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From: General Secretariat of the Council  
On: 28 November 2025  
To: Delegations

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Subject: Proposal for the Regulation of the European Parliament and of the Council  
establishing an EU Talent Pool  
- Letter to the Chair of the European Parliament Committee on Civil  
Liberties, Justice and Home Affairs (LIBE)

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Following the Permanent Representatives Committee meeting of 28 November 2025 which confirmed the final compromise text with a view to agreement, delegations are informed that the Presidency sent the attached letter, together with its Annex, to the Chair of the European Parliament Committee on Civil Liberties, Justice and Home Affairs (LIBE).

Brussels, 28/11/2025

Mr. Javier ZARZALEJOS  
Chair of the Committee on Civil Liberties, Justice and Home Affairs  
European Parliament  
Rue Wiertz 60  
B-1047 BRUSSELS

**Subject:** Proposal for a Regulation of the European Parliament and of the Council establishing  
an EU Talent Pool


Dear Mr. ZARZALEJOS,

Following the informal negotiations on this proposal between the representatives of the three institutions, today the Permanent Representatives Committee agreed with the final compromise text.

I am therefore now in a position to inform you that, should the European Parliament adopt its position at first reading, in accordance with Article 294(3) TFEU, in the exact form of the text set out in the Annex to this letter (subject to revision by the lawyer-linguists of the two institutions), the Council, in accordance with Article 294(4) TFEU, will approve the European Parliament's position and the act shall be adopted in the wording which corresponds to the position of the European Parliament.

On behalf of the Council, I also wish to thank you for your close cooperation which should enable us to reach agreement on this proposal at first reading.

Yours sincerely



Carsten GRÜNBECH-JENSEN  
Chairman of the  
Permanent Representatives Committee

Copy:

- Ms. Roxana MÎNZATU, European Commission Executive Vice-President for Social Rights and Skills, Quality Jobs and Preparedness; Mr. Magnus BRUNNER, Commissioner for Internal Affairs and Migration
- Ms. Abir AL-SAHLANI, European Parliament rapporteur

2023/0404 (COD)

Proposal for a

**REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL**

**ESTABLISHING AN EU TALENT POOL**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 79(2), point (a), thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

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

Acting in accordance with the ordinary legislative procedure,

Whereas:

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

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

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

- (1) The Union and individual Member States are facing shortages in a wide range of sectors and occupations, including in those relevant for the green and digital transitions. ***Skills of all levels could be needed in order to address those shortages.*** Extensive shortages in construction, healthcare, hospitality, transport, information and communications technology and in science technology, engineering and mathematics, are long-standing and have been exacerbated by the COVID-19 pandemic and the acceleration of the green and digital transitions. Labour shortages are expected to persist and potentially aggravate in the light of demographic challenges.
- (2) Addressing labour shortages requires ***an ambitious and*** comprehensive approach at Union and national level, which includes, as a priority, better realising the full potential of groups with lower labour market participation. ***That approach could include*** reskilling and upskilling the existing workforce ***in accordance with the objectives of the European Year of Skills***, facilitating intra-EU labour mobility, ***including by making better use of Directives (EU) 2024/1233<sup>4</sup> and 2021/1883<sup>5</sup> of the European Parliament and of the Council and by promoting the EURES network***, as well as improving working conditions and the attractiveness of certain occupations. ***However***, due to the current scale of the labour market shortages and the demographic trends, measures targeting the domestic and Union workforce alone are likely to be insufficient to address existing and future labour and skills shortages. ***According to Commission estimates, the population of the Union is projected to shrink significantly. Furthermore, the number of people of working age is projected to decline even more.*** Therefore, legal ***and orderly*** migration is key to complement those actions and must be part of the solution to ***ensure the quality of welfare systems, competitiveness and sustained economic growth in the Union and to*** fully support the ~~twi~~ green and digital transition.

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<sup>4</sup> ***Directive (EU) 2024/1233 of the European Parliament and of the Council of 24 April 2024 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (recast) (OJ L, 2024/1233, 30.4.2024, ELI: <http://data.europa.eu/eli/dir/2024/1233/oj>).***

<sup>5</sup> ***Directive (EU) 2021/1883 of the European Parliament and of the Council of 20 October 2021 on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment, and repealing Council Directive 2009/50/EC (OJ L 382, 28.10.2021, p. 1, ELI: <http://data.europa.eu/eli/dir/2021/1883/oj>).***

- (3) In order to *enhance the attractiveness of the Union for talent from third countries*, facilitate *fair* international recruitment, *overcome labour and skills shortages* and provide opportunities for third-country nationals to work in EU-wide *Union-wide* shortage occupations, an EU Talent Pool should be established in the form of a Union-wide platform that brings together and supports the matching of profiles of registered jobseekers from third countries residing outside the Union and job vacancies of *participating* employers *and other participating entities* established in the participating Member States. *The European Parliament called for the establishment of EU Talent Pool in its resolution of 25 November 2021 on legal migration policy and law*<sup>6</sup>.
- (4) ~~The Commission Recommendation of the Commission on legal pathways to protection in the EU~~<sup>7</sup> (EU) 2020/1364<sup>8</sup> encourages Member States to put in place and support complementary labour pathways for those in need of international protection<sup>9</sup>. The EU Talent Pool could also support the operationalisation of the complementary pathways.

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<sup>6</sup> *Resolution of the European Parliament of 25 November 2021 with recommendations to the Commission on legal migration policy and law (OJ C 224, 8.6.2022, p. 69).*

<sup>7</sup> ~~Commission Recommendation (EU) 2020/1364 of 23 September 2020 on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways.~~

<sup>8</sup> *Commission Recommendation (EU) 2020/1364 of 23 September 2020 on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways (OJ L 317, 1.10.2020, p. 13, ELI: <http://data.europa.eu/eli/reco/2020/1364/oj>).*

<sup>9</sup> ~~“Complementary pathways” are safe and regulated avenues for persons in need of international protection that complement resettlement by providing lawful stay in a third country where their international protection needs are met. Complementary labour pathways enable persons in need of international protection to access existing labour migration pathways, utilise their skills, and help address labour shortages in the receiving countries. See also: <https://www.unhcr.org/complementary-pathways.html>.~~

- (5) The EU Talent Pool should aim ~~at supporting~~ **to support** participating Member States ~~to address~~ **in addressing** existing and future skills and labour shortages via the recruitment of ~~third-country~~ **third-country** nationals to the extent the activation of the domestic workforce and intra-EU mobility are not sufficient to achieve ~~this~~ **that** objective. As a voluntary tool to facilitate international recruitment, the EU Talent Pool should offer additional support at Union level to interested Member States. To ~~this~~ **that** end, complementarity and interoperability **of the EU Talent Pool IT platform** with existing **Union and** national initiatives and platforms should be ensured. Member States' specific needs should be taken into account in the development of the EU Talent Pool in order to ensure the widest participation possible. Hence, 'Talent' is an encompassing term referring to the entire range of skills **and competences** that might be needed by the Member States' labour markets.
- (5a) Given the voluntary nature of the EU Talent Pool, participating Member States should also be able to withdraw their participation. For this purpose, Member States should notify their intention to withdraw to the EU Talent Pool Secretariat. In order to allow the EU Talent Pool Secretariat and the Member States to carry out all the necessary technical and practical arrangements for the withdrawal as well as to ensure sufficient stability and predictability for the users, the withdrawal would take effect 9 months after the notification. From the date of the notification, no new vacancies of participating employers and other participating entities should be made available on the EU Talent Pool IT platform.***

- (6) The EU Talent Pool aims at ~~providing~~ **to provide** services to **jobseekers from third countries and to participating employers and other participating entities** that are **lawfully** established in the participating Member States. **A participating employer is an employer whose job vacancies are made available on the EU Talent Pool IT platform by the EU Talent Pool National Contact Point of the Member State where the employer is established. Once these vacancies are removed from the EU Talent Pool IT platform, the employer will no longer be regarded as participating employer. Other participating entities may also make use of the EU Talent Pool. The concept of other participating entity refers to a temporary work agency, a, including private employment agencies agency or a labour market intermediary, whose job vacancies have been made available on the EU Talent Pool IT platform by the EU Talent Pool National Contact Point of the Member State where the other participating entity is established. For the purposes of this Regulation, an employer or other entity is to be considered to be lawfully established in a Member State where it pursues a genuine substantial economic activity in compliance with the national laws and administrative requirements of that Member State. A temporary work agencies and labour market intermediaries as agency is to be understood as the term defined by the International Labour Organisation in Article 3, paragraph 1(b), of Directive 2008/104/EC of the European Parliament and of the Council<sup>10</sup>. A private employment agency is to be understood as the term defined in the ILO Convention 181 from 1997.**
- (6a) **Registered jobseekers from third countries are considered as selected for a job vacancy in the EU Talent Pool when they are being offered employment which allows them to enter into an employment relationship in the participating Member State where the participating employer or the other participating entity is lawfully established and where the jobseeker will normally work.**

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<sup>10</sup> **Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on temporary agency work (OJ L 327, 5.12.2008, p. 9, ELI: <http://data.europa.eu/eli/dir/2008/104/oj>).**

- (7) ***Strong partnerships and bilateral cooperation with third countries contribute to effective migration management. Cooperation can be targeted at maximising the positive impact of migration and reducing the negative consequences for countries of origin, such as the risk of “brain drain”, for example by facilitating circular migration.*** The EU Talent Pool should also support the implementation of Talent Partnerships, ~~which~~ ***bilateral arrangements and national frameworks on skills development and validation in a third country. Talent Partnerships*** are one of the key aspects of the external dimension of the Pact on Migration and Asylum<sup>11</sup> and are operationalised in line with the ~~Commission’s~~ ***the communication of the Commission of 27 April 2022 entitled ‘Attracting skills and talent to the EU’.***<sup>12</sup> The participation of a Member State in the Talent Partnership should be without prejudice to their decision on the participation in the EU Talent Pool.
- (8) In order to ensure that Member States’ authorities are adequately represented in the EU Talent Pool Steering Group, participating Member States should appoint two representatives each, ~~one from the~~ ***being an expert in the field of employment and one in the field of migration. Member States are encouraged to ensure that those representatives are complemented by two alternate members who would be able to represent them in their absence. It should also be possible to invite representatives from Union bodies, offices and agencies, international organisations, third countries participating in Talent Partnerships and other relevant stakeholders to attend the meetings of the EU Talent Pool Steering Group to present their views. Such organisations and stakeholders could include, for example, the European Labour Authority, the European Centre for the Development of Vocational Training, the European Foundation for the Improvement of Living and Working Conditions, the European Training Foundation, ILO, the International Organization for Migration, local and regional*** authorities and ~~one from the immigration authorities~~ ***civil society organisations.***

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<sup>11</sup> COM/2020/609 final.

