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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Integration, Migration and Expulsion (Admission)
N° Cion doc.:	15550/23 + ADD 1
Subject:	Proposal for a Regulation of the European Parliament and of the Council establishing an EU Talent pool

Following the request for written contribution on the above-mentioned proposal at the Working Party IMEX (Admissions) meeting on 6 December 2023, delegations will find in Annex a compilation of the replies as received by the General Secretariat.

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CZECH REPUBLIC

General comments:

- 1) The Czech Republic (CZ) has long been facing a shortage of skilled labour force and therefore welcomes this initiative. If the right set-up of screening and matching of candidates is implemented to limit potential abuse and if sufficient attention is paid to promotion of the new tool, the EU Talent Pool will certainly be an asset for the European labour market.
- 2) One of the key challenges of implementing the EU Talent Pool is the lack of competitiveness of smaller and economically vulnerable MS in attracting talent to the labour market. According to CZ, competitiveness could be enhanced by the participation of as many MS as possible (especially the economically weaker ones, so that they can compete with each other). CZ therefore welcomes voluntary participation in the EU Talent Pool, but urges EC to make efforts to ensure maximum participation.
- 3) Key and yet unaddressed component of the success of the new tool will be the promotion and attractiveness of the EU Talent Pool not only across the EU but also beyond. According to CZ, more attention should be given to promotion (and its funding).
- 4) Involvement in the project will probably mean considerable costs for CZ (in the areas of administration, personnel, information and communication technologies), therefore CZ considers it necessary to strive to minimize them.

On individual articles:

Articles 5 and 6:

- 5) CZ considers it necessary to clarify whether participation in the EU Talent Pool will require adjustments to the national systems in terms of data information flows; specifically, will vacancies be matched through existing streams or will a special channel be created just for the EU Talent Pool?

Article 11:

- 6) CZ believes that applicants from third countries who have expressed an interest in joining the EU Talent Pool should have their qualifications and education verified. This validation (prescreening) should take place before the applicants are actually admitted to the EU Talent Pool systems. CZ is aware that due to the inconsistency of recognition processes across the EU, this is a very difficult process to grasp and therefore welcomes the EC's efforts for greater harmonisation (within the framework of the Communication). However, until harmonisation takes place, the verification of qualifications remains a rather significant administrative obstacle in the recruitment of talent, and therefore the Czech Republic gives consideration to the possibility of maximising the involvement of digitalisation and/or a third party to validate the qualifications of job applicants.
- 7) CZ considers it appropriate to clarify whether any candidate (regardless of qualifications) will be able to register in the database. Will there be an automatic match with a suitable vacancy? Or only a candidate whose stated qualifications are already matched with a current MS's demand will be able to register?

Article 13:

- 8) CZ believes that it would be appropriate to ensure greater protection for job seekers by creating uniform access criteria for employers (or uniform employer prescreening). Moreover, a uniform approach would make the EU more attractive for international recruitment. However, CZ is again aware of the difficulty of such a task (national interests, additional administrative burden) and therefore proposes to directly inform applicants in the database about the national prescreening of employers or vacancies and the criteria they have met to be included in the database (e.g. In CZ, only employers who have not been fined by the labour inspection authorities can offer vacancies to foreigners, and there are other rules in the legislative process, e.g. no debt in arrears to the state, running a business for a certain period of time and employing a certain number of people).
- 9) CZ proposes the possibility of broader penalties/consequences for those who are found to have repeated violations or committed particularly serious breaches, e.g. by setting a uniform time limit for returning to the database or banning the use of the platform. CZ also proposes to inform the applicant of the employer's history of violations (or suspension of the employer's access to the database).

- 10) CZ proposes to pay special attention to the access of employment agencies to the EU Talent Pool in the context of national experience. It is worth considering whether to allow access to the platform for labour brokers at all, or to set uniform access criteria that an agency must meet to be allowed in the EU Talent Pool.

