at least against the minimum common criteria.
- (14) One of the EURES network objectives is to support fair and voluntary labour mobility within the Union and therefore the minimum common criteria for admitting organisations to join the EURES Network should include the requirement that those organisations commit themselves to fully respect applicable labour standards and legal requirements, including the principle of non-discrimination. Therefore, Member States should be able to refuse or to revoke the admission of organisations that are in breach of the labour standards and legal requirements, in particular on remuneration and working conditions. In case of a refusal of admission or revocation based on non-compliance with these standards and requirements, the relevant National Coordination office should inform the European Coordination Office which should then forward the information to the other National Coordination Offices. The [...] National Coordination Offices can take appropriate action on their own territory in accordance with their national laws and practices, should the organisation operate there.
- (15) [...]
- (15a) The activities of organisations admitted to the EURES network should be monitored by Member States so as to ensure that the organisations apply correctly the provisions of this Regulation and Member States should take appropriate measures to ensure optimal compliance. Monitoring should primarily be based on the data provided by those organisations to the National Coordination Offices in accordance with this Regulation but could also entail, where appropriate, control and audit measures, such as random checks. This should include monitoring the compliance with the applicable accessibility requirements.

- (15b) A Coordination Group should be established to exercise a coordinating role regarding the activities and functioning of the network, serving as a platform for the exchange of information and for sharing best practices, in particular on developing and disseminating across the network appropriate information and guidance to workers, including frontier workers, and employers. It should also be consulted in the process of preparing templates, technical standards and formats as well as regarding the definition of uniform detailed specifications for data collection and analysis. The social partners should be able to attend in the Coordination Group in discussions, concerning in particular the strategic planning, development, implementation, monitoring and evaluation of the services and activities referred to in this Regulation. In order for synergies in the work of the EURES network with that of the PES network to be made, the Coordination Group should cooperate with the Board of the PES Network established by the Decision No. 573/2014 of the European Parliament and of the Council¹¹. Such cooperation could entail sharing best practices and keeping the Board informed about the current and planned activities of the EURES Network.
- (15c) The EURES service mark as well as the logo characterising it is registered as a Community Trade Mark with the Office for Harmonisation in the Internal Market. Only the European Coordination Office should have the authority to grant third parties permission to use the EURES logo in accordance with the Council Regulation (EC) No 207/2009¹², and should inform the organisations concerned accordingly.

¹¹ Decision No 573/2014 of the European Parliament and of the Council of 15 May 2014 on enhanced cooperation between Public Employment Services (PES) (OJ L 159, 28.5.2014, p. 32).

¹² Council Regulation (EC) No 207/2009 on the Community trade mark (OJ L 78, 24.3.2009, p. 1).

- (16) To communicate reliable and up to date information to workers and to employers on the different aspects of labour mobility and social protection within the Union, the EURES network should cooperate with other bodies, services and Union networks facilitating mobility and informing citizens about their rights under Union law, such as the European network of equality bodies (Equinet), Your Europe portal, the European Youth portal and SOLVIT, organisations working for cross-border cooperation and the organisations responsible for the recognition of professional qualifications and the bodies for the promotion, analysis, monitoring and support of equal treatment of workers, designated in accordance with Directive 2014/54/EU of [...]the European Parliament and of the Council [...] ¹³. In order to ensure synergies, the EURES Network should also cooperate with relevant bodies dealing with social security coordination.
- (17) The exercise of the right of freedom of movement would be facilitated by setting up the means to support [...] the exchange and processing of relevant available data on job vacancies, job applications and CV's ('clearance') in order to make the labour market fully accessible to both workers and employers [...]. A common IT platform should therefore be further developed at Union level and run by the Commission. Securing this right means empowering workers to actually gain access to [...] employment opportunities throughout the Union.
- (17a) From a digital perspective, job applications and CV data could be expressed as jobseeker profiles.
- (18) The common IT platform which brings together job vacancies and the possibility of applying for those vacancies, while enabling workers and employers to automatically match data according to various criteria and levels, should facilitate the achievement of equilibrium on the Union labour markets, thus contributing to increasing employment within the Union.

¹³ Directive 2014/54/EU (EU) of the European Parliament and of the Council on measures facilitating the exercise of rights conferred on workers in the context of the freedom of movement for workers (OJ L128, 30.4.2014, p. 8).

- (18a) In order to promote the freedom of movement of workers, all job vacancies made publicly available with PES as well as other EURES Members or, where relevant, EURES Partners should be published on the EURES portal. However, under specific circumstances and with the objective of ensuring that the EURES Portal contains only information relevant for mobility within the Union, Member States should be allowed to provide employers with the possibility not to have a job vacancy published on the EURES Portal following an objective assessment by the employer of the requirements related to the job in question, namely specific skills and competences required in order to adequately perform the job duties, on the basis of which the employer justifies not publishing the vacancy for these reasons alone.
- (18b) Applicants should be able to withdraw at any time their consent and require the deletion or modification of any or all of the data made available. Applicants should be able to choose from a number of options to restrict access to their data or to certain attributes.
- (19) The legal responsibility for ensuring the intrinsic and technical quality of the information made available to the common IT platform, in particular as regards job vacancy data, is with the organisations that make the information available in accordance with the law of and/or within the standards set by the Member States. The European Coordination Office should facilitate cooperation, with a view to detecting any fraud or abuse related to the exchange of information at Union level. All parties involved should ensure the provision of quality data.
- (19a) To enable staff of EURES Members and Partners, such as case handlers, to carry out swift and adequate search and matching activities, it is important that there are no technical barriers in those organisations to use the publicly available data from the Portal, so that their staff can process the data as part of recruitment and placement services offered.

- (20) The Commission is developing a European classification of Skills/Competences, Qualifications and Occupations ("the European classification"). The European classification is a standard terminology for occupations, skills, competences and qualifications which aims to facilitate online job application within the Union. It is therefore appropriate to develop the cooperation between Member States and the European Commission regarding interoperability and [...] automated matching, including at the cross-border level, through the common IT platform, including by mapping to and from the list of skills/competences and occupations of the European classification to national classification systems. Member States should be kept informed of the development of European Skills, Competences, Qualifications and Occupations tool (ESCO).
- (20a) The data developed by Member States in the context of the European Qualification Framework (EQF) could serve as input for the European classification, as regards qualifications. Best practices and experiences gained under the EQF might contribute to a further development of the relationship between the data sets under the EQF and the European classification.
- (20b) The establishment of an inventory to map national classifications to the list of skills/competences and occupations of the European classification or, alternatively, a replacement of the national classifications with the European classification might generate costs for Member States. Such costs would differ between Member States. The Commission should provide technical and, where possible, financial support under the applicable rules for the relevant available financing instruments, such as the Regulation (EU) No 1296/2013 of the European Parliament and of the Council.¹⁴

¹⁴ Regulation No 1296/2013 of the European Parliament and of the Council of 11 December 2013 on a European Union Programme for Employment and Social Innovation ("EaSI") and amending Decision No 283/2010/EU establishing a European Progress Microfinance Facility for employment and social inclusion (OJ L347, 20.12.2013, p. 238).