<sup>12</sup> COM/2022/657 final.

- (9) An EU Talent Pool IT platform should be developed by using existing Commission-owned IT infrastructure to the extent possible. The IT infrastructure developed in the framework of EURES could be partially re-used for the EU Talent Pool IT platform, including the single coordinated channel and the automated matching tool with relevant adaptations, ~~including to duly take into account the~~. ***It is important that the EU Talent Partnership pass<sup>2</sup> Pool IT platform ensures intuitive navigation and is user-friendly, as well as easily accessible for persons with disabilities in accordance with Directives (EU) 2016/2102<sup>13</sup> and (EU) 2019/882<sup>14</sup> of the European Parliament and the Council.***
- (10) Synergies should be ensured, where appropriate, between the EU Talent Pool IT platform and other relevant instruments and services at Union level, including with regard to access to training materials such as the EU Academy and the Interoperable Europe Academy. The EU Talent Pool IT platform should be quickly and regularly adapted to new practices in technology and provide state-of-the-art IT services by introducing innovative features and tools. ***For this purpose, the Commission should conduct a feasibility study assessing the possibility of integrating multiple matching algorithms into the EU Talent Pool IT platform. In this comprehensive assessment, the Commission should duly explore budgetary implications, data protection risks and ensure compliance with the AI Act<sup>15</sup>. The results of the study should be presented to the EU Talent Pool Steering Group and inform the discussion on future developments of the EU Talent Pool.***

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<sup>13</sup> ***Directive (EU) 2016/2102 of the European Parliament and of the Council of 26 October 2016 on the accessibility of the websites and mobile applications of public sector bodies (OJ L 327, 2.12.2016, p.1, ELI: <http://data.europa.eu/eli/dir/2016/2102/oj>).***

<sup>14</sup> ***Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6. 2019, p. 70, ELI: <http://data.europa.eu/eli/dir/2019/882/oj>).***

<sup>15</sup> ***Regulation (EU) 2024/1689 of the European Parliament and of the Council of 13 June 2024 laying down harmonised rules on artificial intelligence and amending Regulations (EC) No 300/2008, (EU) No 167/2013, (EU) No 168/2013, (EU) 2018/858, (EU) 2018/1139 and (EU) 2019/2144 and Directives 2014/90/EU, (EU) 2016/797 and (EU) 2020/1828 (Artificial Intelligence Act) (OJ L, 2024/1689, 12.7.2024, ELI: <http://data.europa.eu/eli/reg/2024/1689/oj>).***

(11) The format of jobseekers' profiles and job vacancies should be established using the existing European classification of occupations, skills, competencies and qualifications (ESCO) as foreseen in Regulation (EU) 2016/589<sup>16</sup> *of the European Parliament and of the Council*<sup>17</sup> which provides for a standardised terminology for occupations, skills and competences and facilitates the transparency of skills and qualifications. The ESCO classification should support jobseekers from third countries, *participating employers, and other participating entities*, and the EU Talent Pool National Contact Points in providing comparable information on work ~~experiences~~ *experience*, occupations covered by a vacancy, as well as the skills offered by the jobseekers and required by the *participating employers and other participating entities*, thereby enabling a high-quality matching process. *The Commission Recommendation (EU) 2023/2611*<sup>18</sup> *recommends that national procedures for recognition of skills should emphasise a person's full talent and potential. All types of qualifications and skills, such as vocational education and training, degrees, specific certificates ('micro-credentials') as well as skills and competences gained in non-formal and informal settings could be taken into account.* Where applicable, the EU Talent Pool National Contact Points should use the ESCO format for the ~~transfer~~ *transmission* of job vacancies to the EU Talent Pool IT platform. Member States not adopting the ESCO classification for national job vacancies, should produce mapping tables comparing the classification used in the national systems and the ESCO classification to allow interoperability. The mapping tables should be made available to the Commission and should be used for automatic transcoding of information on job vacancies or jobseekers' profiles for the purpose of automated matching through the common IT platform.

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<sup>16</sup> Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013 (OJ L 107, 22.4.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/589/oj>).

<sup>17</sup> *Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013 (OJ L 107, 22.4.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/589/oj>).*

<sup>18</sup> *Commission Recommendation (EU) 2023/2611 of 15 November 2023 on the recognition of qualifications of third-country nationals (OJ L, 2023/2611, 24.11.2023, ELI: <http://data.europa.eu/eli/reco/2023/2611/oj>).*

- (12) Tasks should be assigned to the EU Talent Pool Secretariat and the EU Talent Pool National Contact Points to ensure the search and matching functions of the EU Talent Pool IT platform. These tasks should be considered as tasks carried out in the public interest for the performance of which it is necessary to process personal data, as referred to in Article 5(1), point (a) of Regulation (EU) 2018/1725<sup>19</sup>, and Article 6(1), point (e) of Regulation (EU) 2016/679<sup>20</sup>, respectively. The processing of personal data, it should be carried out in compliance with Article 8 of the Charter of Fundamental Rights of the European Union, and Regulations (EU) 2018/1725 and (EU) 2016/679 of the European Parliament and of the Council.
- (13) The processing for the purpose of the search and matching functions of the EU Talent Pool IT platform should be limited to personal data necessary to identify the registered jobseekers from third countries ~~and employers, participating in the EU Talent Pool~~ **employers and other participating entities**, to enable the search and matching on the EU Talent Pool IT platform as well as for data collection to improve the functioning of the Talent Pool. This should not require processing any personal data referred to in Article 9 of Regulation (EU) 2016/679 and Article 10 of Regulation (EU) 2018/1725.

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<sup>19</sup> Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).

<sup>20</sup> Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (OJ L 119, 4.5.2016, p. 1, ELI: <http://data.europa.eu/eli/reg/2016/679/oj>).

- (14) Registered jobseekers from third countries should have the right to ~~choose from a number of technical options to~~ **edit, delete or** restrict the access to their personal data, for instance, by restricting access to their contact details. Profiles of registered jobseekers from third countries ~~and employers participating~~ in the EU Talent Pool IT platform that have not been used ~~accessed by them~~ for a period of ~~two years~~ **one year should cease to be visible. A notification should be automatically removed sent one month prior to the removal of their profiles, allowing jobseekers reasonable time to react.** When profiles are removed, a limited set of anonymised data could continue to be stored for research and statistical purposes including for the purpose of production and quality of European statistics.
- (15) Without prejudice to their obligation to inform data subjects about the processing of their personal data and their rights as data subjects in accordance with Articles 12 and 13 of Regulation (EU) 2016/679 and Articles 14 and 15 of Regulation (EU) 2018/1725, the EU Talent Pool Secretariat and the EU Talent Pool National Contact Points should also inform registered jobseekers ~~and, participating employers and other participating in the EU Talent Pool~~ **entities** about their rights to technically restrict access to their personal data and to require, at any time, the deletion or modification of their personal data included in their profiles.

- (16) The EU Talent Pool should contribute to the objective of discouraging irregular migration including by facilitating access to existing legal pathways. Jobseekers from third countries who are subject to a judicial or administrative decision refusing the entry or stay in a Member State or an entry ban *referred to* in accordance with Directive 2008/115/EC of the European Parliament and of the Council<sup>21</sup>, should not be allowed to register their profiles in the EU Talent Pool IT platform, given that they will not be permitted to enter and stay in the Union. To this end, jobseekers from third countries should be required, before registering their profiles in the EU Talent Pool, to declare that they are not currently subject to a ~~refusal of~~ *national judicial or administrative decision refusing* entry or stay in a Member State or an entry ban *referred to in Directive 2008/115/EC*. *Information should be provided on the EU Talent Pool IT platform to the jobseekers that if they are subject to such a ban, admission to the territory of the Union Member States is prohibited and, therefore, they should not create a profile on the EU Talent Pool IT platform*. Information should also be provided on the consequences for making a false declaration in this respect, *notably on the removal of the profiles of these jobseekers from the EU Talent Pool IT platform*. *During the immigration procedures carried out by the Member States, necessary checks in relevant national and EU databases such as the Schengen Information System may reveal that certain third country nationals are not entitled to enter or stay in the Schengen area. In cases where the national immigration authority issues a national decision rejecting the application for entry of a jobseeker based on an administrative decision refusing the entry or stay in a Member State or an entry ban referred to in Directive 2008/115/EC, and where the national immigration authority becomes aware that the jobseeker in question has been selected for a job vacancy through the EU Talent Pool, it should transmit this information to EU Talent Pool National Contact Points for the purpose of the removal of the jobseeker profile from the EU Talent Pool IT platform. On the EU Talent Pool IT platform, information should be provided that the registration in the EU Talent Pool by a jobseeker from third countries is not a guarantee that the security checks have been carried out.*

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<sup>21</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24.12.2008, p. 98, ELI: <http://data.europa.eu/eli/dir/2008/115/oj>).