Articles 14 a 15:

- 11) It is essential for employers to be involved in defining and updating shortage occupation lists. CZ therefore proposes that the Regulation should include the criteria and the manner in which the shortage occupations will be selected and the lists updated.
- 12) CZ considers it appropriate to clarify how the EC will take into account "professions that contribute to the EU's environmental and digital transformation and are likely to grow in importance" when drawing up the list of shortage occupations. CZ considers that the project can only respond to the current labour shortage.

Article 19:

- 13) **CZ insists on keeping the principle of preference for EU citizens and asks for the deletion of Article 19(2)(b) of the Regulation**, according to which the participating MS have the possibility to introduce fast-track immigration procedures, while they may abandon the principle of preference for EU citizens for vacancies transferred to the EU Talent Pool.

Such a measure would also have a significant impact on the citizens of those MS that are not participating in the project, since in the MS that would be involved in the project and would abandon the principle of giving preference to EU citizens (i.e. de facto the labour market test in general), they would no longer be guaranteed preferential treatment when applying for job.

Introductory provision (5) declares that the objective of the EU Talent Pool is to address labour shortages by recruiting third-country nationals where the activation of the domestic workforce and intra-EU mobility are not sufficient to achieve this objective. Introductory provision (25) declares that the EU Talent Pool should not serve as a means for displacing or negative influence the existing workforce or otherwise distorting decent work or fair competition. However, CZ considers that the above proposal in Art. 19 contradicts this statement, because without a labour market test it will not be possible to verify that the position is possible to be filled by domestic labour. As a result of the application of the principle of non-discrimination, MS would have to refrain from giving preference even to their own citizens.

DENMARK

DK emphasizes that a job offer via the EU Talent Pool does not automatically lead to a residence and work permit in a Member State. This should be clearly stated in the proposal so that neither jobseekers from third countries nor employers within the Union are left with the impression that a job offer in itself grants jobseekers from a third country the right to begin working in a EU Member State.

Today the EURES Platform supports intra-EU labour mobility by bringing together job vacancies and candidates' CVs. As workers within the Union are subject to the exercise of the freedom of movement, a job offer – as a starting point - automatically gives the right to begin working in a member state without further measures.

This leaves a risk that third country nationals and employers within the Union will confuse the EURES-platform and the EU Talent Pool if it is not clearly stated that third country nationals still have to apply for a residence and work permit in the EU Member State when receiving a job offer via The EU Portal.

ESTONIA

1. How it is planned to update information about entry bans in the system (especially in cases connected to the threat to public order of national security and taking into account that not all MS are participating in the pool)?
2. The EU struggles to return third country nationals, in light of that, how it will be ensured that third-country nationals can and will be returns, taking into account that, especially the fast track procedure, might have impact on all Member States, including those not participating in the Talent Partnership?
3. Is the Talent Pool foreseen only in areas where a Member State states high labour shortage? If the Talent Pool is foreseen for occupations for which a MS has identified high labour shortages, how it will be ensured that those who entered in the high labour shortage occupations, will not change occupations and enter to the other occupations not being declared as lacking workforce? For instance, the Single Permit directive recast enables the change of employer, position and occupations. Also the EU posted workers directive allows to rent or post workers to the other Member States for relatively long period.
4. How it will be ensured that the information entered by the talent is correct and corresponds to his/her actual skills and qualifications?
5. It is foreseen that Member States can adjust the lists once a year. Has there been any consideration to allow it more often, for example twice a year to give more flexibility to react to the changes in labour demand? There is no indication how often can be amendments to the EU wide list done. Should this be also regulated?