- (21) EURES Members and, where relevant, EURES Partners should ensure access to the support services for all workers and employers that seek their assistance. A common approach to the services [...] should be established and the principle of equal treatment of workers and employers seeking assistance on [...] labour mobility within the Union, regardless of their location in the Union, should be secured as much as possible, and therefore principles and rules should be established regarding the availability of support services in the territory of the individual Member States. [...]
- (21a) When providing services under this Regulation, comparable situations should not be treated differently and different situations should not be treated in the same way unless such treatment is objectively justified. There should be no discrimination based on grounds such as nationality, sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation in the provision of such services.
- (22) A wider and more comprehensive choice of assistance on [...] labour mobility opportunities within the Union benefits workers. [...] Support services will help to decrease the obstacles faced by workers when exercising their [...] rights under Union law as well as to exploit more efficiently all job opportunities, thus securing better individual employment prospects and pathways of workers, including of those in vulnerable groups. All interested workers should therefore have access to general information on job opportunities and on the conditions of working and living in another Member State as well as basic assistance with drafting CV's, and, upon their reasonable request, they should also be able to receive a more personalised assistance, taking into account the national practices. Further job search assistance and other additional services may include services such as the selection of suitable vacancies, assistance with drawing up job applications and CV's and obtaining clarifications on specific job vacancies in other Member States.
- (22a) Support services should also facilitate finding a suitable candidate in another Member State for those employers interested in recruiting from within the Union. All interested employers should be able to get information on specific rules and factors relating to recruitment from another Member State as well as basic assistance with drafting job vacancies, and, should it be assessed that recruitment is likely, they should also be able to receive a more personalised assistance, taking into account the national practices. Further assistance may include the pre-selection of candidates, facilitating direct contacts between employers and candidates using

specific online tools or events like job fairs and administrative support during the recruitment process, especially for SME's.

- (22b) When providing workers and employers with basic information concerning the EURES portal and the EURES network, EURES Members and, where relevant, Partners should put in place an effective access to support services under this Regulation not only by ensuring that such services are available on explicit request of an individual worker or employer, but also, where appropriate, by providing on their own initiative information about EURES to users at first contact ("mainstreaming EURES"), and by proactively offering assistance in this area throughout the recruitment process.
- (23) [...]
- (24) A profound understanding of labour demand in terms of occupations, sectors and needs of employers would benefit the right of free movement of workers within the Union and therefore support services should include good quality assistance to employers, [...] in particular SMEs. Close working relationships between employment services and employers should increase the pool of job vacancies, improve the job matching of suitable candidates and the labour market intelligence in general.
- (25) [...]
- (26) Support services for workers are connected to the exercise of their fundamental freedom of movement as workers under Union law and they should be free of charge. However, support services for employers may be subject to a fee, in accordance with national law and practices.

- (26a) In order to allow organisations that apply for admission and aim to provide information and assistance through online channels to participate in the network, it should be made possible for them to provide the support services referred to in this Regulation as e-services. Taking into account that the digital literacy in Member States varies considerably, at least PES should be able to provide the support services also through offline channels, where necessary. Member States should take appropriate actions so as to ensure the quality of online information and support provided by EURES Members and Partners. They could entrust their National Coordination Offices with the task of monitoring online information and support.
- (27) Particular attention should be paid to facilitating mobility in the cross-border regions [...] and to providing services to frontier workers who [...] have to cope with different national practices and legal systems and encounter specific administrative, legal or tax barriers relating to mobility. Member States may choose to set up specific support structures, such as cross-border partnerships, to facilitate this kind of mobility. Such structures should, within the framework of the EURES network, address the specific needs for information and guidance to frontier workers as well as placement and recruitment services and the coordination of cooperation between the participating organisations.
- (27a) It is important that Members and Partners should be able to cooperate in providing services specific to frontier workers with organisations outside the EURES network without conferring rights or imposing obligations under this Regulation on such organisations remaining outside the network.
- (27b) Active labour market measures providing job search assistance in each Member State should also be accessible to those citizens who are searching for employment opportunities in other Member States. This Regulation should not affect the competences of individual Member States to set procedural rules and to apply general entry conditions to ensure an appropriate use of public resources available. This Regulation should not affect Regulation (EC) No. 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems and should not constitute an obligation for Member States to export active labour market measures to the territory of another Member State if the citizen is already living there.

- (28) Transparency of labour markets and adequate matching capabilities, including matching of skills and qualifications with labour market needs, are important pre-conditions for labour mobility within the Union. A better balance between labour supply and demand by better matching skills and jobs can be achieved through an efficient system at Union level for exchanging of information on national, regional and sectoral labour supply and demand. Such a system should be set up between Member States and the [...] Commission and used as a basis for Member States to [...] underpin the practical cooperation within the EURES network. This exchange of information should take into account labour mobility flows and patterns in the Union monitored by the Commission and the Member States.
- (29) [...]
- (30) A programming cycle should be established to support the coordination of action on mobility within the Union. The programming of Member States' national work programmes should take into account data on mobility flows and patterns, the data analysis of existing and forecast labour shortages and surpluses, and recruitment experiences and practices under the EURES network. It should consist of a review of the existing resources and tools at the disposal of the organisations in the Member State to facilitate [...] labour mobility within the Union.
- (31) The sharing of draft national work programmes under the programming cycle among Member States should enable the National Coordination Offices [...] together with the European Coordination Office to direct the resources of the EURES network towards appropriate actions and projects, and thereby to steer the development of the EURES network as a more result-oriented tool responsive to the needs of workers and employers according to the dynamics of labour markets. This could be supported by the sharing of best practices at European level, including through the activity reports.

- (32) In order to obtain adequate information for measuring the performance of the EURES network, this Regulation should define the minimum data to be collected in Member States. In order to monitor the EURES Network at Union level, comparable quantitative and qualitative data need to be collected at national level by Member States. This Regulation should therefore set a procedural framework for establishing uniform detailed specifications for collection and analysis of the data. Those specifications should [...] help to evaluate the progress made against the objectives set for the EURES network under this Regulation and build on existing practices within PES. With regard to the fact that, in the absence of reporting obligations for workers and employers, it might be difficult to obtain direct recruitment and placement results, organisations participating in the EURES network should make use of other available information, such as the number of job vacancies handled and filled, where it can serve as a plausible indication for those results. Case handlers of these organisations should regularly report on contacts and cases handled, so as to ensure a steady and reliable basis for the data collection.
- (33) Where the measures provided for in this Regulation entail the processing of personal data, they must be carried out in accordance with Union law on the protection of personal data^[...], in particular Directive 95/46/EC of the European Parliament and of the Council¹⁵ and Regulation (EC) No 45/2001 of the European Parliament and of the Council¹⁶, as well as the national implementing measures thereto. In this context, particular attention should be paid to personal data retention issues.
- (33a) The European Data Protection Supervisor was consulted in accordance with Article 28(2) of Regulation (EC) No 45/2001 of the European Parliament and of the Council and delivered an opinion on 3 August 2014.