*(16a) To ensure that all participating employers and other participating entities comply with relevant Union and national law and practice regarding protection against unfair recruitment, inadequate working conditions, discrimination and adverse treatment, Member States can rely on already existing information on non-compliant employers and other entities. Moreover, the EU Talent Pool National Contact Points should keep a registry of non-compliant employers and other entities to enable an effective administration of the job vacancies that should eventually not be transmitted to EU Talent Pool IT platform. Participating Member States should also be able to introduce, in compliance with Union law, additional conditions for the employers' and other entities' participation in the EU Talent Pool in accordance with relevant national practices, collective agreements and the principles and guidelines set out by the International Labour Organisation, in compliance with Union law. Where applicable, the EU Talent Pool National Contact Points should be able to refuse access to the EU Talent Pool accordingly. For the purpose of transparency, the EU Talent Pool National Contact Points should share the registry of participating employers and other participating entities with the EU Talent Pool Steering Group. It is also important that the competent national authorities are able to identify participating employers and other participating entities in the individual Member State. To facilitate such identification and to ensure transparency, the registry of participating employers and other participating entities could be shared with relevant national authorities. To further strengthen transparency, the registry of participating employers and other participating entities could also be made publicly available to other interested stakeholders outside the EU Talent Pool Steering Group. Trade unions, non-governmental organisations and other stakeholders could also benefit from such transparency.*

- (16b) Where a breach of relevant law and practice by a participating employer or other participating entity is notified to the EU Talent Pool National Contact Point by the competent national authorities, the access of the participating employer or other participating entity to the EU Talent Pool should be suspended and their job vacancies should be removed from the EU Talent Pool IT platform. The suspension should be lifted once the competent national authorities have notified the National Contact Point that the breach of the relevant law or practice has been remedied.*
- (17) Jobseekers from third countries wishing to register in the EU Talent Pool should create a profile using the Europass<sup>22</sup> profile builder functionality enabling to create a free profile and report the relevant skills, qualifications, and other experiences in one secure online location. ***Other existing relevant tools at Union and national level could include a direct link to the CV module of the EU Talent Pool IT platform.***
- (18) Where necessary, the recognition of qualifications and ***the validation of skills (whether from formal, non-formal or informal learning including work experiences)***, of registered jobseekers from third countries should be conducted in the participating Member States upon request of the jobseeker ~~or the~~, ***the participating employer or other participating entity*** in accordance with the national law and practices, and with any relevant international agreements, including mutual recognition arrangements for professional qualifications. ~~Personalised assistance and~~ Online information on existing recognition and validation procedures at national level should be available in the EU Talent Pool IT platform and ***specific information*** ~~it~~ should be provided ~~by~~ ***to registered jobseekers from third countries who have been selected for a job vacancy in the EU Talent Pool National Contact Points and to employers and other participating entities.***

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<sup>22</sup> Decision (EU) 2018/646 of the European Parliament and of the Council of 18 April 2018 on a common framework for the provision of better services for skills and qualifications (OJ L 112, 2.5.2018, p. 42, ELI: <http://data.europa.eu/eli/dec/2018/646/oj>).

(19) In the context of Talent Partnerships, nationals of selected third countries *may* receive support for the development and validation of skills in a framework endorsed by Member States taking part in a Talent Partnership and partner countries. Therefore, The skills developed or validated in the framework of a Talent Partnership should *could* be certified *according to the conditions determined* by the ‘EU Talent Partnership pass’ which is visible in the context of the EU Talent Pool. Employers participating in the EU Talent Pool should be able to filter the profiles of registered jobseekers from third countries as to visualise those having obtained an ‘EU Talent Partnership pass’. This could encourage employers to offer a job placement in the Union. Member States, in the framework of a Talent Partnership, should determine the conditions for the issuing of the ‘EU *the* Talent Partnership pass’ for the purpose of the EU Talent Pool, including whether a partner country’s national authority, an international organisation or other stakeholder should support its deliver *in which they are participating*. The issuing of a ‘EU Talent Partnership pass’ is without prejudice to European and national rules on access to regulated professions.

*(19a) Jobseekers from third countries can also receive support through bilateral arrangements and national frameworks on skills development and validation in a third country. Regarding the recognition of qualifications and validation of skills acquired in a third country in the context of such a bilateral arrangement or national framework, the national legislation of the respective Member State applies. Participating Member States taking part in a Talent Partnership, or having in place bilateral arrangements or national frameworks on skills development and validation, should be able to rely on the EU Talent Pool to facilitate the recruitment of jobseekers whose skills and competences were developed in the framework of that Talent Partnership, bilateral arrangement or national framework on skills development and validation. To this end, the EU Talent Pool should ensure visibility on the IT platform by allowing registered jobseekers from third countries who have participated in such a programme in a third country to indicate in a ‘flag’ on their profiles the skills and competences developed therein. The ‘flag’ will be a visual cue to the employer that the jobseeker has participated in such a programme. The inclusion on jobseekers’ profiles of a ‘flag’ is without prejudice to European and national rules on recognition of diplomas and professional qualifications or on access to regulated professions. The ‘flag’ is also without prejudice to entry and residence rights.*

- (20) *The EU Talent Pool Secretariat should publish the list of third countries and Member States participating in Talent Partnerships should be published on the EU Talent Pool IT platform together with the relevant occupations targeted by each partnership. The EU Talent Pool Secretariat should also publish, based on the information provided by the Member States, a list of bilateral arrangements and national frameworks on skills development and validation in a third country, including the third countries taking part in those frameworks, and information about specific support provided in this context.*
- (21a) *Participating employers and other participating entities should be able to filter the profiles of registered jobseekers having participated in a Talent Partnership, bilateral arrangements and national frameworks on skills development and validation in a third country. This could encourage participating employers and other participating entities to offer a job placement in the Union.*
- (22) ~~The principles of the European Pillar of Social Rights should apply for All activities conducted in the context of the EU Talent Pool, in particular with regard to~~ *should respect* the right to fair and equal treatment with respect to working conditions, minimum wages, access to social protection, training, and protection of youth people at work. ~~Also in line with the~~ *in accordance with those principles of the European Pillar of Social Rights, the EU Talent Pool should ensure quality employment and fair competition. Furthermore, it is important to ensure access to equality bodies in accordance with Directive (EU) 2024/1500 of the European Parliament and of the Council<sup>23</sup> and Council Directive (EU) 2024/1499<sup>24</sup> where applicable.*

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<sup>23</sup> *Directive (EU) 2024/1500 of the European Parliament and of the Council of 14 May 2024 on standards for equality bodies in the field of equal treatment and equal opportunities between women and men in matters of employment and occupation, and amending Directives 2006/54/EC and 2010/41/EU (OJ L, 2024/1500, 29.5.2024, ELI: <http://data.europa.eu/eli/dir/2024/1500/oj>).*

<sup>24</sup> *Council Directive (EU) 2024/1499 of 7 May 2024 on standards for equality bodies in the field of equal treatment between persons irrespective of their racial or ethnic origin, equal treatment in matters of employment and occupation between persons irrespective of their religion or belief, disability, age or sexual orientation, equal treatment between women and men in matters of social security and in the access to and supply of goods and services, and amending Directives 2000/43/EC and 2004/113/EC (OJ L, 2024/1499, 29.5.2024, ELI: <http://data.europa.eu/eli/dir/2024/1499/oj>).*

(23) The International Labour Organisation (ILO) *ILO*, in its ‘General principles and operational guidelines for fair recruitment’, sets out a number of standards on adequate protection of jobseekers from third countries against unfair recruitment. Employers *and other entities participating or having participated in the EU Talent Pool* should comply with applicable Union law and practice. Equal treatment of *between* jobseekers from third countries with respect to *and* nationals of the participating Member States ~~should also~~ *is also to* be ensured by the *participating employers and other participating entities* in accordance with Directive 2011/98<sup>25</sup>, Directive ~~Directives~~ *Directives 2011/98/EU, 2014/36/EU*<sup>26</sup>, Directive 2021/1883/EU<sup>27</sup>, and Directive 2016/801/EU<sup>28</sup> *(EU) 2016/801, (EU) 2021/1883 and (EU) 2024/1233*<sup>29</sup> of the *European Parliament and of the Council*. In accordance with Directive 2019/1152/EU *(EU) 2019/1152 of the European Parliament and of the Council*<sup>30</sup>, employers participating in the EU Talent Pool should *are to* provide to registered jobseekers from third countries *workers* with information in writing and in an understandable language on their rights and obligations resulting from the employment relationship at the start of the employment. ~~This~~ *That*

<sup>25</sup> Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (OJ L 343, 23.12.2011, p. 1–9, ELI: <http://data.europa.eu/eli/dir/2011/98/oj>).

<sup>26</sup> Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers (OJ L 94, 28.3.2014, p. 375, ELI: <http://data.europa.eu/eli/dir/2014/36/oj>).

<sup>27</sup> Directive (EU) ~~2021/1883~~ *2016/801* of the European Parliament and of the Council of ~~20 October 2021~~ *11 May 2016* on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment *purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing* (OJ L 132, 21.5.2016, p. 21 and repealing Council Directive 2009/50/EC, OJ L 382, 28.10.2021, p. 1, ELI: <http://data.europa.eu/eli/dir/2021/1883/oj>) *eu/eli/dir/2016/801/oj*).

<sup>28</sup> Directive (EU) ~~2016/801~~ *2021/1883* of the European Parliament and of the Council of ~~11 May 2016~~ *20 October 2021* on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training *purpose of highly qualified employment, voluntary service, pupil exchange schemes or educational projects and au pairing* (recast) (OJ L 132, 21.5.2016, p. 21 and repealing Council Directive 2009/50/EC (OJ L 382, 28.10.2021, p. 1, ELI: <http://data.europa.eu/eli/dir/2016/801/oj>) *eu/eli/dir/2021/1883/oj*).

<sup>29</sup> *Directive (EU) 2024/1233 of the European Parliament and of the Council of 24 April 2024 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (OJ L, 2024/1233, 30.4.2024, ELI: <http://data.europa.eu/eli/dir/2024/1233/oj>)*

<sup>30</sup> Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the European Union (OJ L 186, 11.7.2019, p. 105, ELI: <http://data.europa.eu/eli/dir/2019/1152/oj>).

information should at least include the place and the type of work, the duration of employment, the remuneration, the working hours, the amount of any paid leave and, where applicable other relevant working conditions. ~~An~~ ***Additionally, in accordance with Directive (EU) 2023/970, employers are to provide jobseekers the information needed to enable informed and transparent pay negotiations. A participating employer or other participating entity*** should neither charge ~~any~~ recruitment fee ***fees or undisclosed costs*** nor prohibit a ~~worker~~ ***jobseeker from a third country*** from taking up employment with other employers, outside the work schedule established with that employer, nor subject a worker to adverse treatment for doing so. ***Participating employers and other participating in the EU Talent Pool should entities are to comply under all circumstances with Directives with Directive 96/71/EC<sup>31</sup> as amended by Directive 2018/957 and 2020/1057<sup>32</sup> of the European Parliament and of the Council*** when posting workers in the framework of the provision of services, in particular with regard to the terms and conditions of employment ~~thereby~~ established ***in those Directives. Participating employers and other participating entities are also to comply with the obligations arising from the relevant case law***, such as the obligation that third country ~~workers~~ ***nationals*** can only be posted to a Member State if they are legally and habitually employed in ~~another~~ ***the Member State of entrance and also take into account the relevant legislation of the host*** Member State.

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<sup>31</sup> Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L 18, 21.1.1997, p. 1, ELI: <http://data.europa.eu/eli/dir/1996/71/oj>).