- We would like to clarify the foreseen tasks of the EU Talent Pool Secretariat and the EU Talent Pool National Contact Points regarding the EU Talent Pool IT platform. Article 10, paragraph 2, point „a“ states that the EU Talent Pool National Contact Points shall be responsible for *„facilitating the functioning of the EU Talent Pool IT platform at national level in accordance with Article 5“*. Do we understand correctly, that the EU Talent Pool National Contact Points are foreseen only to ensure the technical interoperability between national systems and the EU Talent Pool IT platform, and they will not be responsible for guaranteeing the overall functioning of the IT platform?
- The proposed regulation currently does not have any provisions for situations where MS who have joined the EU Talent Pool wish to either withdraw from it, or maybe pause their participation. Would this be possible and what are the consequences of this?
- Article 9, paragraph 4 states that *„Representation of two participants from trade union and two participants from employer organisations shall be ensured by the EU Talent Pool Steering Group“*. Are these Union level trade unions and employer organisations? How are they selected?
- Article 10, paragraph 1 first sentence should say *„Each participating Member State shall designate an EU Talent Pool National Contact Points“*, i.e., reference to the National Contact Points should be in plural, as it is foreseen that MS should appoint two National Contact Points.
- Recital 17 states that *„Jobseekers from third countries wishing to register in the EU Talent Pool **should create** a profile using the Europass profile builder functionality...“* and Article 12, paragraph 1 states that *„Jobseekers from third countries **may create** their profiles via the Europass profile builder in order to register on the EU Talent Pool IT platform“*. In our opinion, we should use the already existing opportunities of Europass. The current wording leaves the impression that other opportunities (either in addition to, or instead of Europass) are envisioned as well. If this is the case, which ones and why?
- Has the COM envisioned interoperability between the EU talent Pool IT platform and the Single Digital Gateway?

FRANCE

A titre liminaire :

- La France salue l'ouverture des discussions relatives à la réserve européenne de talents, qui s'inscrit dans la continuité des projets menés depuis la publication de la communication sur les compétences et les talents d'avril 2022.
- A ce stade, la France réitère ses remarques formulées lors du groupe de travail IMEX admission du 6 décembre 2023. Le détail de cette nouvelle initiative en matière de migration légale est en cours d'expertise. La France note d'ores et déjà avec satisfaction le caractère non-contraignant du recours à la plateforme talents.

En réaction à la présentation en groupe IMEX :

- La France rejoint le souhait de la Commission de pouvoir répondre utilement aux défis posés par la mise en relation de l'offre et de la demande de travail au niveau européen, et ce dans des conditions qui soient bénéfiques pour les entreprises et qui permettent de satisfaire aux exigences d'admission aux frontières de l'Union européenne.
- La France réitère également ses interrogations à propos de **la base juridique** mobilisée dans cette proposition de règlement (article 79, par. 2), sous (a), du traité sur le fonctionnement de l'Union européenne) qui ont d'ailleurs été relevées en groupe IMEX par le Service juridique du Conseil, lequel a insisté sur la nécessité de s'interroger sur la finalité du texte conformément à la jurisprudence constante de la Cour de Justice de l'Union européenne (CJUE). Pour mémoire, la CJUE juge de manière constante que le choix de la base juridique d'un acte de l'Union doit se fonder sur des éléments objectifs susceptibles de contrôle juridictionnel, parmi lesquels figurent la finalité et le contenu de cet acte.

- Or, l'objet de cette proposition de règlement semble emprunter aux politiques migratoires et de l'emploi. Le règlement selon l'article 1^{er}, éclairé par le considérant n°33, vise à « *porter création d'un réservoir européen de talents mis à la disposition de l'ensemble des États membres afin de faciliter le recrutement de demandeurs d'emploi de pays tiers résidant en dehors de l'Union* », ce qui renvoie à la politique de l'emploi, avec un volet externe. Le considérant 16 expose que « *le réservoir européen de talents devrait contribuer à l'objectif de décourager la migration irrégulière, notamment en permettant d'accéder plus facilement aux voies légales d'accès existantes* », ce qui s'inscrit davantage dans la politique migratoire.
- Quant au contenu de l'acte, il emprunte davantage aux textes relatifs à la politique de l'emploi (cf. EURES) puisqu'il consiste essentiellement à créer une plateforme afin de permettre l'appariement, sur une base volontaire, de l'offre et la demande d'emploi et à prévoir sa gouvernance. Sa portée normative est relativement réduite même en cas de participation des États membres. Seul l'article 19 est dédié à la délivrance de titres de séjour, en incitant les États membres à instaurer des procédures accélérées à cet égard.
- Si cette proposition s'inscrit dans un contexte lié au pacte sur la migration et l'asile qui « *reconnaît la migration légale comme une composante essentielle de l'approche globale de l'Union en matière de migration et s'engage à poursuivre l'examen d'un réservoir de talents européen pour les travailleurs qualifiés de pays tiers qui pourrait servir de plateforme à l'échelle de l'Union en vue de recrutements internationaux* », la proposition de règlement s'inscrit donc dans une finalité qui, prise dans son ensemble, vise à permettre l'arrivée sur le marché de l'emploi des ressortissants de pays tiers, indépendamment des moyens migratoires mis en œuvre par les États membres. Le choix de la base juridique semble avoir répondu à un objectif de cohérence, en considérant ce texte comme un accessoire au Pacte. Or, il ressort de la jurisprudence de la Cour de justice que le choix de cette base juridique doit être apprécié en fonction de l'acte pris isolément.