¹⁵ Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regards to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31).

¹⁶ Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.01.2001, p. 1).

- (34) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, as referred to in Article 6 of the Treaty on European Union (TEU).
- (35) The objective of this Regulation - namely to establish a common framework for cooperation between Member States to bring together job vacancies and the possibility of applying for those job vacancies and to facilitate the achievement of a balance between supply and demand in the employment market - can be better achieved when Member States cooperate, with the assistance of the Commission, at Union level. The Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 TFEU. In accordance with the principle of proportionality, as set out in that article, this Regulation does not go beyond what is necessary to achieve that objective.
- (36) The power to adopt delegated acts in accordance with Article 290 TFEU should be delegated to the Commission in order to modify the areas of activities for which data collection is required by the Member States or to add other areas of EURES activities undertaken on national level within the framework of this Regulation to take into account evolving needs on the labour market. It is of particular importance that the Commission carry out appropriate consultations with experts during its preparatory work, including Member States' experts. The Commission, when preparing and drawing up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.
- (37) In order to ensure uniform conditions for the implementation of the technical standards and formats applicable to clearance and automated matching, [...] the models and procedures for sharing information between Member States as well as the uniform detailed specifications for data collection and analysis, and in order to adopt the list of skills/competences and occupations of the European classification, 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 Council¹⁷ [...].

¹⁷ 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 55, 28.2.2011, p. 13).

(37a) For the purpose of establishing the composition of the network for a transitional period and of ensuring operational continuity with the network established within the framework of Regulation (EU) No 492/2011, organisations designated as EURES Partners [...] or Associated Partners [...] under Commission Implementing Decision 2012/733/EU at the time of entry into force of this Regulation should be allowed to continue as EURES Members or EURES Partners for a transitional period. Where such organisations wish to remain in the network after the expiry of the transitional period they should, once the applicable system for admittance of EURES Members and Partners is established in accordance with this Regulation, make an application to that effect.

HAVE ADOPTED THIS REGULATION:

CHAPTER I

GENERAL PROVISIONS

Article 1

Subject matter

1. [...]
2. This Regulation establishes a framework for cooperation to facilitate the exercise of the freedom of movement for workers within the Union in accordance with Article 45 TFEU, by laying down principles and rules on:
 - (-a) the organisation of the European network of employment services ('the EURES network') between Member States and the Commission;
 - (a) cooperation between Member States and the Commission on sharing relevant available data on job vacancies, job applications and CV's [...];
 - (b) actions by and between Member States to achieve a balance between supply and demand in the labour market [...], with a view to achieving a high level of quality employment;
 - (c) the functioning of a European network of employment services between Member States and the Commission, including the cooperation with social partners and involvement of other actors;
 - (d) related mobility support services to be provided to workers and employers, thereby promoting also mobility on a fair basis;
 - (da) promotion of the EURES network at Union level through effective communication measures taken by the Commission and the Member States.

Article 1a

Scope

The Regulation shall apply to the Member States and to their nationals without prejudice to Articles 2 and 3 of Regulation (EU) No 492/2011.

Article 1b

Accessibility

1. Services under this Regulation shall be available to all users across the Union, respecting the principle of equal treatment.
2. Accessibility for persons with disabilities to the information provided on the EURES portal and to support services available at national level shall be ensured. The Commission and the EURES Members and Partners shall determine the means to ensure this with regard to their respective obligations.

Article 2

Definitions

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

- (a) "the public employment services" or "PES" means the organisations of the Member States, as part of relevant ministries, public bodies or corporations falling under public law, that are responsible for implementing active labour market policies and providing quality employment services in the public interest;
- (b) "employment services" means any legal entity, lawfully operating in a Member State, which provides services for workers to get employed and for employers to recruit workers;
- (c) "job vacancy" means any offer for employment, where a successful applicant, through taking up the vacant post, would enter into an employment relationship that would qualify him/her as a worker for the purposes of Article 45 TFEU;

- (d) "clearance" means the exchange of information and processing of job vacancies, job applications and CV's;
- (e) the "common IT platform" means the IT infrastructure and related platforms set up at European level for the purpose of transparency and clearance in accordance with this Regulation;
- (f) "placement" [...] of a worker with an employer or "recruitment" of a worker for an employer means the provision of services to mediate between supply and demand with the objective of filling a job vacancy;
- (g) "frontier worker" means any worker pursuing an activity as an employed person in a Member State and who resides in another Member State to which he/she returns as a rule daily or at least once a week.
- (ga) "EURES cross-border partnership" means a grouping of EURES Members or Partners and, where relevant, other stakeholders outside of the Network, with the intention of long-term cooperation in regional structures. The partnerships are set up in cross-border regions between the employment services on regional, local and, where appropriate, national level, social partners and, where relevant, other stakeholders of at least two Member States or a Member State and another country participating in the Union instruments aimed at supporting EURES.

CHAPTER II

RE-ESTABLISHMENT OF THE EURES NETWORK

Article 3

Re-establishment

[...] The European network of Employment Services ('the EURES network') is hereby re-established. This Regulation replaces the current regulatory framework on EURES as set out in Chapter II of Regulation (EU) No 492/2011 and the relevant implementing act adopted on the basis of Article 38 of that Regulation.

Article 3a

Objectives

The EURES network shall, within the areas of its activities, contribute to the following objectives:

- (a) facilitating the exercise of the rights conferred by Article 45 TFEU and by the provisions of Regulation (EU) No 492/2011;
- (b) the implementation of the coordinated strategy for employment and particularly for promoting a skilled, trained and adaptable workforce referred to in Article 145 TFEU;
- (c) the functioning, cohesion and integration of the labour markets in the Union, including at the cross-border level;
- (d) the promotion of a voluntary geographical and occupational mobility in the Union, including in cross-border regions, on a fair basis and in compliance with Union law and national law and practice;
- (e) supporting transitions into the labour market, thereby promoting the social and employment objectives referred to in Article 3 TEU..

Article 4
Composition[...]