<sup>32</sup> ***Directive (EU) 2020/1057 of the European Parliament and of the Council of 15 July 2020 laying down specific rules with respect to Directive 96/71/EC and Directive 2014/67/EU for posting drivers in the road transport sector and amending Directive 2006/22/EC as regards enforcement requirements and Regulation (EU) No 1024/2012 (OJ L 249, 31.7.2020, p. 49, ELI: <http://data.europa.eu/eli/dir/2020/1057/oj>).***

*(23a) Employers or other entities who have been permanently excluded or whose access to the EU Talent Pool IT platform has been refused or suspended should not be able to make use of the EU Talent Pool IT platform, including through other participating entities. The National Contact Points, should ensure that the job vacancies of such employers or other entities are not made available on the EU Talent Pool IT platform. Before making a job vacancy available, the National Contact Points should check that the employer or other entity interested in participating in the EU Talent Pool is not recorded in the registry of employers who have been permanently excluded or whose access to the EU Talent Pool has been refused or suspended to ensure that such employers or entities are not using the EU Talent Pool platform. When carrying out such checks, the National Contact Points should be able to also rely on existing information on non-compliant employers and other entities in accordance with national practice. Such information could also include lists established in accordance with Directives 2009/52/EC<sup>33</sup> and (EU) 2024/1712<sup>34</sup> of the European Parliament and of the Council. Verification on the basis of already existing information on non-compliant employers and other entities in the Member States could contribute to the effectiveness of the means to refuse the access to the EU Talent Pool for employers and other entities in breach of relevant Union and national law and practice from the first day of participation of a Member State in the EU Talent Pool. Member States should ensure that other participating entities which, in accordance with national law, have fulfilled their due diligence obligations regarding the compliance by the employers with the relevant Union and national law and practice on third-country nationals' protection against unfair recruitment, inadequate working conditions, discrimination and adverse treatment should not be excluded or have their access to the EU Talent Pool IT platform refused or suspended as a consequence of a breach of relevant Union and national law or practice by an employer.*

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<sup>33</sup> *Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168 30.6.2009, p. 24, ELI: <http://data.europa.eu/eli/dir/2009/52/oj>).*

<sup>34</sup> *Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (OJ L, 2024/1712, 24.6.2024, ELI: <http://data.europa.eu/eli/dir/2024/1712/oj>).*

- (23b) The EU Talent Pool Secretariat should regularly convene the Network of the EU Talent Pool National Contact Points (the ‘Network’) composed of the EU Talent Pool National Contact Points from each participating Member State. The Network should serve as a mean to provide the opportunity to the EU Talent Pool National Contact Points to exchange information and best practices on the implementation of this Regulation, such as on the EU Talent Pool National Contact Points’ practices when dealing with breaches of the obligations and conditions laid down in this Regulation by the employers and other entities participating in the EU Talent Pool.***
- (24) In order to ensure high quality matching, registered jobseekers from third countries and ~~participating~~ employers ~~and other participating in the EU Talent Pool~~ entities should **be able to** access a list of suggested registered jobseekers’ profiles and job vacancies based on the relevance of their skills, qualifications and work ~~experiences~~ **experience** for the job vacancy. The list is generated by the automated matching tool of the EU Talent Pool IT platform. **Jobseekers from third countries should also be able to indicate in which Member State they are interested in working, as well as their availability to start work. Information about a jobseeker’s Member State of preference should not be used for the purpose of matching.*****
- (24a) Participating employers and other participating entities should aim to ensure a thorough selection of candidates and an initial assessment of the jobseekers’ profiles and qualifications and an evaluation of the suitability of the jobseeker, in line with the principles of fair recruitment.***

(25) The EU Talent Pool platform should meet established needs on the labour market and should not serve as a means to displace or negatively affect the existing workforce or otherwise undermine decent work or fair competition. To better support Member States' efforts in addressing existing and future labour shortages **and improving competitiveness**, the EU Talent Pool should target specific occupations at ~~all~~ **relevant** skills levels, based on the most common shortage occupations in the Union and on the occupations with a direct contribution to the green and digital transitions, set out in the Annex to this Regulation. In order to adapt the job vacancies to the specific needs of the national labour markets **as well as migration policies** and taking as a starting point the list of ~~EU-wide~~ **Union-wide** shortage occupations set out in the Annex, participating Member States shall be allowed to notify to the EU Talent Pool Secretariat the addition or removal of specific shortage occupations. **Member States should be able to decide that adjustments to the list of Union-wide shortage occupations are necessary to correspond to specific labour market needs at national or regional level. In case of specific regional labour market needs, Member States should be able to decide that the EU Talent Pool National Contact Point is responsible for filtering the job vacancies so that they correspond to the relevant territorial dimension when they are made available on the EU Talent Pool IT platform.** Such notifications should only impact the matches for job vacancies submitted by the respective Member State. **It is important that** neither the list of ~~EU-wide~~ **Union-wide** shortage occupations nor the Member States' notifications ~~should~~ affect the principle of preference for Union citizens **and, where applicable under national law, the examination of the labour market situation.**

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

(27) *In order to promote fair recruitment and strengthen transparency towards jobseekers from third countries, the EU Talent Pool Secretariat, with the support of the EU Talent Pool National Contact Points, should ensure that easily accessible information is available on the EU Talent Pool IT platform. That information should cover employment and immigration procedures, recognition of qualifications and validation of skills, third country nationals' rights and obligations, living and working conditions as well as, available redress mechanisms for cases of labour exploitation and unfair recruitment practices in the participating Member States is, as well as support measures available on the EU Talent Pool IT platform in the context of complementary labour pathways to jobseekers in need of international protection who reside outside the Union. The EU Talent Pool National Contact Points should provide the relevant information with the EU Talent Pool Secretariat with the relevant information in order to allow its publication on the EU Talent Pool IT platform. Online information on support available to jobseekers in need of international protection who are in third countries National Contact Points should also be available on able to refer to existing sources of information at Union or national level. It is important that the EU Talent Pool IT platform. Support measures put in place by the Member States could include specific Secretariat, in cooperation with the Union delegations, raises public awareness about the existence, objectives and functioning of the EU Talent Pool through communication activities and information campaigns, where possible and in light of the available resources. In order to ensure the success of these communication campaigns, it is also important that the EU Talent Pool National Contact Points provide support to obtain a travel document, and integration support upon arrival the EU Talent Pool Secretariat in disseminating the relevant material within the participating Member States.*

- (28) Information provided on the EU Talent Pool IT platform should be made available at least in the official languages of the participating Member States. ***The possibility of integration of mechanisms for automatically translating content in other languages in the EU Talent Pool IT platform can be explored by the EU Talent Pool Secretariat.***
- (29) The Delegations of the European Union should support the provision of information to jobseekers from third countries on the EU Talent Pool and its functioning, as well as ***on*** the participating Member States.
- (29a) It should be possible for Member States to decide that public employment services are part of their EU Talent Pool National Contact Point and are responsible for making available job vacancies on the EU Talent Pool IT platform through the single coordinated channel. Where a job vacancy is published on the EURES Portal, it should be possible, when applicable under national law, for the EU Talent Pool National Contact Points to make available job vacancies open to the recruitment of jobseekers from third countries on the EU Talent Pool IT platform on request of an employer or other entity interested in participating in the Talent Pool. The EU Talent Pool should not be used to recruit trainees and apprentices. Therefore, when making job vacancies available on the EU Talent Pool IT platform, the EU Talent Pool National Contact Points should not transmit job vacancies relating to categories of apprenticeships and traineeships.***

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

*(30a) With regard to facilitation of complaints, such complaints should be handled in accordance with national law and practice. Complaints regarding participating employers and other participating entities who breach relevant Union and national law and practice should be handled through existing complaints mechanisms by the competent national authorities in accordance with national practice. Jobseekers should also be able to report breaches to the National Contact Points. Since National Contact Point are not able to handle breaches, they should forward the report to the relevant competent authorities.*

*(30b) For the purpose of ensuring transparency and predictability of the EU Talent Pool, the EU Talent Pool Secretariat, with the support of the EU Talent Pool National Contact Points, should make available on the EU Talent Pool IT platform, the information regarding Member States that have notified their withdrawal from the EU Talent Pool. Such information should be made publicly available on the EU Talent Pool IT platform without delay after the notification of withdrawal, and reasonably in advance before the job vacancies concerned are removed from the EU Talent Pool IT platform. In accordance with national practices, the EU Talent Pool National Contact Points should also inform the participating employers and other participating entities established in their Member State that their job vacancies will be removed from the EU Talent Pool IT platform.*

*(30c) National Contact Points should provide specific information to jobseekers from third countries who have been selected for a job vacancy through the EU Talent Pool, including by referring to existing sources of information. In addition, the EU Talent Pool National Contact Points should be able to provide information in an automated and standardised format, including by referring to the appropriate sources of information or to the competent authorities. Where relevant, the EU Talent Pool National Contact Points could also rely on other national competent authorities for the purpose of fulfilling the tasks set out in this Regulation.*

(31) To achieve the objective of this Regulation, the effective implementation of the EU legal migration acquis should be ensured. In addition, to make the recruitment of *Specific information provided to* jobseekers from third countries residing outside the Union easier and faster for employers, *who have been selected for a job vacancy and to* participating Member States may put in place accelerated immigration *employers and other participating entities should include clear, detailed and comprehensive information on the relevant steps of the procedures in particular as regards the obtention of visas and to be followed to obtain* residence permits for work purposes *and work permit in the relevant Member State. For that purpose, such information should also include information on the applicable requirements and the exemption from the principle of preference for Union citizens. The implementation of accelerated immigration procedures could be discussed in the context relevant documentation to be submitted to the national competent authorities, including the contact details of the relevant competent authorities, in accordance with national practice and relying on already existing ways to contact the relevant competent authorities. It should be regularly updated by the EU Talent Pool National Contact Points, taking into account feedback provided by the users of the EU Talent Pool Steering Group, notably in view of supporting the exchange of best practices among Member States platform. The different options to provide specific standardised and automated information could be discussed within the Network of NCPs.*

*(31a) The main purpose of the EU Talent Pool is to support employers and other participating entities established in the participating Member States for the purpose of promoting and filling their job vacancies. Therefore, on the EU Talent Pool IT Platform the EU Talent Pool Secretariat should provide clear information that registration in the EU Talent Pool by jobseekers from third countries and selection for a job vacancy through the EU Talent Pool IT platform does not guarantee that a work permit, a visa or a residence permit will be issued by the participating Member State in which the participating employer or other participating entity is established.*

- (31b) This Regulation should not affect the right of Member States to determine volumes of admission of third-country nationals in accordance with Article 79(5) TFEU.***
- (31c) To make the recruitment of jobseekers from third countries residing outside the Union easier and faster for participating employers and other participating entities, participating Member States may put in place simplified or accelerated immigration and recognition procedures. These national procedures may cover, in particular, the issuance of visas and residence permits for work purposes, the exemption from the principle of preference for Union citizens, the requirements for checking the labour market situation, and the recognition of qualifications and validation of skills, as well as the procedures laid down in Article 13(2) of Directive (EU) 2021/1883 and the possibility of not extending the period for assessing the application for a single permit as envisaged in Article 8(3) of Directive (EU) 2024/1233. Practices regarding the implementation of these accelerated immigration procedures among the Member States could be exchanged in the context of the EU Talent Pool Steering Group.***
- (31d) To ensure fair mobility rules, taking into account the specific issues linked to the economic activity of the other participating entities, the Member States are able to organise specific arrangements for monitoring the activity of the other participating entities, at the request of one or more Member States if required, and inspection services if necessary, in connection with the monitoring of workers from third countries present on their territories.***
- (32)** Since the objectives of this Regulation, namely the establishment of a Union-wide platform aimed at addressing labour shortages at Union level by facilitating the recruitment of third country nationals to work in EU-wide shortage occupations, cannot be sufficiently achieved by the Member States due to the lack of effective channels and the limited visibility at global level, but can rather, by reason of the scale of the action, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality, as set out in that Article, this Regulation does not go beyond what is necessary in order to achieve those objectives.