Ainsi, il convient d'écarter les difficultés juridiques qui risquent de peser sur la validité de l'acte.

- La France s'interroge également sur **la méthode utilisée pour élaborer la liste des métiers en tension au niveau européen**, figurant en annexe de la présente proposition de règlement. En effet, la France souhaiterait disposer de plus amples informations sur **l'articulation de cette liste au niveau européen pour le dispositif « Talent Pool »**, avec la liste établie à **l'échelle nationale** des métiers et zones géographiques caractérisés par des difficultés de recrutement. En France, cette liste des métiers en tension est déclinée en plusieurs listes régionales, afin de refléter au mieux les réalités locales du marché du travail. Etablir une liste à l'échelle européenne risquerait donc de ne pas être représentatif des réalités rencontrées sur le marché du travail français.
- S'agissant de l'architecture de la plateforme talents et de son articulation avec les systèmes nationaux, la France s'interroge sur la manière dont **l'interopérabilité** des systèmes sera mise en œuvre afin de permettre une rencontre efficiente de l'offre et de la demande d'emploi.
- En tout état de cause, nous serons particulièrement attentifs, s'agissant de cette proposition législative, à sa cohérence avec les révisions en cours des directives en matière de migration légale et à son articulation opérationnelle avec les partenariats de talents.

GERMANY

We thank the Commission for its proposal to establish an EU Talent Pool and for its efforts to further increase the immigration of skilled workers to Europe.

Germany is reviewing the proposal and will make a constructive contribution to the negotiations.

I. General remarks

- From our understanding of the proposal, it does not entail changes to national migration law and it leaves any acceleration of immigration procedures, as described in Article 19 of the draft, to the sole responsibility of the Member States.
- The regulations on monitoring proposed by the Commission will require in-depth examination.

The following aspects already need to be clarified:

- The expectations regarding the service portfolio of the National Contact Points are high and include, for example, long-term service relationships ("post-selection assistance"). Refinancing can therefore presumably only cover partial costs to the extent indicated.
- Comprehensive interoperability of the EU Talent Pool with IT systems of the Member States is essential. Both customer dimensions are important: the publication of job vacancies of interested employers on the basis of existing EURES data standards and the utilisation of profiles of registered jobseekers by the Member States' IT systems.
- Information provided by the National Contact Points, amongst other things on the recognition of qualifications, includes skills that may lie outside the competence of the immigration or employment authorities, at least in Germany. The possibility to refer to competent authorities should be emphasised here, but in consideration of expectations, it should also be looked at what can be reliably offered in the planned structures.

- In order to prevent any duplication of effort, which could burden the normal structures of the Member States' employment authorities (in Germany: Federal Employment Agency), a continuing involvement in the development phase of the EU Talent Pool is required.
- The proposal contains a series of complex regulations and technical provisions regarding the matching process which raise questions as to its practical implementation. We hope that in the course of the negotiations, we will receive more information on the practical details of these provisions. This is essential in order to assess how the proposal fits into our national infrastructure and how it can be implemented.

- We kindly request information on the following:

- What makes the Asylum and Migration Fund (AMIF) the right EU financial instrument here?
- Why do AMIF funds need to be provided for this new project despite a strained financial situation in the coming years?
- Could a project funded through the private sector be an alternative?

