



2023/0404(COD)

30.1.2024

DRAFT OPINION

of the Committee on Development

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a regulation of the European Parliament and of the Council
establishing an EU Talent Pool
(COM(2023)0716 – C9-0413/2023 – 2023/0404(COD))

Rapporteur for opinion: Tomas Tobé

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SHORT JUSTIFICATION

The Rapporteur considers that the Commission proposal for a Talent Pool should be welcomed, as it could complement the Union's other efforts to engage with non-EU country partners strategically on migration management and accelerate progress to achieving several Sustainable Development Goals, in particular SDG 8 to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all and SDG 10 on reduced inequalities. The proposal is in line with the objectives of the Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe (NDICI-GE Regulation) including the provisions laid down in Recitals 50 and 51, and previous positions of the Committee on Development, e.g., that well-designed and well-managed legal migration policies can be a source of innovation and economic development, beneficial for both countries of origin and host countries. The Talent Pool can help the EU and its Member States to fill skills gaps in EU-wide shortage occupations, broaden employers' access to a diverse array of skills and talents, and create mutual gains for the EU and third country partners. The Talent Pool adds value to emerging Talent Partnerships and could enhance engagement from Member States, which is needed to fully unlock the potential of these partnerships, creating win-win situations for all partners involved.

The EU Talent Pool will be the first EU-wide platform aimed at facilitating international recruitment and providing opportunities for jobseekers from third countries that are interested and have the skills required to work in EU-wide shortage occupations. The initiative is voluntary, thus leaving the Member States a choice to join it or not. It is assumed that between 11 and 20 Member States will join by 2030, with further Member States joining afterwards.

The Rapporteur acknowledges that the Talent Pool regulation can address only some of the obstacles to exploiting the potential of mutually beneficial labour migration between the EU and developing countries. It is only one piece in a wider set of legislative and policy measures at EU and Member State level required to make labour migration successful, such as those for enabling recognition of qualifications and validation of skills and for facilitating legal migrants' inclusion and integration into society. The Talent Pool builds on and complements development cooperation programmes that enhance the development of skills and competences, education and vocational training and are financed through the NDICI-GE Instrument. The Rapporteur considers that, where relevant, information on opportunities for the development of skills and competences, as well as education and vocational training provided through development cooperation programmes should be available to jobseekers participating in the EU Talent Pool.

The Rapporteur stresses that the EU Talent Pool IT platform must be simple to navigate in practice. Eligibility and selection criteria should be transparent, non-discriminatory and allow for the admissibility of jobseekers with all skill levels. Jobseekers from third countries wishing to register in the Talent Pool should have easy access to information on how to create a profile. It should be easy for jobseekers to know what jobs they are eligible for and for employers to recognise foreign credentials. Information should be written in an understandable language, including preferably the official languages of the countries participating in a Talent Partnership.

The Rapporteur considers that the Talent Pool is in line with the general principle of the NDICI-GE Regulation to pursue a more coordinated, holistic and structured approach to migration with partners. Furthermore, the Rapporteur welcomes that the EU Talent Pool should contribute to the objective of discouraging irregular migration, including by facilitating access to existing legal pathways, which complements development cooperation programmes that address the root causes of migration and forced displacement. The Rapporteur considers it important that jobseekers participating in the EU Talent Pool should also have easy access to information on relevant procedures following the selection process, as well as information on assistance available to migrants wishing to return to their home countries, including on support for reintegration in the context of Talent Partnerships with developing countries.

The rapporteur believes that the Talent Pool must comply with the principle of Policy Coherence for Development, as stipulated in Article 208 TFEU, fully exploiting the synergies with EU's development cooperation. When reviewing the implementation of the Talent Pool, the Commission should therefore take into account the impact of the Regulation on the objectives of EU development cooperation.

AMENDMENTS

The Committee on Development calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to take the following into account:

Amendment 1

Proposal for a regulation Recital 3 a (new)

Text proposed by the Commission

Amendment

(3a) The Talent Pool should contribute to achieving the Sustainable Development Goals (SDGs), in particular Goal 8 to promote sustained, inclusive and sustainable economic growth, full and productive employment and decent work for all and Goal 10 to reduce inequalities within and among countries. The implementation of the Talent Pool Regulation should comply with the principle of Policy Coherence for Development, supporting the achievement of the SDGs in the EU and in third countries.

Or. en

Amendment 2

Proposal for a regulation Recital 7

Text proposed by the Commission

(7) The EU Talent Pool should also support the implementation of Talent Partnerships, which are one of the key aspects of the external dimension of the Pact on Migration and Asylum³⁰ and are operationalised in line with the Commission's Communication on attracting skills and talent to the EU³¹. 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.