- (33) In order to fulfil the objectives of this Regulation of facilitating *fair* international recruitment, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission to amend this Regulation with regard to the Annex providing the list of EU-wide shortages occupations. It is of particular importance that the Commission carries out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making<sup>35</sup>. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (34) In order to ensure uniform conditions for the implementation of this Regulation, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>36</sup>.
- (35) ~~The advisory procedure should be used for the adoption of the templates for the format of the 'EU Talent Partnership pass'~~. The examination procedure should be used for the adoption and updating of the technical standards for the data exchange, data formats, job vacancies formats and profiles formats for jobseekers from third countries. The examination procedure should also be used for the adoption of technical standards for the adoption of the subcategories of personal data to be processed, responsibilities of data controllers, including rules governing the possible use of a data processor or processors, as well as on the conditions for accessing personal data and the option available to registered jobseekers to restrict the access to their personal data on the EU Talent Pool IT platform.

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<sup>35</sup> Interinstitutional Agreement between the European Parliament, the Council of the European Union and the European Commission on Better Law-Making (OJ L 123, 12.5.2016, p. 1, ELI: [http://data.europa.eu/eli/agree\\_interinstit/2016/512/oj](http://data.europa.eu/eli/agree_interinstit/2016/512/oj)).

<sup>36</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13, ELI: <http://data.europa.eu/eli/reg/2011/182/oj>).

- (36) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union, **including the right of collective bargaining and action**, in accordance with Article 6 TEU.
- (37) Participating Member States should implement this Regulation in full compliance with ~~all EU Charter of Fundamental Rights~~ **the obligations set out in the Charter** and in particular without discrimination on the basis of sex, race, colour, ethnic or social origin, genetic features, languages, religious **language, religion** or belief, political or any other ~~opinions~~ **opinion**, membership of a national minority, property, birth, disability, age or sexual orientation. The respect of fair and just working conditions and the protection of young people at work **and gender equality** should be ensured.
- (38) In accordance with Articles 1 and 2 of Protocol No 22 on the position of Denmark, annexed to the TEU and to the TFEU, Denmark is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (39) ~~In accordance with Articles 1 and 2 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, and without prejudice to Article 4 of that Protocol, Ireland is not taking part in the adoption of this Regulation and is not bound by it or subject to its application.] OR [ In accordance with Article 3 of Protocol No 21 on the position of the United Kingdom and Ireland in respect of the area of freedom, security and justice, annexed to the Treaty on European Union and to the Treaty on the Functioning of the European Union, Ireland has notified[, by letter of ... 5 March 2024,] its wish to take part in the adoption and application of this Regulation].~~
- (39a) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>37</sup> and delivered an opinion on 9 January 2024.**

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<sup>37</sup> **Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39, ELI: <http://data.europa.eu/eli/reg/2018/1725/oj>).**

HAVE ADOPTED THIS REGULATION:

## CHAPTER I

### GENERAL PROVISIONS

#### *Article 1*

#### **Subject matter**

1. This Regulation establishes an EU Talent Pool available to all Member States *in order to*:
  - (a) ~~to~~ facilitate recruitment of jobseekers from third countries residing outside the Union *with relevant skills and qualifications levels to fill shortage occupations*;
  - (b) *promote fair recruitment standards*;
  - (c) *enhance the Union's ability to attract talent from outside the Union*.
  
2. This Regulation lays down rules on:
  - (a) the authorities responsible for the management and functioning of the EU Talent Pool and the cooperation between them;
  - (b) the functioning of the EU Talent Pool IT platform and related support services;
  - (c) the conditions and procedures for the participation in the EU Talent Pool of jobseekers from third countries and employers *and other entities*;
  - (d) the facilitation of recruitment of jobseekers from third countries benefitting from a Talent Partnership-, *a bilateral arrangement, or a national framework on the development of skills and validation in a third country*;
  - (da) *the protection of the rights of jobseekers, participating employers and other participating entities, for the purposes of this Regulation*.

## Article 2

### Scope

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

## Article 3

### Participation and withdrawal of Member States

1. Any Member State may decide, at any time, to participate in the EU Talent Pool. It shall notify its decision to the ~~Commission~~ **EU Talent Pool Secretariat** at the latest 9 months before the date from which it intends to participate **and indicate the types of entities allowed to make job vacancies available on the EU Talent Pool IT platform**. From the first day of participation, job vacancies of employers **and other entities** established in that Member State may be ~~transferred to~~ **made available on** the EU Talent Pool IT platform.

- 1a. **A participating Member State may withdraw its participation from the EU Talent Pool. Participating Member States who intend to withdraw from the EU Talent Pool shall notify their decision to the EU Talent Pool Secretariat in June or in December each year.**

**The EU Talent Pool Secretariat, with the support of the EU Talent Pool National Contact Points, shall make available without delay on the EU Talent Pool IT platform the information regarding Member States that have notified their withdrawal from the EU Talent Pool.**

**The withdrawal will take effect 9 months after the notification.**

**From the date of notification, new job vacancies of participating employers and other participating entities established in that Member State shall no longer be made available on the EU Talent Pool IT platform. Job vacancies that are already available on the EU Talent Pool IT platform shall be removed from the date on which withdrawal takes effect.**

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

2. Information on participating Member States shall be made publicly available on the EU Talent Pool IT platform.

#### *Article 4*

#### **Definitions**

1. For the purposes of this Regulation, the following definitions shall apply:
  - (1) ‘participating Member States’ means Member States participating in the EU Talent Pool;
  - (2) ‘jobseeker from a third country’ means a ***natural*** person residing outside the Union ***of age of majority under the national law or practice of the participating Member States*** who is not a citizen of the Union within the meaning of Article 20(1) TFEU and is seeking employment in the Union;
  - (3a) ***‘participating employer’ means an employer lawfully established in a participating Member State whose job vacancies are available on the EU Talent Pool IT platform as transmitted by the National Contact Point of the Member State where the employer is established.***

- (3b) *‘other participating entity’ means a temporary work agency, private employment agency or a labour market intermediary whose job vacancies are available on the EU Talent Pool IT platform as transmitted by the National Contact Point of the Member State where the other participating entity is lawfully established.*
- (4) ‘profile’ means the information provided by a jobseeker from a third country via a standard data format for the purpose of seeking an employment through the EU Talent Pool IT platform;
- (5) ‘single coordinated channel’ means the IT service that is set up for the transmission of job vacancies from the participating Member States to the EU Talent Pool IT platform according to a uniform system and using the necessary technical infrastructure.
- (6) *‘job vacancy’ means an unoccupied paid position which would allow the jobseeker who has been selected to enter into an employment relationship in the participating Member State where the participating employer or the other participating entity is established and where the jobseeker will normally work.*

## CHAPTER II

### IT SYSTEM ARCHITECTURE

#### *Article 5*

#### **EU Talent Pool IT platform**

1. The EU Talent Pool IT platform for facilitating recruitment of jobseekers from third countries is established.
2. The EU Talent Pool IT platform shall be composed of:
  - (a) the single coordinated channel enabling participating Member States to ~~transfer~~ **transmit** job vacancies to the EU Talent Pool database;
  - (b) the technical infrastructure enabling the EU Talent Pool database to receive the job vacancies from the participating Member States;
  - (c) the technical infrastructure to collect and maintain the profiles of registered jobseekers from third countries;
  - (d) the technical infrastructure to enable the EU Talent Pool National Contact Points, and **participating** employers **and other** participating ~~in the EU Talent Pool~~ **entities** to search for registered jobseekers from third countries and the registered jobseekers to search for job vacancies;
  - (e) the automated matching tool;
  - (f) the secure communication channel to enable registered jobseekers and **participating** employers **and other** participating ~~in the EU Talent Pool~~ **entities** to communicate **and upload documents** within the EU Talent Pool IT platform.

- 2a. *The functioning of the automatic matching tool shall be governed by the principles of non-discrimination, legality and fairness, and shall not result in unfair biases or practices prohibited under Union or national law.*
- 2b. *The EU Talent Pool Secretariat shall conduct a feasibility study within two years following the launch of the EU Talent Pool IT platform, assessing the possibility of integrating multiple matching algorithms into the EU Talent Pool IT platform.*
3. The Commission shall adopt, by means of implementing acts, the necessary technical standards for the data exchange, data formats including ESCO, job vacancies formats *in line with Article 13(2a)* and profiles formats for jobseekers *from third countries in line with Articles 11 and 12*. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(3).
4. Participating Member States and the EU Talent Pool Secretariat referred to in Article 8 shall ensure technical interoperability between national systems and the EU Talent Pool IT platform. The EU Talent Pool Secretariat shall ensure the interface with other relevant instruments and services offered at Union level, where appropriate.

#### *Article 6*

#### **Processing of personal data**

1. The EU Talent Pool Secretariat may process personal data of registered jobseekers from third countries and those of *participating* employers *and other* participating ~~in the EU Talent Pool entities~~ only to the extent necessary for the performance of its tasks pursuant to Article 8. When processing personal data for this purpose, the EU Talent Pool Secretariat shall act as data controller, within the meaning of Article 3, point (8), of Regulation (EU) 2018/1725.