Background: In light of the strained financial situation of AMIF in the coming years, we currently view the proposal critically. Funding for the measures is to be provided predominantly by the EU's AMIF, for which the Commission is requesting an increase in funds as part of the ongoing negotiations on the review of the EU's 2021–2027 Multiannual Financial Framework.

- Germany welcomes the Talent Pool in the sense that it is also intended to create an additional way of making better use of existing access routes, which also opens up prospects in EU Member States for refugees who are in third countries (“displaced people in need of protection”) according to their qualifications (comments on 1.7; p. 46).

II. Questions

1. **Article 8** Who and how many people will the Commission appoint for the Secretariat?
2. **Article 9:** It remains unclear whether there is a maximum number of representatives per Member State in the Steering Group (two participants from trade unions and two participants from employer organisations are mentioned, but what about ministries?); recital 8, on the other hand, states two representatives per Member State (one from the employment authorities and one from the immigration authorities); have no voting rules been determined?
3. **Article 10:** Are we correct to assume that only one authority will function as the National Contact Point?
4. **Article 13 (2):** How is the obligation to transfer job vacancies to be understood? Are there any job vacancies that do not need to be transferred?
5. **Article 13 (5):** Should it not be the responsibility of the third-country national in question to delete their profile?
6. **Article 13 (3):** What is the independent regulatory content and the added value of “working conditions as well as non-discrimination” in Article 13 (3) sentence 1 compared to the equal treatment rights in existing EU migration policy (e.g. Single Permit Directive)? Does Article 13 (3) sentence 1 establish employer obligations only for the recruitment and placement process or also during subsequent employment?
7. **Article 16:** Are there any considerations as to how the requirements in regulated professions should be represented in the matching process?
8. **Article 17:** This Article, in particular paragraph 2, contains extensive obligations for Member States to provide information and support. Do these go beyond existing obligations under EU law and to what extent does a reference to general information suffice in each case? Are there any considerations regarding the extent to which support should be offered on the Talent Pool platform or by the National Contact Point (capacities are likely to be too limited even for mere initial information/referrals)? It is important to ensure that the NCPs do not become complaints offices (see Article 17 (2); risk of duplicate structures).
9. **Article 18:** Does the Article contain new obligations for Member States to create effective complaints procedures, or is this to be understood as a referral to existing regulations under EU law?

LITHUANIA

In general, we support the aim of the regulation. Many sectors face the shortage of labour force, and it is important to ensure legal migration paths related with labour challenges. As requested at IMEX working party we are sharing our comments, few questions on the draft document and we'll be ready to share written suggestions for the document after IMEX working party on 10 Jan.

After analysing the draft regulation we left with concern of definition of employer and we would suggest to have a discussion on this topic. According to article 4 part 1 (3) there is a wide list of different legal entities named as employers and all of them have different legal relationships within employee and employer and different interests to participate in employment procedures. Having in mind the aim of this drafted document and differences of legal responsibilities of temporary work agencies and labour market intermediaries we feel that there should be wider discussion on the applicability of this regulation for them.

Also it is important to set proper regulation to ensure that EU Talent Pool would be practically free tool for future employees taking in mind the purpose and practices of employment agencies and intermediaries.

Lithuania participated in pilot project of EU Pool. From personal experience we know that implementation of this process is a long-term activity. It takes time, patience, and proactive decisions to get the results. There cannot be assumed that all third countries citizens know each EU member state therefore communication of this tool and EU members states is crucial for our success. A discussion on communication and ensuring equal competition for all member states could help to make better regulation in the document and ensure equal and all parties benefiting competition in labour market. We would appreciate if you could share position and ideas regarding this issue.

THE NETHERLANDS

General comments and reflections

The Dutch comments are still preliminary, we have to maintain our general scrutiny reservation and parliamentary scrutiny reservation.

The Netherlands recognizes that there are shortages in the labour market. However, we see labour migration as the final step in addressing these shortages, as we still see sufficient domestic and European untapped potential in which Member States and employers must first invest. For example, by making full use of the potential of the EURES-network, improving the EU Immigration Portal, as well as improving productivity by better use of technology and process innovation, improving working conditions and the attractiveness of certain occupations.