1. The EURES network shall comprise the following categories of organisations:
 - (a) the 'European Coordination Office', established within the Commission, which is responsible for assisting the EURES network in carrying out its activities [...];
 - (aa) the 'National Coordination Offices' which are the bodies appointed by the Member States responsible for the application of this Regulation in the respective Member State. Member States may designate their PES as National Coordination Offices;
 - (b) The EURES Members which are [...]:
 - (i) the PES as appointed by the Member States in accordance with Article 7a; and
 - (ii) organisations admitted in accordance with Article 8, or for a transitional period, with Article 35a, to provide at national, regional [and/or] local level, including on a cross-border basis, support with clearance and support services to workers and employers;
 - (c) The EURES Partners which are [...] organisations [...] admitted in accordance with Article 8, and in particular in accordance with Article 8(1a) and (1c), or for a transitional period, with Article 35a, to provide at national, regional or local level, including on a cross-border basis, support with clearance or support services to workers and employers.
2. [...]
- 2a. Social partner organisations may become part of the EURES network as EURES Members or Partners in accordance with Article 8.

Article 5

[...]

Article 6

The responsibilities of the European Coordination Office

1. The European Coordination Office shall assist the EURES network in carrying out its activities, in particular by developing and conducting, in close co-operation with the National Coordination Offices, the following activities:
 - (a) the formulation of a coherent framework and the provision of horizontal support activities for the benefit of the EURES network, including
 - (i) the operation and development of a European job mobility portal ('the EURES portal'), and related IT services, including systems and procedures for the exchange of job vacancies, job applications, CVs, and supporting documents [...], and other information, in cooperation with other relevant Union information, advisory services or networks, and initiatives;
 - (ii) information and communication activities regarding EURES;
 - (iii) a common training programme and continuing professional development for the staff of EURES Members and Partners and of National Coordination Offices, ensuring the necessary expertise;
 - (iiia) a helpdesk function supporting the staff of EURES Members and EURES Partners and National Coordination Offices, in particular the staff in direct contact with workers and employers;
 - (iv) facilitation of networking, exchange of best practice and mutual learning within the EURES network;

- (b) the analysis of geographic and occupational mobility, taking into account the different situations in the Member States;
 - (c) the development of an appropriate cooperation and clearance structure within the Union on apprenticeships and traineeships, in accordance with this Regulation;
- 1a. The European Coordination office shall be managed by the Commission. The European Coordination Office shall establish a regular dialogue with the representatives of social partners at European level.
 - 2. The European Coordination Office shall, in consultation with the EURES Coordination Group referred to in Article 11, draw up its multi-annual work programmes.

Article 7

The responsibilities of the National Coordination Offices

- 0. Member States shall designate the National Coordination Offices provided for in Article 4(1)(aa). The Member States shall notify the European Coordination Office of the designation.
- 1. Each National Coordination Office shall be responsible for
 - (-a) organisation of the work for EURES in the Member State, including ensuring a coordinated transfer to the EURES Portal of information on job vacancies, job applications and CV's in conformity with Article 14 through a single coordinated channel;
 - (a) cooperation with the Commission and [...] Member States on the clearance within the framework set in Chapter III;
 - (aa) providing the European Coordination Office with any available information on discrepancy between the number of job vacancies notified and the total number of job vacancies at national level;

(b) [...]

(c) coordination of actions within the Member State concerned and together with other Member States in accordance with Chapter V.

2. Each National Coordination Office shall also organise the implementation at national level of the horizontal support activities provided by the European Coordination Office as referred to in Article 6, where appropriate in close cooperation with the European Coordination Office and other National Coordination Offices. Those horizontal support activities shall be in particular:

(a) for the purpose of publication, in particular on the EURES portal, the collection and validation of up-to-date information on EURES Members and Partners operating on its national territory, their activities and the scope of the support services they provide to workers and employers;

(b) the provision of pre-training activities relating to EURES activity, the selection of staff for participation in the common training programme and in mutual learning activities;

(c) the collection and analysis of data related to Articles 28 and 29.

3. For the purpose of publication, in particular on the EURES portal, in the interest of workers and employers, each National Coordination Office shall make available, regularly update and timely disseminate information and guidance available at national level relating to the situation in the Member State concerning:

(a) living and working conditions, including general information on social security and tax payments;

(b) the relevant administrative procedures regarding employment; and the rules applicable to workers upon taking up employment;

- (c) [...]
- (d) its national regulatory framework for apprenticeships and traineeships and existing Union rules and instruments;
- (da) without prejudice to Article 14(2)(ba), the access to vocational education and training;
- (e) the situation of frontier workers in particular in cross-border regions;
- (ea) post-recruitment assistance in general and information about where to obtain such assistance within and, where such information is available, outside the network.

Where appropriate, [...] National Coordination Offices may make available and disseminate the information in cooperation with other information and advisory services and networks and appropriate bodies at national level, including those referred to in Article 4 of Directive 2014/54/EU.

- 3a. National Coordination Offices shall exchange information on the mechanisms and standards referred to in Article 14(4) as well as on standards regarding data security and data protection of relevance for the common IT Platform. They shall co-operate among each other and with the European Coordination Office, in particular in case of complaints and where job vacancies are considered not to comply with those standards under national law.
- 4. Each National Coordination Office shall provide general support to the [...] EURES Members and Partners regarding collaboration with their EURES counterparts in other Member States, including advice to EURES Members and Partners on how to handle complaints related to EURES job vacancies and recruitments, as well as on cooperation with relevant public authorities [...]. If the information is available to the NCO, the outcome of complaints procedures shall be transmitted to the European Coordination Office.

5. The National Coordination Office shall promote collaboration with stakeholders such as social partners, career guidance services, vocational training and higher education institutions, chambers of commerce, social services and organisations representing vulnerable groups on the labour market and organisations involved in apprenticeships and traineeships schemes.
6. [...]
7. [...]

Article 7a

Appointment of PES as EURES Members

1. Member States shall appoint their PES relevant for the activities in the EURES Network as EURES Members. The Member States shall inform the European Coordination Office of these appointments. By virtue of their appointment, those PES shall enjoy a special status within the EURES network.
2. Member States shall ensure that, in their role as EURES Members, PES fulfil all obligations laid down in this Regulation and meet at least the criteria set out in the Annex.
3. A PES may fulfil its obligations as EURES Member through organisations acting under the responsibility of the PES of the Member State concerned, on the basis of delegation, outsourcing or specific agreements.

Article 8

Admission of EURES Members (other than PES) and of EURES Partners

1. Each Member State shall, without undue delay, but at the latest by [two years following the entry into force of this Regulation], have in place a system to admit EURES Members and Partners, to [...] monitor their activities and their compliance with the applicable law when applying this Regulation and, where necessary, to revoke admissions. This system shall be transparent, proportionate, shall respect the principles of equal treatment for applicant organisations and due process of law and shall provide remedies sufficient to ensure effective legal protection.