2. The EU Talent Pool National Contact Points may process personal data of **participating** employers **and other** participating in the EU Talent Pool **entities** and those of registered jobseekers from third countries only to the extent necessary for the performance of its tasks under Article 10. When processing personal data for this purpose, EU Talent Pool National Contact Points shall act as data controllers, within the meaning of Article 4, point 7 of Regulation (EU) 2016/679.
3. Profiles of registered jobseekers from third countries shall include the name, surname, contact details, date of birth and nationality **or nationalities**, information on academic and professional qualifications, **volunteering or** work experience, other skills and language knowledge. ~~Job vacancies of employers participating in the EU Talent Pool shall include the name, surname and contact details.~~
  - 3a. ***In addition to the information included in the profiles under paragraph 3, profiles of registered jobseekers from third countries may include their availability to start work and their Member States of preference.***
4. The EU Talent Pool Secretariat and the EU Talent Pool National Contact Points shall inform registered jobseekers from third countries and **participating** employers **and other** participating in the EU Talent Pool **entities** about the processing of their personal data and their rights as data subjects as well as about their rights under paragraphs 6 and 7.
5. The personal data registered in or transmitted to the EU Talent Pool IT platform in accordance with this Regulation shall be indexed, stored and made available there solely for search and matching purposes. Registered jobseekers from third countries shall have the right to ~~choose from a number of technical options to~~ **edit, delete or** restrict access to their personal data.

6. Profiles of registered jobseekers from third countries ~~that have not been accessed for a period of two years from the registration of their profiles~~ **that have not been accessed for a period of one year shall cease to be visible** ~~be removed or anonymised~~ and no personal data shall be stored. **The jobseekers concerned shall be automatically notified one month prior that their profiles shall be removed if they are not accessed within that period.** Once profiles are removed, a limited set of anonymised data could continue to be stored for research and statistical purposes as well as to extract data to improve the functioning of the EU Talent Pool.
7. The EU Talent Pool Secretariat shall make the data of registered jobseekers from third countries and job vacancies of **participating** employers **and other** participating ~~in the EU Talent Pool~~ **entities** available for searches and matching on the EU Talent Pool IT platform.
8. The data of registered jobseekers from third countries shall be accessible only to **participating** employers **and other** participating ~~in the EU Talent Pool~~ **entities**, and to the EU Talent Pool National Contact Points. The data of **participating** employers **and other** participating ~~in the EU Talent Pool~~ **entities** shall be accessible to registered jobseekers from third countries, and to the EU Talent Pool National Contact Points.
- 8b. Processing of the Member State of preference referred to in paragraph 3a for the purpose of matching shall be prohibited.**
9. The Commission shall adopt, by means of implementing acts, further provisions on the personal data to be processed and included in the job vacancies and jobseekers' profiles formats, responsibilities of data controllers, including rules governing the possible use of a data processor or processors, as well as on the conditions for accessing personal data and the option available to registered jobseekers to restrict the access to their personal data on the EU Talent Pool IT platform. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 22(3).

## **CHAPTER III**

### **GOVERNANCE**

#### *Article 7*

##### **Structure**

1. The EU Talent Pool shall consist of:
  - (a) the EU Talent Pool Secretariat;
  - (b) the EU Talent Pool Steering Group;
  - (c) the EU Talent Pool National Contact Points;

#### *Article 8*

##### **EU Talent Pool Secretariat**

1. The Commission shall provide the EU Talent Pool Secretariat.
2. The Secretariat shall be responsible for:
  - (a) ensuring the overall management of the EU Talent Pool, including the planning and coordination of the activities of the EU Talent Pool, *as well as raising public awareness about the tool through communication activities and information campaigns*;
  - (b) setting up and managing the EU Talent Pool IT platform and related IT services necessary for its functioning, in particular by using already available technical infrastructure at Union level where relevant;

- (c) publishing relevant information on the EU Talent Pool IT platform pursuant to Articles ~~3(3)~~ **3(1)**, **3(2)**, Article 10(2), point (f), Article ~~12(5),(6) and (7)~~ **12(4)**, Article 14(2) and Article 15(2) **and Article 17(1)**;
- (d) preparing the meetings of the EU Talent Pool Steering Group;
- (e) collecting relevant data for monitoring the performance of the EU Talent Pool pursuant to Article 20;
- (f) convening regular meetings of the Network of the EU Talent Pool National Contact Points referred to in Article 10 to exchange information and best practices on the technical implementation at national level of this Regulation.

*The EU Talent Pool Secretariat shall provide the EU Talent Pool Steering Group, on a yearly basis, with the data referred to in Article 20(1) and (3a). Where such data contains personal data, it shall be anonymised.*

#### *Article 8a*

##### *Composition of the EU Talent Pool Steering Group*

- 1. The EU Talent Pool Steering Group is established.**
- 2. The EU Talent Pool Steering Group shall be composed of the following members:**
  - (a) two representatives from each participating Member State, one expert in the field of employment and one expert in the field of migration;**
  - (b) two members representing the Commission;**
  - (c) six representatives of the cross-industry social partner organisations at Union level, with an equal representation of trade union and employer organisations.**

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

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

#### *Article 9*

#### ***Functions of the EU Talent Pool Steering Group***

1. ~~The EU Talent Pool Steering Group is established.~~ The EU Talent Pool Steering Group is responsible for:
  - (a) providing support to the EU Talent Pool Secretariat in the preparation of the list of EU-wide shortage occupations pursuant to Article 14;
  - (aa) *facilitating the exchange of best practices among the participating Member States regarding the national or regional adjustments to the list of EU-wide shortage occupations pursuant to Article 15 (1);*

- (b) providing support to the EU Talent Pool Secretariat in the planning and coordination of the activities of the EU Talent Pool;
- (c) facilitating the gathering of data relevant for the monitoring activities of the EU Talent Pool referred to in Article 20;
- (d) ~~discussing~~ **exchanging practices regarding** the implementation of accelerated immigration procedures to facilitate the recruitment of registered jobseekers from third countries pursuant to Article 19.

***(da) providing support to the EU Talent Pool Secretariat pursuant to Article 17(3b).***

3. The EU Talent Pool Steering Group shall meet twice a year, or on ad-hoc basis when necessary. The meetings shall be convened and chaired by the Commission.

#### *Article 10*

#### **EU Talent Pool National Contact Points**

1. Each participating Member State shall designate an ***entity which shall act as its*** EU Talent Pool National Contact Point. Participating Member States shall ensure that ***the EU Talent Pool National Contact Point is composed of experts coming from*** relevant ***national*** authorities from the field of employment and immigration ~~are appointed as~~. ***Where relevant, the EU Talent Pool National Contact Points Point may rely on other national competent authorities for the purpose of fulfilling the tasks set out in paragraph 2.***
2. The EU Talent Pool National Contact Point shall be responsible for:
  - (a) facilitating the functioning of the EU Talent Pool IT platform at national level in accordance with Article 5;

- (b) ~~transferring~~ **making available** job vacancies to **which fulfil the requirements laid out in Article 13(2)** on the EU Talent Pool IT platform through the single coordinated channel and ~~facilitating the matching between registered jobseekers from third countries and employers participating in the EU Talent Pool;~~
- (ba) **removing from the EU Talent Pool IT platform job vacancies pursuant to Article 13 (4a) and jobseekers' profiles pursuant to Article 11(2) following the transmission of the relevant information by the competent national authorities;**
- (c) **where applicable**, notifying to the EU Talent Pool Secretariat ~~the national list of shortage occupations once a year and any national~~ **any** adjustments to the list of EU-wide shortage occupations pursuant to Article 15;
- (d) keeping a registry of employers:
- i) participating in **employers and other participating entities;**
  - ii) **employers and other entities who have been permanently excluded or whose access to the EU Talent Pool; has been refused or suspended.**
- (da) **carrying out a verification of the registry referred to in point (d) ii) before making a job vacancy available on the EU Talent Pool IT platform and refusing the access of employers or other entities interested in participating in the EU Talent Pool if they are recorded in the registry.**

***For the purpose of this point, the National Contact Points may also rely on other existing information about established breaches under relevant Union and national law and practice.***

- (db) *sharing the registry referred to in point (d)(i) with the EU Talent Pool Steering Group; that registry may also be shared with relevant national authorities. Member States may also make the registry referred to in point (d)(i) publicly available.*
- (e) ~~suspending the access of *excluding participating* employers *and other* participating in *entities or suspending their access to* the EU Talent Pool *IT platform*, and removing their *the related* job vacancies from the EU Talent Pool IT platform in case of a breach of the relevant law and practice pursuant to *accordance with Article 13(3a) and Article 13(3)* is notified to the EU Talent Pool National Contact Points by the relevant national authorities responsible for enforcing the relevant law and practice *13(3b)*;~~
- (f) ~~providing information to the EU Talent Pool Secretariat on immigration and recognition procedures at national level, including with regard to the implementation of the principle of preference for Union citizens *pursuant to Article 17(1)* and relevant data for the monitoring of the EU Talent Pool as set out in Article 20;~~
- (g) ~~providing *specific* information and support services to registered jobseekers from third countries and employers participating *who have been selected for a job vacancy* in the EU Talent Pool *and participating employers and other participating entities* in accordance with Article ~~17~~ *17(2)*.~~
3. The EU Talent Pool National Contact Points from each participating Member State shall be regularly convened by the EU Talent Pool Secretariat in the Network of the EU Talent Pool National Contact Points to exchange information and best practices on the implementation of this Regulation.

## CHAPTER IV

# REGISTRATION OF JOBSEEKERS FROM THIRD COUNTRIES AND PARTICIPATION OF EMPLOYERS *AND OTHER ENTITIES* IN THE EU TALENT POOL

### *Article 11*

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

1. Jobseekers from third countries may create their profiles via the Europass profile builder in order to register on the EU Talent Pool IT platform. ***Direct links to the EU Talent Pool IT platform may be placed on the websites of other existing relevant tools.***
2. Access to registering a profile in the EU talent Pool IT platform shall be limited to persons who expressly declare not to be subject to a judicial or administrative decision refusing the entry or stay in a Member State in accordance with its national law or an entry ban to the territory of the Union in accordance with Directive 2008/115/EC. ***Profiles of jobseekers who made a false declaration in this respect shall be removed from the EU Talent Pool IT platform. Jobseekers may create a new profile once the decision or ban no longer applies.***
3. Profiles of jobseekers from third countries registered in the EU Talent Pool shall be visible to ***participating*** employers ***and other*** participating ~~in the EU Talent Pool~~ ***entities.***
4. Jobseekers from third countries registered in the EU Talent Pool IT platform may search for job vacancies.

