**ETUC AMENDMENTS TO THE Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL ESTABLISHING AN EU TALENT POOL**

27 JANUARY 2025 / Amendments suggested by the ETUC, having regard of the work-in-progress in EMPL and LIBE Committee at this date.

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| Art 1 Subject matter | …**2.(e)= NEW: *the protection of jobseekers recruited through the EU Talent Pool and the application of the principle of equal treatment.***  |
| *[Rationale: As the current EU acquis, does not guarantee a universal access to rights and equal treatment to all migrants admitted to entry and work in the EU, it is necessary to confirm that all TCN finding a job through a EU platform can be warranted minimum levels of protection as guaranteed in the EU legislation on entry and work of third country nationals.]* |
| Art. 3 - -Participation | Amnd 35 LIBE Report to be rejected. Article 3 stays as in the EU Commission proposal |
| *Rationale: the voluntary approach is preferable.*  |
| Article 4 Definitions | Art. 4.1 ‘employer’ means any natural person, or any legal entity, established in a participating Member State **that genuinely performs substantial activities in that Member State, and has or intends to have a direct employment relationship with a jobseeker from a third country in that Member State; For the purpose of this Regulation, temporary work agencies (as defined in Article 3.1 (b) of Directive 2008/104/EC) ~~as well as~~ private employment agencies and labour market intermediaries shall be excluded.** |
| *[Rationale: in this way we preserve abuse from use of letter box companies or artificial intermediation of labour. Deletion of intermediaries and temporary agencies from employer’s definition. Amendments going in the same direction: EMPL opinions: 23, 276, 277, 278, 281. Additionally, specific measures should be addressed to intermediaries that are active in the talent pool platform. Intermediaries cannot directly employee a TCN but declare which employer they are recruiting for*. See amendment 282 in EMPL] |
|  | ***5a new: ‘job vacancy’ means an offer of employment (an employment contract or employment relationship as defined by law, collective agreements or practice in force in each Member State with consideration to the case-law of the Court of Justice) which would allow the jobseeker to enter into an employment relationship in the participating Member State where the participating employer is established and where the jobseeker will normally work. The employment offered shall not be of a marginal or fixed-term nature and shall meet the criteria of adequate minimum wages laid down in Directive 2022/2041 as well as the criteria of decent work according to Goal 8 of the UN Agenda 2030;*** |
| *[Rationale: Labour shortages in certain sectors have their root causes in bad working conditions, as also explained in the Joint Employment Report 2025. The Platform cannot legitimate practices of social dumping relegate third-country nationals to sectors with non/decent working conditions.]* |
| Art 9 EU Talent Pool Steering Group  | ETUC strongly supports amendment 57 of the Rapporteur Al Sahlani in LIBE Committee. |
| Art 10 EU Talent Pool National Contact Points | Par. 2. (d) verifying compliance with requirements for registration and participation as well as keeping a **public** registry of employers participating in the EU Talent Pool and overseeing the quality of job vacancies, including the provisions laid down on in Article 13(3); and **screening and vetting participating employers’ compliance with Article 13 and that such employers are based in a Member State and genuinely perform substantial economic activity in that Member State, other than purely internal management and/or administrative activities. EU Talent Pool National Contact Points, together with other relevant authorities, shall make an overall assessment of all factual elements characterising those activities, taking into account a wider timeframe, carried out by the employer in the Member State of establishment in line with** **Article 4 paragraph 2, points a, c, d and e of Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 on the enforcement of Directive 96/71/EC;** |
| *[Rationale: important that genuine activities of employers are regulated in order to avoid abuses on posting of workers or secondary movement of TNC that find a job though the platform. Important to connect this article to art. 13 and especially 13.3 as amended by LIBE rapporteur.]* |
| *Article 11 Registration and access of jobseekers from third countries*  | *4.a (new)* **Upon registering in the EU Talent Pool IT platform, jobseekers from third countries shall be offered the possibility to participate in an information session on their labour rights in the context of the platform and in the context of recruitment by an employer of a Member State. That session shall include information on how to lodge a complaint as referred to in Article 18. The EU Talent Pool Secretariat, with the support of National Contact Points, shall organise such information sessions.** |
|  | ***4 b) NEW* Jobseekers and workers from third countries shall enjoy fair and equal treatment with respect to EU nationals, comparable to articles 11 and 12 of Directive 2011/98/EU including working and employment conditions, remuneration, access to social protection, training, social and tax benefits, healthcare, education, housing and trade union rights.** |
| *[Rationale: in the absence of a framework legislation ensuring access to rights and equal treatment to TCN admitted to entry and work in the EU i*t *is necessary that the jobs intermediated in the Platform are covered by minimum rights and equal treatment requirements existing in comparable EU legislation such as the Single Permit Directive.]*  |
| *Art. 13* *Participation of employers in the EU Talent Pool* | ETUC strongly supports amendments proposed by Rapporteur Al Shalani in LIBE, namely amendments from 78-81.  |
| Art. 15 *National adjustments to the list of EU-wide shortage occupations* | The participating Member States, **following a process of consultation with social partners at national and sectoral level, in accordance with national practices of social dialogue,** may decide to add or remove shortage occupations at the ISCO-08 4-digit level, in order to satisfy their specific labour market needs. The country- specific adjustments shall only affect the matching of job vacancies in the Member State concerned **and not be the basis for further discrimination in the labour market**. *…..* |
| Art 17 Information provision and support services | ETUC strongly supports amendments 8 to 101 of the Rapporteur Al Sahlani of the LIBE Committee  |
| Art 18 Facilitation of complaints and legal redress | ETUC supports amendments 102 to 103 of the Rapporteur Al Sahlani of the LIBE Committee  |
| *Art. 19.* Rights and equal treatment safeguards correlated to immigration procedures | 1.Participating Member States may 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.2.The procedure referred to paragraph 1 may cover:(a)the obtention of visas and residence permits for work purposes, **that respect conditions of entry and work of third country nationals as regulated by EU Directive 2011/98 (Single Permit Directive) and in particular articles 11 and 12 thereof.** ….  |
| *[RATIONALE: There is no need to give preference to placement via the Talent Pool over other national procedures. In addition, Member States are in any case responsible for visa issues. The principle of equal treatment should apply here.]* |