- 1a. For the purposes of the system referred to in paragraph 1, Member States shall establish the requirements and criteria for admitting EURES Members and Partners. Those criteria or requirements shall at least contain the minimum common criteria laid down in the Annex to this Regulation. Member States may establish criteria or requirements, additional to the minimum common criteria, necessary for the purpose of a correct application of the rules applicable to the activities of employment services and the effective management of labour market policies on its national territory.
- 1b. Organisations lawfully operating in a Member State may apply to become EURES Members, subject to the conditions laid down in this Regulation and to the system set up by the Member State referred to in paragraph 1. An organisation applying to become EURES Member shall, in its application, undertake to fulfil all the obligations addressed to Members under this Regulation, including to perform all tasks referred to in Article 9(1)(a) to (c).
- 1c. An organisation lawfully operating in a Member State may only apply to become a EURES Partners, subject to the conditions laid down in this Regulation and to the system set up by the Member State referred to in paragraph 1, provided that it duly justifies that it can fulfil one or two of the tasks listed in Article 9(1)(a) to (c), but not all three, for reasons of scale, financial resources, nature of the services normally provided by the organisation or organisational structure, including being a non-profit organisation. An organisation applying to become EURES Partner shall, in its application, undertake to fulfil all general obligations addressed to all Partners under this Regulation and at least one of the tasks referred to in Article 9(1)(a) to (c).
- 1d. Member States shall admit applicant organisations to become EURES Members or Partners, if they fulfil the applicable criteria and requirements referred to in paragraphs 1a, as well as in paragraphs 1b and 1c, respectively.

- 1e. National Coordination Offices shall inform the European Coordination Office of their national systems referred to in paragraph 1, including the additional criteria and requirements as referred to in paragraph 1a, of the EURES Members and Partners admitted in accordance with that system and of any refusal to admit on the grounds of non-compliance with Section I(1) of the Annex. The European Coordination Office shall forward that information to the other National Coordination Offices.
2. Member States shall revoke the admission of EURES Members and Partners where they cease to fulfil the applicable criteria or requirements referred to in paragraphs 1a, as well as in paragraphs 1b and 1c, respectively. National Coordination Offices shall inform the European Coordination Office about any revocation of such admission and the grounds of such a revocation. The European Coordination Office shall forward this information to the other National Coordination Offices.
3. [...]
4. [...]
5. [...]
6. [...]
7. [...]
8. The Commission may, by means of implementing acts, adopt a template for the description of the national system and procedures for sharing information on national systems between Member States. Those implementing acts shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 34(2).

Article 9

The responsibilities of EURES Members and Partners

- 1. EURES Members and Partners shall contribute to the EURES network regarding the tasks they are appointed for in accordance with Article 7a or admitted for in accordance with Article 8(1b) and (1c), or for a transitional period, with Article 35a, and fulfil their other obligations under this Regulation.
1. EURES Members shall participate in the EURES network, including by fulfilling all tasks set out in this paragraph, and EURES Partners shall participate in the EURES network, including by fulfilling at least one of them:
 - (a) contributing to the pool of job vacancies in accordance with Article 14(1)(a) ;
 - (b) contributing to the pool of job applications and CVs in accordance with Article 14(1)(b);
 - (c) providing support services to workers and employers in accordance with Articles 20, 21, 22(1), 23 and, where relevant, 23a.
 - (d) [...]
- 1a. EURES Members, and where applicable, Partners shall provide, for the purposes of the EURES portal, all job vacancies made publically available with them as well as all job applications and CV's where the worker has given consent to make the information available also to the EURES portal in accordance with Article 14 paragraph 3. Article 14(1)(a), second sentence, and 14(2) shall apply to job vacancies made publically available with Members and, where applicable, Partners.
2. EURES Members and Partners shall designate one or more contact points, such as placement and recruitment offices, call centres and self-service tools in line with national criteria, where workers and employers can get support with clearance and/or access to support services in accordance with this Regulation. The contact points may also be based on staff exchange programmes, the detachment of liaison officers or involve common placement agencies.

3. The EURES Members and, where relevant, the EURES Partners, shall ensure that the contact points they have designated clearly indicate the scope of the support services provided to workers and employers.
 4. Respecting the principle of proportionality, Member States, through their National Coordination Offices, may require EURES Members and Partners to contribute to
 - (aa) the collection of information to be published on the EURES Portal in accordance with Article 7(3);
 - (b) the exchange of information referred to in Article 26. [...]
 - (c) the programming cycle referred to in Article 28;
 - (d) the collection of data in accordance with Article 29.
- [...]

Article 10

The role of the public employment services

[...]

Article 10a

Joint responsibilities

In accordance with their respective roles and responsibilities, all organisations participating in the EURES network shall seek to promote actively, in close cooperation, the opportunities labour mobility in the Union offers and seek to enhance ways and means for workers and employers to enjoy fair mobility and to seize these opportunities at local, regional, national and Union level, including on a cross-border basis.

Article 11

The Coordination Group

1. The Coordination Group shall be composed of representatives of the European Coordination Office and the National Coordination Offices at the appropriate level.
2. The Coordination Group shall support the implementation of this Regulation by exchanging information and developing guidance. In particular, it shall advise the Commission on the templates referred to in Articles 8(8) and 28(5), the draft technical standards and formats referred to in Articles 14(8) and 16(5) and the uniform detailed specifications for data collection and analysis referred to in Article 29(3).
- 2a. The Coordination Group may also, inter alia, organise exchange of best practices on the national admission systems referred to in Article 8(1) and on support services referred to in Articles 20 to 23a.
3. The European Coordination Office shall organise the work of the Coordination Group and shall chair the meetings. It shall keep informed other relevant bodies or networks on the work of the Coordination Group.

Representatives of the social partners at the Union level shall have the right to attend these meetings.

- 3a. The Coordination Group shall cooperate with the Board of the PES Network, referred to in Article 6 of Decision 573/2014 by, in particular, informing it about the activities of the EURES Network and exchanging best practices.

Article 12

Common identity and the Trade Mark

1. The name EURES shall be used exclusively for activities within the EURES network in accordance with this Regulation. It shall be illustrated by a standard logo, defined by a graphic design scheme, adopted by the European Coordination Office.
2. The EURES service mark, as well as the logo [...] shall be used by all organisations participating in the EURES network referred to in Article 4 in all their activities related to the EURES network [...] to ensure a common visual identity.
3. Organisations participating in the EURES network shall ensure that the information and promotional material they provide is coherent with the overall communication activities and common, quality standards of the EURES network and with the information coming from the European Coordination Office.
4. [...]
5. Organisations participating in the EURES network shall inform the European Coordination Office without delay of any abuse of the EURES service mark, as well as of the logo by third parties or third countries that they become aware of.

Article 13

Cooperation and other measures

1. The European Coordination Office shall facilitate the cooperation between the EURES network and other Union information and advisory services and networks.
2. The National Coordination Offices shall collaborate with the services and networks referred to in paragraph 1 at Union, national, regional and local level to achieve synergies and avoid overlaps, and, where appropriate, involve EURES Members and Partners.