In addition, it is important that due attention is paid to the effects of legal migration on other policy areas and to major social and socio-economic issues. So far NL is of the opinion that this notion is missing in the Regulation. We also believe it is important to promote brain circulation and prevent brain drain in the countries of origin.

The Netherlands supports the voluntary nature of the Talent Pool, Member States must retain responsibility for their own labour markets. We are committed to making the EU Talent Pool a well-functioning tool for those Member States that will decide to participate. However, more safeguards are needed to prevent abuse and exploitation of migrant workers. We believe that recitals 22, 23, 36 and 37 should be moved upwards as they promote general principles of taking care of the well-being of people.

Our main concern with the current proposal is that if a Member State chooses not to participate in the Talent Pool, there may still be consequences for its labour market. The aim of the proposal is to address labour market shortages in the EU. An employer knows best what kind of personnel is needed for their own business. The Talent Pool provides employers with a practical tool to find staff themselves. We believe it is important to prevent risks of exploitation and abuse of migrant workers as much as possible. In practice, it has become apparent that recruitment by intermediaries and employment agencies has regularly led to situations of exploitation and abuse of migrant workers. Moreover, through intermediaries and employment agencies it is more likely that, because of free movement of services, people from outside the EU can end up on the labour markets of Member States that do not participate in the Talent Pool. We strongly oppose these parties participating in the Talent Pool, they should be removed from the definition of ‘employer’ in article 4. Also, it is in our view undesirable if the EU talent pool offers employers the opportunity to recruit jobseekers to perform work on a secondment basis in an EU Member State other than the one in which the employer is established.

In addition, it is desirable that participating Member States check - and if necessary - be able to refuse participation of employers before their participation in the Talent Pool.

We believe it is important to emphasize that employers remain responsible for thorough, non-discriminatory selection of candidates and verification of CV’s and qualifications and/or verifying if the jobseeker is indeed a suitable candidate for the job vacancy, as well as fulfilling the entry requirements for work and residence in the relevant Member State.

In addition, jobseekers from third countries should be well informed about their rights and obligations (proactively and not just on request) before they travel abroad. Unfortunately this still happens too often on the basis of false promises or wrong information and expectations. It is therefore important that a realistic picture is given about working and living conditions abroad before departure.

NL has reservations about the added value of the Talent Partnership pass (article 12), because the instrument appears to cause administrative burdens and financial costs with limited added value.

The *accelerated immigration procedures* as mentioned in article 19 do not fit with what the EU Talent Pool is about. In any case, Member States have the full competence to make decisions in this field, we therefore see no added value in including this article in the Regulation.

We believe the performance of the EU Talent Pool can benefit from feedback and experiences gathered among jobseekers and employers. Also, we suggest to include an extensive evaluation clause.

After the IMEX meeting of January 10th, we will provide you with more specific reflections on the provisions of the proposal.

ROMANIA

Having regard to the main objective of this Regulation, as it is mentioned in recital 32¹ of the proposal, we underline the SJCONS position, respectively establishing the legal basis taking into account the main purpose pursued.

Therefore, we consider more appropriate to indicate the Article 46 as legal basis than article 79(2), point (a) from TFEU. The envisaged action falls, in our opinion, within the area of setting out measures related to the freedom of movement for workers.

As a consequence, and given the shared competence with the authorities responsible for the field of employment, social affairs and inclusion, we appreciate that the discussions on the EU Talent Pool Regulation should take place in a jumbo format.

At the same time, we consider important that implementing this instrument should not mean increasing the administrative burden, as pointed out the Regulatory Scrutiny Board².

Regarding the document 15550/23, with emphasis on Chapter V – articles 17 and 19, we consider that:

- since the information related to the procedures for issuing residence permits for the purpose of employment, family reunification and the rights/obligations of foreigners are public and regularly updated on the immigration authorities website, we consider that a link to this information would be sufficient for platform;
- putting in place accelerated immigration procedures for issuing residence permits for registered and selected jobseekers could create additional administrative pressure, taking into account that Romania is facing an increased number of workers newly admitted to the labour market;
- in relation to the exemption of third-country nationals registered in the talent pool from compliance with the priority principle of EU citizens, for vacancies jobs uploaded to the platform, we consider that the labour market test should be maintained.