³⁰ [COM/2020/609 final](#).

³¹ [COM/2022/657 final](#).

Amendment

(7) ***Strong partnerships and bilateral cooperation with third countries are a precondition for effective migration schemes, and facilitate the creation of mutual gains for the EU, its Member States and third countries.*** The EU Talent Pool should also support the implementation of Talent Partnerships, which are one of the key aspects of the external dimension of the Pact on Migration and Asylum³⁰ and are operationalised in line with the Commission's Communication on attracting skills and talent to the EU³¹. 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.

³⁰ [COM/2020/609 final](#).

³¹ [COM/2022/657 final](#).

Or. en

Amendment 3

Proposal for a regulation Recital 16

Text proposed by the Commission

(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 in

Amendment

(16) The EU Talent Pool should contribute to the objective of discouraging irregular migration, ***complementary to the objectives and provisions regarding the Union's constructive engagement on mobility and all aspects of migration laid out in the NDICI-GE Regulation^{34a}***, including by facilitating access to existing

accordance with Directive 2008/115/EC of the European Parliament and of the Council³⁵, 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 entry or stay in a Member State or an entry ban to the territory of the Union. Information should also be provided on the consequences for making a false declaration in this respect.

³⁵ 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>).

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 in accordance with Directive 2008/115/EC of the European Parliament and of the Council³⁵, 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 entry or stay in a Member State or an entry ban to the territory of the Union. Information should also be provided on the consequences for making a false declaration in this respect.

^{34a} ***Regulation (EU) 2021/947 of the European Parliament and of the Council of 9 June 2021 establishing the Neighbourhood, Development and International Cooperation Instrument – Global Europe (OJ L 209, 14.06.2021, p.1, ELI: <https://eur-lex.europa.eu/eli/reg/2021/947/oj>).***

³⁵ 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>).

Or. en

Amendment 4

Proposal for a regulation Recital 17

Text proposed by the Commission

(17) Jobseekers from third countries wishing to register in the EU Talent Pool should create a profile using the Europass³⁶ profile builder functionality enabling to create a free profile and report the relevant skills, qualifications, and other experiences in one secure online location.

³⁶ 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>).

Amendment

(17) Jobseekers from third countries wishing to register in the EU Talent Pool should create a profile using the Europass³⁶ profile builder functionality enabling to create a free profile and report the relevant skills, qualifications, and other experiences in one secure online location. ***Eligibility and selection criteria should be transparent, non-discriminatory and should be defined in a broad way to allow for the admissibility of jobseekers with all skill levels. Jobseekers from third countries wishing to register in the EU Talent Pool should have easy access to information on how to create a profile. Where relevant, information on opportunities for the development of skills and competences, education and vocational training provided through development cooperation programmes, should be available to jobseekers participating in the EU Talent Pool.***

³⁶ 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>).

Or. en

Amendment 5

Proposal for a regulation Recital 23

Text proposed by the Commission

(23) The International Labour Organisation (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 should comply with applicable Union law and practice. Equal treatment of jobseekers from third countries with respect to nationals of the participating Member States should also be ensured by the employers in accordance with Directive 2011/98³⁷, Directive 2014/36/EU³⁸, Directive 2021/1883/EU³⁹, and Directive 2016/801/EU⁴⁰. In accordance with Directive 2019/1152/EU⁴¹, employers participating in the EU Talent Pool should provide to registered jobseekers from third countries 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 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 employer should neither charge any recruitment fee nor prohibit a worker 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. Employers participating in the EU Talent Pool should comply with Directive 96/71/EC⁴² as amended by Directive 2018/957 when posting workers in the framework of the provision of services, in particular with regard to the terms and conditions of employment thereby established such as

Amendment

(23) The International Labour Organisation (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 should comply with applicable Union law and practice. Equal treatment of jobseekers from third countries with respect to nationals of the participating Member States should also be ensured by the employers in accordance with Directive 2011/98³⁷, Directive 2014/36/EU³⁸, Directive 2021/1883/EU³⁹, and Directive 2016/801/EU⁴⁰. In accordance with Directive 2019/1152/EU⁴¹, employers participating in the EU Talent Pool should provide to registered jobseekers from third countries information in writing and in an understandable language (*including, preferably, the official languages of third countries participating in the Talent Partnerships*) on their rights and obligations resulting from the employment relationship at the start of the employment. This 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 employer should neither charge any recruitment fee nor prohibit a worker 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. Employers participating in the EU Talent Pool should comply with Directive 96/71/EC⁴² as amended by Directive 2018/957 when posting workers in the framework of the

the obligation that third country workers can only be posted to a Member State if they are legally and habitually employed in another Member State.