- 2a. The National Coordination Offices shall facilitate the cooperation of the EURES network with the social partners at national level, by ensuring a regular dialogue with them in accordance with national law and practices.
- 2b. Member States shall encourage a close cooperation, at the cross-border level, between regional, local and, where relevant, national actors, such as practices and services delivered in the framework of EURES cross-border partnerships.
- 3. Member States shall seek to develop one stop shop solutions for communicating, including online, with workers and employers on the common areas of activities of the EURES network and those services and networks.
- 3a. Member States shall examine every possibility with the Commission of giving priority to Union citizens of Member States when filling job vacancies in order to achieve a balance between labour supply and demand within the Union. Member States may adopt all measures necessary for this purpose.

CHAPTER III

COMMON IT PLATFORM

Article 14

The organisation of the common IT platform

1. To bring job vacancies together with job applications [...] each Member State shall make available to the EURES portal:
 - (a) all job vacancies made publicly available with PES as well as those provided by EURES Members and, where relevant, EURES Partners in accordance with Article 9(1a); Member States may introduce a mechanism allowing employers to have the option not to have a vacancy published on the EURES portal if the request is duly justified on the basis of the skills and competence requirements related to the job.
 - (b) all job applications and CV's available with its PES as well as those provided by the other EURES Members and, where relevant, EURES Partners, in accordance with Article 9(1a), provided that the workers concerned have consented to making the information also available to the EURES portal under the terms defined in paragraph 3.
2. When making available job vacancy data to the EURES portal, Member States may exclude:
 - (a) [...]
 - (b) [...] job vacancies which due to their nature or to national rules are only open to citizens of a specific country;
 - (ba) job vacancies related to categories of traineeships and apprenticeships which, having mainly a learning component, are part of national education systems or which are funded publicly, as part of the Member State's active labour market policies;
 - (bb) other job vacancies as part of the Member States' active labour market policies.

3. The consent of workers referred to in paragraph 1(b) shall be explicit, unambiguous, freely given, specific and informed. Workers shall be able to withdraw at any time their consent and require the deletion or modification of any or of all of the data made available. Workers shall be able to choose from a number of options to restrict access to their data or to certain attributes.
- 3a. Where the worker is a minor, his or her consent shall be accompanied by that of his or her parent or legal guardian.
4. Member States shall have in place the appropriate mechanisms and standards necessary for ensuring the intrinsic and technical quality of job vacancy, job application and CV data.
5. [...]
6. Member States shall ensure that the sources of the data can be traced for the purpose of monitoring the quality thereof.
7. To enable the matching of job vacancies with job applications and CV's [...] each Member State shall ensure that the information referred to in paragraph 1 is provided according to a uniform system in a transparent manner.
8. The Commission shall adopt, by means of implementing acts, the necessary technical standards and formats aimed at reaching the uniform system referred to in paragraph 7. Those implementing acts shall be adopted by the Commission in accordance with the examination procedure referred to in Article 34(3).

Article 15

Access at national level to the common IT platform

1. The EURES Members and Partners shall ensure that the EURES portal [...] is clearly visible and easily searchable through all the job search portals they manage, be them on central, regional or local level, and that these portals are linked to the EURES portal.

2. The PES shall ensure that the organisations acting under their responsibility have a clearly visible link to the EURES portal on any web portals they manage.
3. The EURES Members and Partners shall ensure that [...] all job vacancies, job applications, and CV's made available on the EURES Portal [...] are easily accessible to their staff involved with EURES.
4. [...]
5. Member States shall ensure that the transfer of information on job vacancies, job applications and CV's referred to under 7(1)(-a) is being made through a single coordinated channel.
6. [...]

Article 16

Automated matching through the common IT platform

1. [...]
2. Member States shall cooperate with each other and the [...] Commission regarding interoperability between national systems and the European classification of Skills/Competences, Qualifications and Occupations ("the European classification") being developed by the Commission. The Commission shall keep the Member States informed about the development of the European classification [...].
- 2a. The Commission shall adopt and update, by means of implementing acts, the list of skills/competences and occupations of the European classification. Those implementing acts shall be adopted by the Commission in accordance with the examination procedure referred to in Article 34(3). Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of article 5(4) of Regulation (EU) 182/2011 shall apply.

3. For the purpose of automated matching through the common IT platform, each Member State shall, without undue delay, but no later than three years from the adoption of the list referred to in paragraph 2a, establish an initial inventory to map all its national, regional and sectoral classifications to and from that list and, following the introduction of the use of the inventory on the basis of an application made available by the European Coordination Office, regularly update the inventory to keep it updated with the evolution of recruitment services.
- 3a. Member States may choose to replace their national classifications with the European classification, once completed, or maintain their interoperable national classification systems.
4. The Commission shall provide technical and, where possible, financial support to Member States which establish the inventory under paragraph 3 and to the Member States which choose to replace national classifications with the European classification.
5. The Commission shall adopt, by means of implementing acts, the technical standards and formats necessary for the operation of the automated matching through the common IT platform using the European classification and the interoperability between national systems and the European classification. Those implementing acts shall be adopted by the Commission in accordance with the examination procedure referred to in Article 34(3).

Article 17

Facilitated access mechanism for workers and employers

1. The EURES Members and Partners shall, upon request, assist workers and employers using their services, [...] with their registration on the EURES portal [...].

This assistance shall be free of charge.

2. [...]
3. [...]
4. The EURES Members and Partners shall ensure that the workers and employers using their services have access to general information on how, when and where they can update, revise and withdraw the data concerned.

CHAPTER IV

SUPPORT SERVICES

Article 18

Principles

1. Member States shall ensure that workers and employers can gain access, whether online or offline, to the support services at national level without undue delay.
2. Member States shall support the development of a coordinated approach at national level to support services.

Specific regional and local needs shall also be taken into account.

3. [...]
4. [...]
- 4a. Support services for workers and employers as set out in Article 19, 22(1), 23 and, where relevant, 23a shall be free of charge.
5. Support services for workers as set out in Article 20 shall be free of charge.
6. Support services for employers [...] referred to in Article 21 may be subject to a fee. [...]
- 6a. Any fee charged, for services which EURES Members and, where relevant, EURES Partners, offer under this Chapter shall not be higher than those applicable to other comparable services provided by the EURES Members and Partners. Where applicable, EURES Members and Partners shall inform workers and employers of any cost involved in a clear and precise manner.

7. The EURES Members and the Partners concerned shall clearly indicate to workers and employers the range of support services they provide, where and how those services are accessible and the conditions under which access is provided, using their information channels. That information shall be published on the EURES portal.
- 7a. Without prejudice to Article 8(1c), EURES Members referred to in Article 4 (1)(b)(ii) and EURES Partners may offer their services solely online.

Article 19

Access to basic information

0. EURES Members and, where relevant, Partners shall provide workers and employers with basic information concerning the EURES Portal, including the job application and CV database, and the EURES network, including contact details of relevant EURES Members and Partners at national level, information on the recruitment channels they use (e-services, personalised services, location of contact points) and the relevant web links, in an easily accessible and user friendly manner.

