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'I/A' ITEM NOTE

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

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

Magyarország nagyra értékeli az Elnökség Tehetségbázis létrehozására irányuló erőfeszítéseit.

Ugyanakkor álláspontunk szerint az európai munkaerőhiány elsődlegesen a kontinens demográfiai kihívásaiból fakad; e kihívások kezelését hazánk nem a migráció ösztönzésén keresztül kívánja kezelni.

Meggyőződésünk, hogy az Európai Unión kívüli munkaerő bevonása legfeljebb ideiglenes megoldásként szolgálhat, a magyar foglalkoztatáspolitikát továbbra is elkötelezett a magyar munkaerőpiac védelmére, a hazai dolgozók érdekeinek képviselője, valamint a munkaerőhiány célzott kezelése mellett.

A javaslat uniós szinten korlátozott munkaerőpiaci hozzáadott értéket kínál, amelyre tekintettel, Magyarország a rendszer működésében nem kíván részt venni. Az önkéntes jelleg a javaslat alapeleme. Magyarország tiszteletben tartja azt, hogy más tagállamok saját munkaerőpiaci szükségleteiket hogyan kívánják enyhíteni.

Habár elismerjük az Elnökség erőfeszítéseit, a fent ismertetett okokból kifolyólag Magyarország tartózkodik a rendelet elfogadása során.

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

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

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

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