Article 12

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

1. ~~Participating Member States taking part in~~ ***Jobseekers from third countries may indicate on their profiles that they have benefitted from specific support within the framework of a Talent Partnership may decide to rely on the EU Talent Pool to facilitate the recruitment of jobseekers from that, a bilateral arrangement or a national framework on skills development and validation in a third country whose skills were developed or validated in the framework of that Talent Partnership and certified by an ‘EU Talent Partnership pass’.***
2. ~~Jobseekers from third countries who have received an ‘EU Talent Partnership pass’ certifying the skills~~ ***For the purpose of paragraph 1, a “flag” shall be developed or validated in the context of a Talent Partnership may register their profile in within the EU Talent Pool IT platform linking their profiles to be integrated in the jobseeker profile in accordance with article 5(3). Jobseekers having indicated participation in one of the frameworks mentioned in paragraph 1, shall indicate in the “flag” the following information: (a) the name of the EU Talent Partnership, the bilateral arrangement or the national framework on skills development and validation in a third country; (b) the details of training followed by the third country national participating in the Talent Partnership, the bilateral arrangement or the national framework on skills development and validation in a third country, including its subject-matter, its duration and the type of skills developed, including relevant language skills; if available, documentation supporting this information may be attached to the jobseekers’ profile in line with Article 5(2) pass<sup>2</sup>. Jobseekers may also indicate any other information considered relevant for the purpose of the recruitment.***

3. *The flag shall be visible on the jobseekers' profile in the EU Talent Pool IT platform and it shall specify that the information referred to in paragraph 2 is provided for reference purposes only within the context of the EU Talent Pool, and that it does not amount to the formal recognition or validation of skills and qualifications that the jobseeker may have developed through participation in such frameworks, and that the flag is without prejudice to entry and residence rights.*
4. *A list of third countries and participating Member States taking part in a Talent Partnership shall be published on the EU Talent Pool IT platform by the EU Talent Pool Secretariat. The EU Talent Pool Secretariat shall also publish a list of national frameworks on skills development and validation in a third country, including the third countries taking part in these frameworks and information about specific support provided in these frameworks, which participating Member States chose to link to the Talent Pool, on the EU Talent Pool IT platform.*

### *Article 13*

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

1. Employers *and other entities* interested in participating in the EU Talent Pool ~~may~~ **shall** request the EU Talent Pool National Contact Point in the Member State where they are established to ~~transfer~~ **make** their job vacancies ~~to~~ **available on** the EU Talent Pool IT platform.

*Only employers and other entities interested in participating in the EU Talent Pool that are not recorded in the registry referred to in Article 10(2) (d) ii) may have their job vacancies made available on the EU Talent Pool IT platform.*

2. The EU Talent Pool National Contact Points shall ~~transfer to~~ **make available on** the EU Talent Pool IT platform job vacancies that:
  - (a) fall within the list of EU-wide shortage occupations set in Article 14 and the national adjustments to the list pursuant to Article 15(1) or those job vacancies which are relevant for ~~a~~ **an EU Talent Partnership, bilateral arrangements or national frameworks on skills development and validation in a third country listed in the EU Talent Pool IT platform;**
  - (b) are open to the recruitment of jobseekers from third countries in accordance with the principle of preference for Union citizens, where applicable under national law.
- 2a. **When making job vacancies available on the EU Talent Pool IT platform, the EU Talent Pool National Contact Points shall not transmit job vacancies relating to categories of apprenticeships and traineeships.**
- 2b. **Job vacancies posted on the EU Talent Pool IT platform shall include at least the following information:**
  - (a) **the name and contact details of the employer who would engage in a direct employment relationship with the employee and of the other participating entities;**
  - (b) **the job description;**
  - (c) **the duration of the employment contract, and**
  - (e) **the normal place of work.**
- 2c. **In accordance with Article 5(3), the job vacancies posted on the EU Talent Pool IT platform may include additional information, such as the initial pay or pay range offered.**
- 2d. **In addition to the information provided in the job vacancy according to paragraph 2b, the employers participating in the EU Talent Pool may provide additional information for the purpose of presenting their company to the jobseekers interested in their job vacancy or vacancies, including the company registration number, its sector of activity and a brief description of the employer's operations.**

- 3- ***Participating employers and other participating in the EU Talent Pool entities shall comply be in compliance with the relevant Union and national law and practice to ensure protecting third-country nationals' protection against unfair recruitment and, inadequate working conditions as well as, non-discrimination, adverse treatment and trafficking in human beings, where applicable. Participating employers and other participating entities shall also be in compliance with the applicable collective agreements, protecting third-country nationals' right to freedom of association and collective bargaining.***

Participating Member States may introduce additional conditions for the employers' ***and other entities'*** participation in the EU Talent Pool to ensure compliance with other relevant national practices, collective agreements and the principles and guidelines set out by the International Labour Organisation, ***such as the ILO General Principles and Operational Guidelines on Fair Recruitment***, in compliance with Union law.

***Where a competent national authority establishes that a participating employer or other participating entity does not comply with the obligations and conditions referred to in the paragraph 3, the competent national authority shall notify the relevant EU Talent Pool National Contact Point thereof.***

***Upon receipt of the notification referred to in the first subparagraph, the EU Talent Pool National Contact Points shall suspend the access of the participating employer or other participating entity concerned to the EU Talent Pool IT platform and remove their job vacancies from that platform. Where the access to the EU Talent Pool IT platform of the participating employer or other participating entity concerned has been suspended, they shall not be allowed to make use of the EU Talent Pool IT platform, including through other participating entities.***

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

*By way of derogation from paragraph 3a of this Article, Member States may decide to permanently exclude from the EU Talent Pool, participating employers and other participating entities, as well as employers and other entities interested in participating in the EU Talent Pool in case of offences referred to in Article 2, Article 3 and Article 18a of Directive 2011/36/EU<sup>38</sup> and in case of criminal offences related to the employment of illegally staying third-country nationals as laid down in Article 9 of Directive 2009/52/EC<sup>39</sup>.*

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

- 3c. ~~Employers~~ *The use of the Talent Pool shall be free of charge for jobseekers from third countries. Participating employers and other participating entities in the EU Talent Pool shall not charge any fees or undisclosed costs fees to registered jobseekers from third countries for the purpose of the recruitment, neither before nor after the completion of the recruitment process.*

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<sup>38</sup> *Directive (EU) 2024/1712 of the European Parliament and of the Council of 13 June 2024 amending Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims (OJ L, 2024/1712, 24.6.2024, ELI: <http://data.europa.eu/eli/dir/2024/1712/oj>).*

<sup>39</sup> *Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30.6.2009, p. 24).*

4. Job vacancies of *participating* employers *and other* participating in the EU Talent Pool *entities* shall be visible to registered jobseekers from third countries in the EU Talent Pool IT platform.
- 4a. *Job vacancies shall immediately cease to be visible in the EU Talent Pool IT platform in the case of:*
- (a) *a request made by the participating employer or other participating entity to the National Contact Point to remove any or all of their job vacancies that had been made available on the EU Talent Pool IT platform by the National Contact Points in application of Article 13(1);*
  - (b) *a notification made by the participating employer or other participating entity to the National Contact Point that they have successfully completed the recruitment of a registered jobseeker for a given job vacancy, in accordance with paragraph 5;*
  - (c) *absence of a match with a registered jobseeker for a period of one year;*
  - (d) *a notification to the Commission made by the Member State where that participating employer or other participating entity is established to withdraw its participation from the EU Talent Pool, in accordance with Article 3(1a). These vacancies shall cease to be visible at the latest from the date of withdrawal of that Member State;*
  - (e) *a decision made by the National Contact Point to suspend or permanently exclude a participating employer or other participating entity, in accordance with Article 10(2), point(e).*
  - (f) *removal of the relevant occupations following adjustments to the EU-wide list of shortage occupations in accordance with Article 15.*

5. **Participating** employers **and other** participating in the EU Talent Pool **entities** shall indicate, without undue delay, in the EU Talent Pool IT platform that they have successfully completed the recruitment of registered jobseekers from third countries for the given job vacancy. The profiles of those registered jobseekers and the fulfilled job vacancies shall automatically cease to be visible in the EU Talent Pool IT platform **in accordance with paragraph (4b)**.
6. The national authorities responsible for the relevant law and practice in the participating Member States shall immediately inform the EU Talent Pool National Contact Points on any breaches of the provisions of the relevant law and practice set out in paragraph 3 for the purposes of Article 10(2), point (e).

#### *Article 14*

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

1. For the purpose of this Regulation, a list of EU-wide shortage occupations at the ISCO-08 4-digit level is set out in the Annex.

The Commission shall be empowered to adopt delegated acts in accordance with the procedure referred to in Article 21 to amend the Annex, in accordance with the following criteria:

- (a) shortage occupations common to a significant number of participating Member States as notified to the EU Talent Pool Secretariat by the EU Talent Pool National Contact Points pursuant to Article 10(2)(c);
  - (b) occupations which contribute directly to the **Union's competitiveness and to the** EU green and digital transitions and which are likely to grow in importance.
2. The EU Talent Pool Secretariat shall publish the list of the EU-wide shortage occupations on the EU Talent Pool IT platform.

**National Adjustments to the list of EU-wide shortage occupations**

1. The participating Member States may decide to add shortage occupations at the ISCO-08 4-digit level, in order to satisfy their specific labour market needs *and the participating Member States' policy objectives*. They may also decide to remove shortage occupations from the EU-wide list where those do not correspond to their specific labour market needs *at national or regional level or to their policy objectives*. The country-specific adjustments shall only affect the matching of job vacancies in the Member State concerned.

The EU Talent Pool National Contact Points of the Member States notifying their participation in the EU Talent Pool pursuant to Article 3 shall notify any additions to or removals from the EU-wide list of shortage occupations at the latest 3 months before joining the EU Talent Pool.

The EU Talent Pool National Contact Points of the participating Member States shall notify any additions to or removals from the EU-wide list of shortage occupations within 3 months following the amendments to the Annex.

The EU Talent Pool National Contact Points may notify to the EU Talent Pool Secretariat further additions to and removals from the EU-wide list of shortage occupations ~~maximum once a year~~ *every six months*.