EURES Members and, where relevant, Partners shall, where appropriate, address workers and employers to another EURES Member and Partner.

1. [...]
2. [...]
3. The European Coordination Office shall support the development of basic information under this Article and assist Member States in ensuring an adequate language coverage, taking into account the demands of the Member States' labour markets.

Article 20

Support services for workers

1. The EURES Members and, where relevant, the EURES Partners shall offer, without undue delay, [...] workers seeking employment the opportunity to access the services described in paragraphs 2 and 3.
2. Upon worker's request, the EURES Members and, where relevant, the EURES Partners shall provide information and guidance on individual employment opportunities and in particular offer them the following services:
 - (a) to provide general information on living and working conditions in the country of destination or refer to such information;
 - (aa) to give assistance and guidance on obtaining the information referred to in Article 7(3);
 - (b) [...]
 - (c) where appropriate, to provide assistance with the drawing up of [...] job applications and CV's to ensure conformity with the European technical standards and formats referred to in Articles 14(8) and 16(5) and with their uploading on the EURES Portal;
 - (d) [...]
 - (e) where appropriate, to consider a possible [...] placement within the Union as part of an individual action plan or to support the set up of a mobility individual action plan as a means to reach a placement within the Union;
 - (f) where appropriate, to refer to another EURES Member or Partner.

3. Upon worker's reasonable request [...], the EURES Members and, where relevant, the EURES Partners shall provide further job search assistance and other additional services, taking into accounts the worker's needs.
4. [...]

Article 21

Support services for employers

0. The EURES Members and, where relevant, the EURES Partners shall offer, without undue delay, employers interested in recruiting workers from other Member States the opportunity to access the services described in paragraphs 1 and 2.
1. Upon an employer's request, the EURES Members and where relevant, the EURES Partners shall provide information and guidance on recruitment opportunities and in particular offer them the following services:
 - (a) to provide information on [...] specific rules relating to recruitment from another Member State and on factors which can facilitate such recruitment;
 - (b) [...]
 - (c) [...]
 - (d) where appropriate, to provide information on and assistance with the formulation of individual job requirements in a job vacancy and with securing its conformity with the European technical standards and formats referred to in Articles 14(8) and 16(5).
 - (e) [...]
 - (f) [...]
 - (g) [...]

2. If an employer requests further assistance and there would be a reasonable likelihood of [...] recruitment within the Union, the EURES Members or, where relevant, the EURES Partners, shall provide further assistance and additional services, taking into account the employer's needs.

Where requested, the EURES Members or, where relevant, the EURES Partners shall provide individual guidance on formulating requirements for vacancies.

3. [...]

4. [...]

Article 22

Post-recruitment assistance

1. The EURES Members and, where relevant, the EURES Partners [...] shall [...], upon request of a worker or an employer, provide:
 - (a) general information on post-recruitment assistance [...] such as training on intercultural communication, language courses and support with integration, including as regards employment opportunities for the workers' families.
 - (b) where possible, the contact details of organisations which offer post-recruitment assistance.
2. Without prejudice to Article 18(6a), EURES Members and Partners which directly provide post-recruitment assistance [...] to workers or employers may do so against a fee.

Article 23

Facilitated access to information [...] on taxation, work-contract related issues,
pension entitlement, health insurance, social security
and active labour market measures

1. [...]
2. [...]
3. Upon request of worker or an employer, the EURES Members and, where relevant, the EURES Partners [...] shall refer requests for specific information on the rights related to social security, active labour market measures, taxation, work-contract related issues, pension entitlement and health insurance to the national competent authorities and, if applicable, other appropriate bodies at national level supporting workers exercising their rights in the framework of the freedom of movement, including those referred to in Article 4 of Directive 2014/54/EU.
- 3a. For the purpose of paragraph 3, National Coordination Offices shall collaborate with the relevant competent authorities at national level referred to in paragraph 3.

Article 23a

Support services in cross border regions

1. Where, in cross-border regions, EURES Members or Partners participate in specific co-operation and service structures, such as cross-border partnerships, they shall provide frontier workers and employers with information relating to the specific situation of frontier workers and of relevance for employers in such regions.

- 1a. The tasks of the cross-border partnerships may include placement and recruitment services, the coordination of cooperation between the participating organisations and carrying out of activities relevant for cross-border mobility, including information and guidance to frontier workers, with a specific focus on multi-lingual services.
- 1b. Organisations other than EURES Members and Partners participating in structures referred to in paragraph 1 shall not be considered being part of the EURES Network for reasons of their participation therein.
2. In the cross-border regions referred to in paragraph 1, Member States shall seek to develop one-stop shop solutions for the information towards frontier workers and employers.

Article 24

Access to active labour market measures

A Member State shall not limit the access to national active labour market measures providing workers with job search assistance merely on the ground that a worker seeks that assistance in order to find employment in the territory of another Member State.

CHAPTER V

EXCHANGE OF INFORMATION AND PROGRAMMING CYCLE

Article 25

Exchange of information on flows and patterns

The Commission and the Member States shall monitor and make public labour mobility flows and patterns in the Union on the basis of Eurostat statistics and the available national data.

Article 26

Exchange of information between Member States

1. Each Member State shall, in particular, collect and analyse gender-disaggregated information on:
 - (a) labour shortages and labour surpluses on national and sectoral labour markets [...], paying particular attention to the most vulnerable groups in the labour market and the regions most affected by unemployment;
 - (b) EURES activities at national and, where appropriate, at cross-border level.
 - (c) [...]
2. The National Coordination Offices shall be responsible for sharing the available information within the EURES network and contributing to the joint analysis.
3. [...] Member States shall [...] carry out the programming referred to in Article 28, taking into account the exchange of information and the joint analysis referred to in paragraphs 1 and 2.

4. The European Coordination Office shall make practical arrangements to facilitate the exchange of information between the National Coordination Offices and the development of joint analysis.

Article 27

Exchange of information accompanying support services

[...]

Article 28

Programming

1. [...] National Coordination Offices shall draw up annual national work programmes for the activities of the EURES network in their Member States.
2. A national work programme shall specify:
 - (a) The main activities to be carried out within the EURES network, at national level as a whole, and, where appropriate, at cross-border level;
 - (b) The overall human and financial resources allocated for its implementation;
 - (c) The arrangements for monitoring and evaluation of the activities planned, and, where necessary, for their update.
3. The National Coordination Offices and the European Coordination Office shall be given the opportunity to review together all draft national work programmes. Upon finalisation of this review, the national work programmes shall be adopted by the respective National Coordination Offices.
4. The representatives of the social partners at Union level participating in the EURES Coordination Group shall be given the opportunity to comment on the draft national work programmes.

