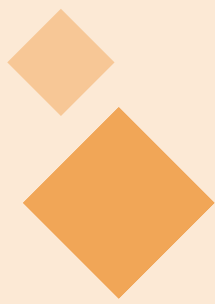


**BRIEFING
PAPER
#109**



THE PROPOSAL FOR AN EU TALENT POOL

In 2023, the Commission proposed a Regulation establishing an EU Talent Pool to address severe labour shortages. It would be the first EU-wide online platform for job matching between jobseekers residing in third countries and EU employers.

An initiative that attracts personnel to critical sectors and enables migrants to work in the EU is, in principle, positive for third-country workers and for the EU's economy and societies. However, the current proposal focuses disproportionately on the demands of EU businesses to create a pathway for migrants to carry out essential but unattractive jobs. It would limit the range of jobs applicable and be open only to applicants currently outside EU territory.

These restrictions should be removed from the proposal. The Talent Pool should promote access to quality work for non-EU workers. It should not provide an incentive for businesses to ignore the reasons – such as pay, conditions, and job security – that many EU workers are unwilling to do certain jobs.

This paper looks critically at the proposal for an EU Talent Pool and recommends changes to remedy its shortcomings.



INTRODUCTION

It has long been a priority of the European Commission to keep up with the so-called global race for talent and in so doing resolve labour shortages in the European Union (EU). Commission President Ursula Von der Leyen proposes to act both internally, by ‘upskilling, reskilling and using the untapped potential of the EU’s domestic workforce’,¹ and externally, by attempting to attract and retain people from all over the world with skills that are in demand.

In November 2023, the Commission presented the **Skills and Talent Mobility Package**,² comprising three initiatives to address these critical shortages, mainly by making the EU more attractive to foreign talent. One concerns the recognition of skills and qualifications of third-country nationals. Another recommends ways to boost learning mobility, such as study in another country. This paper focuses on a **proposal for a Regulation to establish an EU Talent Pool**³. The Talent Pool would be the first EU-wide online platform for job matching between jobseekers residing outside the EU and EU employers.

SOLIDAR values human mobility across borders for work or learning – either long-term or short-term – as a positive way to experience different realities and to grow. We also recognize the benefits of migration for both the migrant’s society of origin and the host society at all levels if managed correctly. That includes the labour market, especially in the context of the green and digital transitions. Nonetheless, workers in the EU from third countries who are

searching for employment, or already working or studying encounter major challenges in navigating immigration procedures and exercising their rights. This is because a majority work in unattractive jobs with poor working conditions, and their difficulties are further exacerbated by their status as migrant workers and by permits that often limit their access to rights.

Section I of this briefing paper defines the political context and process of the proposal. Section II then unpacks the legislative proposal itself, while Section III analyses it from a (migrants- and labour-) rights perspective. In Section IV, the paper presents policy recommendations to improve or correct the proposal. These recommendations are aimed at the interinstitutional dialogue over the EU Talent Pool, and they also apply to future initiatives aimed at facilitating labour migration to the EU.

1 European Commission (2023). Call for evidence - Ares(2023)6231681:

https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13965-Recognition-of-qualifications-of-third-country-nationals_en

2 European Commission (2023). “Commission proposes new measures on skills and talent to help address critical labour shortages, press release”: <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&furtherNews=yes&newsId=10696>

3 European Commission (2023). Proposal for a Regulation of the European Parliament and of the Council establishing an EU Talent Pool: https://home-affairs.ec.europa.eu/document/download/d74d42e8-96b7-416b-b5b7-b3b7334317d8_en?filename=Regulation%20establishing%20an%20EU%20Talent%20Pool_en.pdf

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CONTEXT AND PREPARATORY WORK



The idea of an EU Talent Pool first appeared in official EU communications in September 2020 with the announcement of the [EU Pact on Migration and Asylum](#). Section 7 – ‘Attracting skills and talent to the EU’ – foresaw the development of ‘an **EU Talent Pool** for third-country skilled workers’, along with the revision of the Long-term Residents Directive and the Single Permit Directive. The proposed Talent Pool would be an EU-wide platform for international recruitment, on which skilled third-country nationals could express their interest in migrating to the EU for work and could be selected by EU migration authorities and employers in line with their needs.⁴

1.1 The Expression of Interest model

However, the concept of a platform for EU recruitment in third countries had been mentioned in 2019, in an Organisation for Economic Co-operation and Development (OECD) report for the Commission.⁵ The report explained that the EU is punching below its weight in attracting foreign talent and cited EU countries’ fragmented migration systems as the main reason. The report advised the EU to design a framework for international recruitment, in particular by developing a tool based on the Expression of Interest (EoI) model, which OECD countries such as New Zealand, Canada, and Australia have used to manage so-called ‘skilled’ migration.