RECITALS OF REGULATION ESTABLISHING AN EU TALENT POOL ARE ADAPTED AS FOLLOWS:

2) Addressing labour shortages requires a comprehensive approach at Union and national level which includes, as a priority, **improving pay and working conditions and the attractiveness of certain occupations,** better realising the full potential of **groups or gender** with lower labour market participation, reskilling and upskilling the existing workforce **during working time and paid for by the employers concerned,** as well as facilitating intra-EU labour mobility. 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. Therefore, legal migration is key to complement those actions and must be part of the solution to fully support the twin transition.

6) The EU Talent Pool aims at providing services to employers **genuinely performing substantial activities in the territory of the** participating Member States ~~including~~ ~~private employment agencies, temporary work agencies and labour market~~ ~~intermediaries as defined by the International Labour Organisation Convention 181~~ ~~from 1997.~~

6 (a) NEW **In order to determine whether an employer genuinely performs substantial activities in the participating Member State in which it is established and where it intends to employ the third-country national, the competent authorities shall make an overall assessment of all factual elements characterising its activities, in order to verify that the ordinary business activities of the employer to a significant extent are carried out in the relevant sector of employment, that is beyond mere activities of selection, recruitment and assignment of work.**

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 employment authorities and one from the immigration authorities. **Social partners should also be equally represented in the EU Talent Pool Steering Group.**

**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 the right to fair and equal treatment* **including** *with respect to working* **and employment** *conditions,* **~~minimum wages~~***,* **remuneration,** *access to social protection, training,* **social and tax benefits, health care, education, trade union rights, access to housing** *and protection of young people at work. In accordance with those principles, the EU Talent Pool should ensure quality employment*.

23) The International Labour Organization 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 2011/98, Directive 2014/36/EU, Directive 2021/1883/EU, and Directive 2016/801/EU. In accordance with Directive 2019/1152/EU, 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 **habitual** 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 **and employment** conditions. **There should be no direct or indirect costs or fees for jobseekers from third countries related to their participation in the EU Talent Pool or their recruitment.** An employer should neither charge any recruitment fee **or cost of travel, work equipment and accommodation** 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/EC 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 the obligation that third country workers can only be posted **for a limited period** to a Member State if they are legally and habitually employed in another Member State. **To prevent non-genuine postings, the EU Talent Pool must not be used to facilitate recruitments where workers are hired for the sole purpose of being posted. This requires that employers comply with Directive 2014/67 regarding the genuine nature of the posting in order to prevent abuse and circumvention.**

**30)** Upon request from registered jobseekers from third countries and employers participating in the EU Talent Pool, the EU Talent Pool National Contact Points **should** provide additional support. Additional support 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 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, vocational training **and contacts with trade unions**. Such information should also include available **complaints and** redress mechanisms for cases of labour exploitation and unfair recruitment practices in the participating Member States. The EU Talent Pool National Contact Points should provide information to employers participating in the EU Talent Pool on their rights and obligations relating to social security, active labour market measures, taxation, issues relating to work contracts, pension entitlements and health insurance.

30) **(a) NEW Trade union networks with counselling services for migrant and mobile workers play a key role in providing information and counselling to third-country nationals. Such networks should receive adequate EU funding on a permanent basis.**