5. The Commission shall establish, by means of implementing acts, the necessary templates and procedures for the exchange of information on the national work programmes at European level. Those implementing acts shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 34(2).

Article 29

Data collection and analysis

1. Member States shall ensure that procedures are in place to [...] collect data on the following activities carried out at national level [...]:
 - (a) information and guidance by the EURES network, on the basis of the number of contacts that the case handlers of EURES Members and Partners have with workers and employers;
 - (b) employment performance, including placement and recruitment resulting from EURES activity, on the basis of the number of vacancies, job applications, CV's handled and processed by case handlers of the EURES Members and Partners and the number of workers recruited in another Member State accordingly, as known to those case handlers or, where available, on the basis of surveys;
 - (c) customer satisfaction with the EURES network, obtained inter alia through the use of surveys.
2. The European Coordination Office is responsible for collecting data about the EURES portal and the development of the cooperation on the clearance under this Regulation.

3. On the basis of the information referred to in paragraph 1 and within the areas of EURES activities specified in that paragraph 1, the Commission shall [...] adopt by means of implementing acts, the uniform detailed specifications for data collection and analysis to monitor and evaluate the functioning of the EURES network. Those implementing acts shall be adopted by the Commission in accordance with the examination procedure referred to in Article 34(3).
- 3a. The Commission shall be empowered to adopt delegated acts in accordance with the procedure referred to in Article 33 to modify the areas specified in paragraph 1 or add to that paragraph other areas of EURES activities undertaken on national level within the framework of this Regulation.

Article 30

Activity reports

Taking into account the information gathered as referred to in this Chapter, the [...] Commission shall submit every two years an activity report to the European Parliament, the Council, the [...] European Economic and Social Committee and the Committee of the Regions.

Until the submission of the report referred to in Article 32, the activity report shall include a description on the state of play of the application of this Regulation.

CHAPTER VI

FINAL PROVISIONS

Article 31

Protection of personal data

The measures provided for in this Regulation shall be carried out in accordance with Union law on protection of personal data, in particular Directive 95/46/EC [...] and the national implementing measures thereto, as well as Regulation (EC) No 45/2001 [...].

Article 32

Ex post evaluation

The [...] Commission shall submit to the European Parliament, the Council, the [...] European Economic and Social Committee and the Committee of the Regions an ex [...] post evaluation on the operation and effects of this Regulation five years after its entry into force.

The report can be accompanied by legislative proposals amending this Regulation.

Article 33

Exercise of the delegations

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. It is of particular importance that the Commission follow its usual practice and carry out consultations with experts, including Member States' experts, before adopting those delegated acts.
2. The power to adopt delegated acts referred to in 29(3a) shall be conferred on the Commission for a period of 5 years after [the date of the entry into force of this Regulation]. The Commission shall draw up a report in respect of the delegation of power not later than 9 months before the end of the 5-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 extension not later than 3 months before the end of each period.

3. The delegation of power referred to in Article 29(3a) may be revoked at any time by the European Parliament or by the Council. A decision of revocation 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. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Article 29(3a) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 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 2 months at the initiative of the European Parliament or the Council.

Article 34

Committee procedure

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

Article 34a

Amendment to Regulation (EU) No 1296/2013

- (1) Article 24(2) of Regulation (EU) No 1296/2013 is replaced by the following:

"The EURES axis shall be open to all bodies, actors and institutions designated by a Member State or by the Commission which fulfil the conditions for participating in EURES, as set out in [OJ insert reference to this Regulation]. Such bodies, actors and institutions shall include in particular:

- (a) national, regional and local authorities;
- (b) employment services;
- (c) social partner organisations and other interested parties."

- (2) Paragraph 1 shall be without prejudice to applications submitted for financing under Regulation (EU) No 1296/2013 before the entry into force of this Regulation.

Article 35

Repeals

1. The following provisions specified in the below-mentioned acts are hereby repealed:

- (a) Articles [all articles in Chapter II except for Article 13(1)] and Article 38 of Regulation (EU) No 492/2011 [...];
- (b) Article 23 of Regulation (EU) No 1296/2013 [...].
- (ba) Article 13(1) of Regulation (EU) No 492/2011 is repealed with effect from two years after the date of entry into force of this Regulation.

2. References to the repealed acts shall be construed as references to this Regulation.

Article 35a

Transitional provisions

Organisations which have been designated as "EURES Partners" in accordance with Article 3(c) of Commission Implementing Decision 2012/733/EU or which have provided limited services as "EURES Associated Partners" in accordance with Article 3(d) of that Decision at the time of entry into force of this Regulation may, until [1 year after the end of the transitional period provided for Article 8(1)] and by way of derogation from Article 8 of this Regulation, participate as EURES Members referred to in Article 4(1)(b)(ii) or as EURES Partners referred to in Article 4(1)(c), provided that they undertake to fulfil the relevant obligations under this Regulation. Where one of these organisations wishes to participate as a EURES Partner, it shall notify the National Coordination Office of which of the tasks referred to in Article 8.1.b it will perform. The relevant National Coordination Office shall report the European Coordination Office thereof. After the expiry of the transitional period, those organisations may, in order to remain within the Network, submit an application to that effect in accordance with Article 8.

Article 36

Applications

[...]

Article 37

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.

Article 9(1a), 14(1) to (7) shall apply two years following the date of entry into force referred to in paragraph 1.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels

For the European Parliament
The President

For the Council
The President

1. SERVICE DELIVERY

1. Commitment to have in place adequate mechanisms and procedures to verify and ensure full compliance with applicable labour standards and legal requirements, taking into account any existing licensing systems and authorisation schemes for employment services other than PES when delivering the services, including applicable data protection law and, where applicable, requirements and standards on quality of job vacancy data.
2. Ability and demonstrated capacity to offer services on clearance and/or support services as referred to in this Regulation [...].
3. Ability to provide services through one or more easily accessible channels, with at least an internet/ website of the organisation accessible.
4. Ability and capacity to refer workers and employers to other EURES Members and Partners and/or bodies with expertise on free movement for workers.
5. Confirmation to adhere to the principle of free support services for workers. in accordance with Article 18(5).

2. PARTICIPATION IN THE EURES NETWORK

1. Ability and commitment to ensure timely and reliable delivery of the data as referred to in Article 9(4).
2. Commitment to comply with the technical standards and formats for clearance and exchange of information under this Regulation.

3. Ability and commitment to contribute to the programming and reporting to the National Coordination Office as well as to provide information to the National Coordination Office on the service delivery and performance in accordance with this Regulation.
4. Existence of or commitment to ensuring the allocation of appropriate human resources for the respective tasks to be fulfilled.
5. Commitment to ensuring quality standards on staff and to register the staff for the relevant modules of the common training programme as referred to in Article 6(1)(a)(iii).
- 5a. Commitment to use the EURES trade mark only for EURES-related services and activities.