An EoI system would allow for the creation of a pool of pre-screened applicants who had expressed

interest in a particular migration programme. They could then be ranked on several criteria, such as skill level and sector of job search, and selected based on their ranking and whether or not their skills matched a job offer. Only then could they apply for a work visa. According to the report, *‘EoI’s two-step selection procedure allows dynamic prioritisation of the most needed applicants according to different criteria (...) [and] was introduced to respond to two objectives: reduce backlogs in migration systems offering permanent labour migration programmes – some of which do not require employer sponsorship – and enhance selection for skill demands’.*

While the report mentions constitutional and contextual EU factors that make it impossible to directly replicate the EoI models implemented in Canada, Australia, or New Zealand, it nonetheless lays out avenues for an EoI model adapted to the EU.

1.2 Applying the EoI model in the EU framework

When the **EU Pact on Migration and Asylum** was published in 2020, the features of the Talent Pool had not been defined. In an ensuing series of consultations, stakeholders were presented with **three options**. The first was to create a ‘basic’ pool of highly skilled migrants – meeting the requirements for an EU Blue Card or an equivalent national scheme – who could be matched with employers. Candidates with a job offer would then be able to apply for a permit under the corresponding national scheme. A second option would focus on certain target sectors,

⁴ European Commission (2020). Communication from the Commission on the New Pact on Migration and Asylum (COM(2020) 609 final): https://eur-lex.europa.eu/resource.html?uri=cellar:85ff8b4f-ff13-11ea-b44f-01aa75ed71a1.0002.02/DOC_3&format=PDF

⁵ OECD (2019). Building an EU Talent Pool: A New Approach to Migration Management for Europe, OECD Publishing, Paris, <https://doi.org/10.1787/6ea982a0-en>



typically those with a labour shortage. Pre-screening would be enhanced, and a mechanism would be added to validate qualifications. The third scenario would be a variation of the second, with the addition of a skills-development component.

In April 2022, the Commission published a [skills and talent package](#)⁶ to begin to deliver on the framework for legal migration announced in the 2020 [EU Pact on Migration and Asylum](#). The package still did not feature a formal proposal for a Talent Pool, but it did announce the launch of a **pilot EU Talent Pool exclusively targeting people displaced by the war in Ukraine**. Accessible via the European Employment Services (EURES) portal, this online job-search tool facilitates the job matching of beneficiaries of temporary protection with registered employers in participating countries.⁷

Elements of this pilot scheme showed some of the progress that had been made towards a final proposal for a Talent Pool. First, while initial discussions of a Talent Pool focused almost exclusively on ‘skilled’ workers, the April 2022 communication set as a political priority ‘attracting low and medium skilled workers from non-EU countries, in sectors where there are significant labour shortages and needs’. Second, it indicated that the Talent Pool might ultimately facilitate recruitment only in sectors with labour shortages and needs.

On 15 November 2023, the Commission published the [Skills and Talent Mobility Package](#)⁸, which finally featured a formal proposal for an EU Talent Pool.

6 European Commission (2022). COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS Attracting skills and talent to the EU (COM/2022/657 final). <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2022%3A657%3AFIN&qid=1651223944578>

7 Croatia, Cyprus, Czechia, Finland, Lithuania, Poland, Slovakia and Spain participated in this pilot.

8 European Commission (2023). “Commission proposes new measures on skills and talent to help address critical labour shortages, press release”: <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&furtherNews=yes&newsId=10696>



2. THE COMMISSION'S PROPOSAL: A BRIEF OVERVIEW

The Skills and Talent Mobility Package foresaw the establishment of a platform for job matching between EU employers and third-country nationals, the first of its kind except for the Talent Pool Pilot for Ukraine. The pool would be based on EURES but with new elements targeting third-country nationals.