¹ 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

² The observations refer to the insufficiency of the data provided regarding the practical operation of the Platform and the need to detail the aspects related to the quantification of its costs and benefits.

SPAIN

In view of the text included in the document COM (2023) 716 final, we would like to express the following comments:

1. Legal basis:

We are not convinced that the legal basis is Article 79(2)(a) TFEU, since although it is a tool that could promote regular migration, the proposal only addresses this issue in Article 19, which introduces the possibility of speeding up migration procedures.

It is a platform that facilitates the search for a worker/job vacancy and does not directly or indirectly affect the conditions of entry and residence or the rules on the issue of visas and residence permits by Member States.

We ask the Presidency to request a detailed report from the Legal Service of the Council, as the doubts about the legal basis are common to several Member States.

2. Chapter I:

Articles 2, 3 and 4. We agree with the scope, and particularly the voluntary nature of participation in the talent pool, as well as the inclusion of temporary employment agencies as potential employers.

The participation of temporary employment agencies should be assessed and defined more in detail.

3. Chapters II and III:

Article 5. We agree with its content, as long as hiring procedures are determined by national law.

Article 6. We agree to the deletion or anonymisation of the profiles of jobseekers who have not accessed the platform in the last two years.

Articles 7 and 8. We agree with the governance structure and the functions of the Secretariat.

Article 9. Concerning the Talent Pool Steering Group, we agree that there should be one representative from the migration area and one from the employment area, and that those Member States that do not participate should only be able to attend the meetings as observers.

Article 10. The National Contact Point for the Talent Pool raises concerns for us regarding the workload for both areas, migration and employment, to fulfil the functions of this article.

Coordination among them also raises concerns, especially for Member states with a decentralized structure such as Spain.

4. Chapter IV:

Article 12. When talking about the "EU Talent Partnership Pass", the article states that "job applicants from third countries who have participated in a Talent Partnership should receive an EU Talent Partnership Pass certifying the qualifications developed or validated in the context of a Talent Partnership". We understand that, on the one hand, this pass would be a sign or mark that makes the existence of this candidate visible to potential employers in the countries participating in this Talent Partnership and prioritises them on the platform. On the other hand, we wonder if this "pass" will contain something else or if it will have an impact on the recognition of qualifications and competences, which we understand will be produced separately afterwards, based on what each Member State defines. Is that the case? Is this a pre-screening process? We are particularly concerned about the issue of qualifications, skills and competences because it touches upon different areas and we would like clarity on how this issue arises in the context of the talent pool.

Article 13. We agree that one of the tasks of the National Contact Point shall be receiving vacancies and transferring them to the talent pool platform. However, we are concerned about the workload attached to it.

Articles 14 and 15. Although the COM itself has presented the list of professions where there is a shortage of workers, there is some flexibility both to modify this list and for each Member State to add or remove professions, so we agree with this approach.

Article 16. We would like to know how the automatic matching tool will work and more details about the system. Is there a limited number of potential workers/vacancies that will appear? I.e. is it just a filtering of requirements/qualities or does it, in addition to the filtering, only present the most suitable profiles and vacancies and not others that are also suitable? It is very important for us that the matching algorithm is open, so that it can well understood and audited. Under no circumstances should the algorithm be opaque or copyrighted. It should be open code.

5. Chapter V:

Article 17. We are again concerned about the workload of the national contact points.

Article 18. We consider that the role of social partners, and particularly trade unions, is clarified when dealing with access to information.

Article 19. We agree with the approach, but the possibility of speeding up migration procedures already exists under national law, so this article would not add anything from a legal perspective. If Member States are to be encouraged, it may be more appropriate to do so in a recital.

Article 20. We suggest adding one paragraph: “*g) the list of shortage occupations (EU-wide and national for participating Member states)*”