³⁷ 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>).

³⁸ 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>).

³⁹ 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>).

⁴⁰ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast) (OJ L 132, 21.5.2016, p. 21, ELI: <http://data.europa.eu/eli/dir/2016/801/oj>).

⁴¹ Directive (EU) 2019/1152 of the European Parliament and of the Council of 20 June 2019 on transparent and predictable working conditions in the

provision of services, in particular with regard to the terms and conditions of employment thereby established such as the obligation that third country workers can only be posted to a Member State if they are legally and habitually employed in another Member State.

³⁷ 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>).

³⁸ 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>).

³⁹ 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>).

⁴⁰ Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast) (OJ L 132, 21.5.2016, p. 21, ELI: <http://data.europa.eu/eli/dir/2016/801/oj>).

⁴¹ 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>).

⁴² 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>).

European Union (OJ L 186, 11.7.2019, p. 105, ELI:
<http://data.europa.eu/eli/dir/2019/1152/oj>).

⁴² 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>).

Or. en

Amendment 6

Proposal for a regulation Recital 28

Text proposed by the Commission

(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.

Amendment

(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 ***and, where appropriate, in official languages of third countries participating in the Talent Partnerships.***

Or. en

Amendment 7

Proposal for a regulation Recital 29

Text proposed by the Commission

(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 the participating Member States.

Amendment

(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 the participating Member States. ***Information from the EU Delegations on the functioning of the EU Talent Pool should feed into the***

monitoring of the EU Talent Pool.

Or. en

Amendment 8

Proposal for a regulation Recital 36

Text proposed by the Commission

(36) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union in accordance with Article 6 TEU.

Amendment

(36) This Regulation respects the fundamental rights and observes the principles recognised by the Charter of Fundamental Rights of the European Union in accordance with Article 6 TEU ***as well as the principle of Policy Coherence for Development and the European Consensus on Development.***

Or. en

Amendment 9

Proposal for a regulation Article 5 – paragraph 2 (a) (new)

Text proposed by the Commission

Amendment

(2a) The Talent Pool IT platform shall be designed to allow jobseekers from all skill levels to easily access and navigate the platform, and employers to easily recognise foreign credentials.

Or. en

Amendment 10

Proposal for a regulation

Article 8 – paragraph 2 – point (e)

Text proposed by the Commission

(e) collecting relevant data for monitoring the performance of the EU Talent Pool pursuant to Article 20;

Amendment

(e) collecting relevant data for monitoring the performance of the EU Talent Pool pursuant to Article 20 ***and on the impacts of this Regulation on developing countries;***

Or. en

Amendment 11

Proposal for a regulation

Article 9 – paragraph 4

Text proposed by the Commission

4. Representatives of the cross-industry social partners organisations at Union level shall have the right to participate as observers in the meetings of the EU Talent Pool Steering Group. Representation of two participants from trade union and two participants from employer organisations shall be ensured by the EU Talent Pool Steering Group. Those representatives shall sign a written statement declaring that they are not in a situation of conflict of interest.

Amendment

4. Representatives of the cross-industry social partners organisations at Union level shall have the right to participate as observers in the meetings of the EU Talent Pool Steering Group. Representation of two participants from trade union and two participants from employer organisations shall be ensured by the EU Talent Pool Steering Group. Those representatives shall sign a written statement declaring that they are not in a situation of conflict of interest. ***In addition, the Steering Group shall establish mechanisms for consulting other relevant stakeholders, including from third countries, when necessary.***

Or. en

Amendment 12

Proposal for a regulation

Article 17 – paragraph 2 – point (ea) (new)

Text proposed by the Commission

Amendment

(ea) information on assistance available to third country nationals wishing to return to their home countries, including on support for reintegration in the context of Talent Partnerships with developing countries;

Or. en

Amendment 13

Proposal for a regulation

Article 17 – paragraph 2 – point (eb) (new)

Text proposed by the Commission

Amendment

(eb) where relevant, information on opportunities for development of skills and competences, education and vocational training provided through development cooperation programmes.

Or. en

Amendment 14

Proposal for a regulation

Article 20 – paragraph 1 – point (fa) (new)

Text proposed by the Commission

Amendment

(fa) the number and type of recruitments from developing countries.

Or. en

Amendment 15

Proposal for a regulation Article 23

Text proposed by the Commission

1. By 31.12.2031 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.

Amendment

1. By 31.12.2031 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, ***taking into account its impact on the objectives of EU development cooperation in line with the principle of Policy Coherence for Development.***

Or. en