Member States would participate in the Talent Pool on a voluntary basis, and only employers based in participating States would be able to post their vacancies on the platform. (The definition of employers here is natural persons or legal entities under whom employment is undertaken, including private employment agencies, temporary work agencies, and labour market intermediaries.) However, any jobseeker residing outside the EU could create a profile in the Talent Pool. The proposal also mentioned that the Pool could support the operationalization of complementary labour pathways for those in need of international protection.⁹

The Talent Pool would not be market-driven but instead target high-demand occupations according to a list of EU-wide labour shortages. It would, however, be open to vacancies at all levels of skills. Jobseekers would be able to search for offers on the platform, and employers could transfer their vacancies to National Contact Points, which would transfer them to the platform. Employers would be able to see jobseekers' profiles. The automatic matching tool

would allow employers to access a list of jobseekers' profiles suggested for the relevance of their skills, qualifications, and work experiences. Holders of an 'EU Talent Partnership pass' would have enhanced visibility. Jobseekers would receive an automatically generated list of suggested vacancies.

In terms of governance, the Talent Pool would be operated by a Secretariat set up by the Commission. It would be directed by a steering group composed of Member State representatives, with social partners as observers – mainly there to support the Secretariat and discuss the accelerated immigration procedures. Member States would also set up National Contact Points to liaise between national authorities and the Secretariat, by transferring details of vacancies, notifying the Secretariat of occupations with labour shortages, and providing information on immigration procedures and support services.

⁹ As defined in the proposal for a Regulation, "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".

3.



HOW CAN THE EU TALENT POOL SUPPORT DECENT WORK AND SOCIAL INCLUSION?

The proposal may appear mostly technical but many of its modalities, including features of the online platform, will have concrete consequences for migrant workers. In this section we look at the impact of the Talent Pool's main features on beneficiaries' chances of decent work and social inclusion.

3.1 A narrow proposal with a restricted scope

a. A job-matching tool looking only at labour gaps

The Talent Pool as outlined in the Commission proposal is a limited innovation insofar as it is only a job-matching tool and not in itself a regular pathway for migration. Its scope is limited to facilitating the acquisition of a job offer, which is often a prerequisite for receiving a visa or residence-and-work permit, and to providing transparent information on applicable rules and procedures. Use of the tool has no effect on immigration procedures or on a Member State's volume of admissions, the latter being its own prerogative.

In the preparatory phase, a number of stakeholders such as the European Trade Unions Confederation (ETUC) and the Platform for International Cooperation on Undocumented Migrants (PICUM) called for a tool allowing recruitment across all skill levels and sectors. The Commission proposed that the tool be opened to workers of all skill levels, but only in sectors and occupations identified as facing shortages. This restriction was a strong sign that the proposed tool is designed primarily to satisfy

the short-to-medium term needs of EU employers. By restricting the Talent Pool to filling current labour gaps, the process may miss emerging labour market needs. It may also box third-country nationals into specific categories and thus have a negative effect on their future opportunities and professional mobility. Moreover, migration corridors for specific jobs or sectors are often geared towards a specific gender, reinforcing bias and stereotypes related to both gender and nationality in these sectors or occupations.¹⁰

b. An arbitrarily restricted scope

It is positive to see the Commission encourage Member States to put in place and support complementary labour pathways. People in need of protection have aspirations and often possess valuable skills and experience, but mainstream labour pathways remain inaccessible to them due to visa requirements or a lack of networks or financial means.¹¹ Complementary labour pathways to the EU bridge this gap by letting people enter and stay in the Union for work purposes. However, while the proposal refers to the Talent Pool 'supporting the operationalisation of the complementary pathways' several times, it does not unfortunately expand on how exactly the Pool can do this. As pointed out by HIAS Europe, opening the Talent Pool to people in need of international protection does not in itself enhance the complementary pathway. In a submission paper to the Commission's ex-post consultation, HIAS Europe makes valuable recommendations on how the Pool can effectively facilitate matching between EU employers and people in need of protection in full

¹⁰ PICUM (2021). Designing labour migration policies to promote decent work: <https://picum.org/wp-content/uploads/2021/03/Designing-labour-migration-policies-to-promote-decent-work-EN.pdf>

¹¹ ICMPD (2023). Infographic - Complementary labour pathways: Tapping into displaced talent: <https://www.icmpd.org/blog/2023/infographic-complementary-labour-pathways-tapping-into-displaced-talent>



respect of their fundamental rights and consideration of their particular situation.¹²