2. The EU Talent Pool Secretariat shall publish the adjustments to list of EU-wide shortage occupations notified by the EU Talent Pool Contact Points on the EU Talent Pool IT platform.
3. The EU Talent Pool National Contact Points shall ~~transfer to~~ *make available on* the EU Talent Pool IT platform only those job vacancies that correspond to the EU-wide list of shortage occupations taking into account the adjustments ~~referred to in~~ *pursuant to* paragraph 1.

## Article 16

### Search and matching

1. Employers *and other entities* participating in the EU Talent Pool IT platform may search for *and match with* registered jobseekers from third countries in the EU Talent Pool IT platform.
2. *Participating* employers *and other* participating in the EU Talent Pool *entities* may use a specific ~~filter~~ *filters* available on the EU Talent Pool IT platform to search for profiles of registered jobseekers having obtained an EU *benefitted from specific support within the framework of a Talent Partnership, a bilateral arrangement or a national framework on skills development and validation in a third country* pass<sup>2</sup>.
3. ~~employers participating in the EU Talent Pool~~ *Participating employers and other participating entities* may access a list of suggested registered jobseekers' profiles generated by the automatic matching tool and based on the relevance of their skills *and competences*, qualifications ~~and~~, work experiences *and availability* for the job vacancy.
4. Registered jobseekers from third countries may search for job vacancies in the EU Talent Pool and access a list of suggested relevant job vacancies generated by the automated matching tool.

## **CHAPTER V**

### **INFORMATION PROVISION, ~~SUPPORT SERVICES~~ FACILITATION OF COMPLAINTS AND ACCELERATED IMMIGRATION PROCEDURES**

#### *Article 17*

##### **Information provision ~~and support services~~**

1. Participating Member States shall make information concerning the EU Talent Pool and its functioning easily accessible. *Accessibility for persons with disabilities to the information provided on the EU Talent Pool IT platform shall be ensured.*

The EU Talent Pool Secretariat, with the support of the EU Talent Pool National Contact Points, shall make available, on the EU Talent Pool IT platform, the following information:

- (a) information ~~concerning~~ *on fair* recruitment and ~~immigration~~ *employment* procedures, *including on the* recognition of qualifications and validation of skills, ~~rights of third country nationals, including with regard to available redress mechanisms as well as information~~ *and* on living and working conditions in the participating Member States;
  - (aa) *information on immigration procedures, including the procedures for obtaining visas and residence permits for the purpose of work;*
  - (ab) *information on the rights and obligations of third-country nationals, including with regard to access to available redress mechanisms in order to ensure effective access to justice;*
- (b) clear explanation to jobseekers from third countries that if they are subject to a judicial or administrative decision refusing the entry or stay in a Member State or an entry ban in accordance with Directive 2008/115/EC of the European Parliament and of the Council, their entry into and stay on the territory of all the Member States shall be prohibited.

*(ba) a clear explanation that neither the registration in the EU Talent Pool by jobseekers from third countries, nor the inclusion on their profiles of the "flag" referred to in Article 12(2), nor the selection for a job vacancy through the EU Talent Pool IT Platform guarantee that entry to the territory of the Member States will be granted, that a work permit, a visa or a residence permit will be issued or that security checks have been carried out;*

*(bb) a clear explanation that the use of the EU Talent Pool shall be free of charge and that employers are not to charge fees to jobseekers from third countries registered in the EU Talent Pool for the purpose of recruitment;*

2. ~~Upon request from registered jobseekers from third countries and employers participating in the EU Talent Pool, The EU Talent Pool National Contact Points shall provide additional support, and post-selection assistance to registered jobseekers from third countries~~ *who have been selected for a job vacancy and employers participating in the EU Talent Pool and other participating entities with specific information*, in particular with regard to:

(a) ~~specific information on national immigration procedures to obtain visas and residence permits for work purposes,~~ *including that security checks will be carried out* following the selection process;

(b) ~~specific guidance and information on family reunification procedures and family members' rights~~ *and obligations*;

(c) ~~specific information on third-country nationals' rights and obligations including~~ *with regard to working conditions, taxation*, access to social benefits, health assistance, education, housing, recognition of *skills and* qualifications and the *available* complaint *and redress* mechanism pursuant to Article 18;

- (d) ~~information available at national level~~ **activities** to facilitate ~~third country nationals'~~ **the integration of third country nationals** in the host Member State such as language courses, vocational training and education as well as other integration measures;
- (e) **the contact details, in accordance with national practice, of the national competent employment and immigration authorities and**, where available, the contact details of **national competent** organisations which offer post-recruitment assistance for ~~third country~~ **third-country nationals**, **such as trade unions, employer associations and chambers of commerce**;
- (ea) **where relevant, disability-related support services and the provision of reasonable accommodation in accordance with Council Directive 2000/78/EC.**
- (eb) **if applicable, the contact details of other appropriate bodies at national level supporting the integration of third country nationals on the labour market.**

2a. **The EU Talent Pool National Contact Points shall be responsible for updating, when necessary, the information referred to in paragraphs 1 and 2.**

3. ~~Where relevant, The EU Talent Pool National Contact Points shall refer requests for~~ **may decide to provide the information referred to in paragraph 2 in an automated and standardised format, including by referring to existing sources of information, guidance and by using the support to other national competent authorities and, if applicable, other appropriate bodies at national level supporting the integration of third country nationals on the labour market of digital tools.**

## Article 18

### Facilitation of complaints

1. ~~Participating Member States~~ **Registered jobseekers** shall ~~ensure that there are~~ **have** effective **access to existing complaint** mechanisms ~~through which~~ **in accordance with national law**. Registered jobseekers from ~~third countries may~~ **third-countries or their representatives shall have the right to report to the National Contact Points or to lodge complaints a complaint in accordance with national law to the competent national authorities** in case of **any** breach by the employers **and other entities** participating in the EU Talent Pool of the obligations ~~and conditions~~ laid down in Article 13(3).
  - 1a. **The National Contact Point shall refer the reported breach to the competent national authorities.**

## Article 19

### Accelerated immigration procedures

- ~~1.~~ Participating Member States may, **in accordance with national law**, decide to put in place accelerated immigration procedures to allow for a faster recruitment of registered jobseekers from third countries who have been selected for a job vacancy in the EU Talent Pool.

## CHAPTER VI

### FINAL PROVISIONS

#### *Article 20*

#### **Monitoring activities *and feedback***

1. The performance ***and cost-effectiveness*** of the EU Talent Pool shall be regularly monitored by the EU Talent Pool Secretariat in accordance with Article 8(2), point (e). In particular, data shall be gathered on:
  - (a) the number and type of profiles of registered jobseekers from third-countries registered in the EU Talent Pool IT platform;
  - (aa) the number and type of employers and other participating entities registered in the EU Talent Pool IT platform;***
  - (b) the number and type of job vacancies ~~transferred to~~ ***made available on*** the EU Talent Pool IT platform;
  - (c) the number of visits on the EU Talent Pool IT platform;
  - (d) the number and type of job placements facilitated via the EU Talent Pool;
  - (e) the number of ~~'EU Talent Partnerships passes'~~ issued ***profiles including the "flag" referred to in Article 12(2);***

(f) the number of **job** placements facilitated via the EU Talent Pool **IT platform** in the context of the **EU** Talent Partnerships **or national frameworks on skills development and validation in a third country**.

**(fa) the levels of skills and qualifications of jobseekers from third countries who have been recruited in the EU Talent Pool.**

2. The EU Talent Pool Secretariat shall set up the data collection according to the statistical concepts and definitions and exchange information and data with the Commission for the purpose of quality of data collected under this Regulation and the production and quality of European statistics.

3. The EU Talent Pool Secretariat shall gather the data referred to in paragraph 1 with the support of the EU Talent Pool National Contact Points and the EU Talent Pool Steering Group.

**3a. The performance of the EU Talent Pool shall be regularly monitored by the EU Talent Pool Secretariat taking into account the feedback and experiences gathered among job seekers and participating employers and other participating entities as well as civil society organisations, in particular those working with third-country nationals, including persons with disabilities.**

## *Article 21*

### **Exercise of the delegation**

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The power to adopt delegated acts referred to in Article 14 shall be conferred on the Commission for a period of five years from the entry into force of this Regulation. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such an extension not later than three months before the end of each period.
3. The delegation of power referred to in Article 14, may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.
4. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making.
5. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
6. A delegated act adopted pursuant to Article 14 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

## *Article 22*

### **Committee procedure**

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

## *Article 23*

### **Reporting**

1. By ~~31.12.2031~~ **31 December 2031** and every five years thereafter, the Commission shall submit a report to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the application of this Regulation.
  - 1a. ***The report shall, in particular, assess the effectiveness of this Regulation in addressing labour and skills shortages in participating Member States and the effectiveness of the recruitment process, including in terms of ensuring fair recruitment practices, and the respect of fair and just working conditions.***

*Article 24*

**Entry into force**

1. This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.
2. This Regulation shall be binding in its entirety and directly applicable in the ~~participating~~ Member States in accordance with the Treaties.

Done at Brussels,

*For the European Parliament*

*The President*

*For the Council*

*The President*

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## Annex

### List of EU-wide shortage occupations

ISCO code	Occupation
2142	Civil engineers
2151	Electrical engineers
2211	Generalist medical practitioners
2212	Specialist medical practitioners
2221	Nursing professionals
2411	Accountants
2511	Systems analysts
2512	Software developers
2513	Web and multimedia developers
2514	Applications programmers
2519	Software and applications developers and analysts not elsewhere classified
3113	Electrical engineering technicians
3221	Nursing associate professionals
5120	Cooks
5131	Waiters
5321	Health care assistants
7112	Bricklayers and related workers
7114	Concrete placers, concrete finishers and related workers
7115	Carpenters and joiners
7121	Roofers
7123	Plasterers

7126	Plumbers and pipe fitters
7127	Air conditioning and refrigeration mechanics
7212	Welders and flame cutters
7213	Sheet-metal workers
7214	Structural-metal preparers and erectors
7223	Metal working machine tool setters and operators
7231	Motor vehicle mechanics and repairers
7233	Agricultural and industrial machinery mechanics and repairers
7411	Building and related electricians
7412	Electrical mechanics and fitters
7511	Butchers, fishmongers, and related food preparers
8331	Bus and tram drivers
8332	Heavy truck and lorry drivers
9112	Cleaners and helpers in offices, hotels and other establishments
3119	Physical and engineering science technicians not elsewhere classified
2143	Environmental engineers
2133	Environmental protection professionals
2145	Chemical engineers
2144	Mechanical engineers
3115	Mechanical engineering technicians
2141	Industrial and production engineers