A non-negligible restriction to the scope of the Talent Pool as presented by the Commission is that it aims to facilitate the recruitment of ‘jobseekers from third countries residing outside the Union’. **This excludes all non-EU jobseekers who are already residing in the EU**, whether regularly or irregularly. This aspect stands in stark contrast with the EU Talent Pool Pilot, which aimed precisely to facilitate the integration into the labour market of beneficiaries of temporary protection who were already present in the EU. This limited scope is a missed opportunity to solve labour market shortages, as it restricts access to the Pool to certain categories of jobseekers. One of these categories is people in need of protection who are already present on EU territory – typically asylum applicants – and willing to work in the EU. They constitute an underused pool of potential workers that could help answer labour market needs, as acknowledged in the Commission Recommendation on the Recognition of Qualifications of Third Country Nationals, which was published together with the proposal for an EU Talent Pool. As shown by the European Council on Refugees and Exiles (ECRE),¹³ asylum applicants’ ability to access formal employment is hindered by structural obstacles – such as language barriers and residence in remote locations and with uncertain prospects – even when they do have the right to work. If the EU Talent Pool was open to asylum applicants, it could help them to access the labour market and contribute to solving the EU’s labour shortages. It would also be more efficient, as people already present in the EU – and usually also working informally – would not have to

go through an entire migration procedure to settle in a host country. As a result, much less time and resources would be needed between job matching and the effective start of the employment.

The same principle generally applies to other categories of third-country nationals who are already in the EU and seeking employment, such as people working under a fixed-term permit, students, and researchers. Under the proposal as it stands, these groups would not be able to benefit from the Talent Pool, unless they travelled to a third country to apply from there. As recognised by the Commission, third-country nationals already residing in the EU and with a regular status would only be able to rely on the support of the national employment services of the Member State they were in. For instance, only those third-country nationals enjoying free movement can use EURES.¹⁴ The EU currently dedicates millions of euros to attracting talent from third countries, but there are many people already on EU territory willing to work, and they often face obstacles because they lack the right permits. These resources could instead be used to grant permits to people already in the EU and to train them and facilitate their integration into the labour market.

12 HIAS Europe (2024). Submission: Proposal for a regulation- COM(2023)716 (EU Talent Pool): https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13716-EU-Talent-Pool/F3452204_en

13 ECRE (2024). POLICY PAPER: THE RIGHT TO WORK FOR ASYLUM APPLICANTS IN THE EU, Policy Paper 12: <https://ecre.org/ecre-policy-paper-the-right-to-work-for-asylum-applicants-in-the-eu/>

14 As stated in the Commission proposal for a regulation establishing an EU Talent Pool, section 1.3 of the explanatory memorandum.



3.2 Facilitated access to foreign workforce for jobs Europeans do not want

a. Unattractive sectors

The platform's role in matching employers and jobseekers for vacancies in occupations with a labour shortage points to it being an employer-driven tool. It is not inherently a problem to try to fill labour shortages by recruiting foreign workers, but **the proposed Regulation remains blind to the original reasons for shortages in some sectors or occupations.** Evidence compiled by the European Labour Authority (ELA) shows that widespread shortages reflect structural features of the European economy, notably the unattractiveness of employment and working conditions, the ageing population, the increased use of technology, and the transition to a green economy.¹⁵ The European Trade Union Confederation supports the idea that labour shortages in certain sectors are intrinsically linked to undesirable and often precarious employment and working conditions, rather than a lack of skills or workers.¹⁶ The ELA recommends responding to labour shortages by first making the jobs in question more attractive and investing in workers.¹⁷

The recruitment of third-country workers may be a way to alleviate the economic pressures due to the EU's ageing population. However, **if structural problems are not dealt with, such recruitment risks aggravating issues such as precariousness, low wages, and access to rights.** It offers an alternative recruitment track to

employers that would otherwise be forced to reform and improve the quality of the jobs they provide. That is, they can turn to third-country workers who are willing to accept degraded employment and working conditions in order to get any kind of job that will lead to an EU residence permit.

The EU Talent Pool should not exacerbate this power imbalance and these structural issues. It should not become a tool for unscrupulous EU employers to have easy access to a foreign workforce on which it can impose lower standards and protection than for EU workers.

b. Safeguards for the Talent Pool

If the EU Talent Pool is set up, it should promote fair recruitment, decent work, and social inclusion.

Ensuring fair recruitment – This implies that the EU Talent Pool be a means to **advertise good quality positions and ensure fair and ethical recruitment through a proper vetting of employers and other entities that are entitled to post vacancies.** Without such safeguards, there is a risk that employers known to have abusive practices – and possibly even some criminal actors – could post vacancies and recruit through the Talent Pool. The proposal for a Regulation lacks ambition in this area. It includes merely the possibility for Member States to introduce additional conditions for employers to participate. Conversely, the draft report by the European Parliament's Committee on Civil Liberties, Justice and Home Affairs (LIBE)¹⁸ and the draft opinion by the Committee on Employment and

15 European Labour Authority (2024). EURES Report on labour shortages and surpluses 2023: https://www.ela.europa.eu/sites/default/files/2024-05/EURES-Shortages_Report-V8.pdf

16 ETUC (2023). ETUC Position on the European Commission Proposal for an EU Talent Pool: <https://www.etuc.org/en/document/etuc-position-european-commission-proposal-eu-talent-pool>

17 John Mc Grath (2021). Report on Labour Shortages and Surpluses, November 2021, European Labour Authority: <https://www.ela.europa.eu/sites/default/files/2021-12/2021%20Labour%20shortages%20%20surpluses%20report.pdf>

18 Abir Al-Sahlani (Rapporteur) (2024). Draft report on the proposal for a regulation of the European Parliament and of the Council establishing an EU talent pool, Committee on Civil Liberties, Justice and Home Affairs: https://www.europarl.europa.eu/doceo/document/LIBE-PR-758802_EN.pdf



Social Affairs (EMPL)¹⁹ advance bolder ideas, such as setting up National Contact Points to screen and verify employers before admitting them to the platform. The International Labour Organisation's fair recruitment guidelines²⁰ are a good benchmark for establishing common standards as part of the vetting process.

Promoting decent work and inclusion – Fair recruitment should lead to high-quality immigration procedures for workers, leading to **high-quality work and residence permits, which should be of reasonable initial duration and renewable**. The associated rights should be of a standard equal to those of EU workers. The set of rights secured with the adoption of the **revised Single Permit Directive**²¹ is a good step in terms of social rights, family rights, the right to change employer, and the access to complaint mechanisms. Generally, migrant workers should enjoy social rights in line with the **European Pillar of Social Rights**²² and without unnecessary restrictions. Eventually, migrant workers should not be considered as stopgaps for EU economies but instead be given meaningful prospects to develop their careers and continue education, training and lifelong learning. In short, they should be given the opportunity to pursue a purposeful life in the EU if they want to.

c. Tailored support and information

The proposal took into account several recommendations made in ex ante consultations by civil society organisations (CSOs) and trade unions, including SOLIDAR, in particular regarding standards of information to better protect workers, before and after selection. The Commission proposed that the platform should feature comprehensive information on recruitment and migration procedures, the recognition and validation of skills and qualifications, the rights of non-EU nationals, the available redress mechanisms, and living and working conditions in participating Member States. In addition, National Contact Points (NCPs) should provide additional information upon request from jobseekers or employers. They should also provide selection assistance, for example by posting details of organisations that provide such assistance to third-country nationals.

To effectively protect beneficiaries of the scheme, the information provided must be reliable, up to date and in a language they understand. This is a key to setting the right expectations for the tool and building trust in it, and it is particularly important if the tool is to be open to people in need of protection in third countries. Such sensitive circumstances require a targeted approach in terms of outreach, procedures, and tailored support.^{23 24}

19 Marianne Vind (Rapporteur for opinion) (2024). Draft opinion of the Committee on Employment and Social Affairs on the proposal for a regulation of the European Parliament and of the Council establishing an EU talent pool: https://www.europarl.europa.eu/doceo/document/EMPL-PA-758776_EN.pdf

20 ILO (2019). General principles and operational guidelines for fair recruitment & Definition of recruitment fees and related costs: <https://www.ilo.org/publications/general-principles-and-operational-guidelines-fair-recruitment-and-0>

21 European Parliament (2024). Legal migration: MEPs endorse beefed-up single residence and work permit rules, press release: <https://www.europarl.europa.eu/news/en/press-room/20240308IPR19036/legal-migration-meps-endorse-beefed-up-single-residence-and-work-permit-rules>

22 European Commission website (year unknown). The European Pillar of Social Rights in 20 principles: https://ec.europa.eu/info/strategy/priorities-2019-2024/economy-works-people/jobs-growth-and-investment/european-pillar-social-rights/european-pillar-social-rights-20-principles_en

23 HIAS Europe (2024). Ibid.

24 Maria Tereza Matos, Martin Wagner & Caitlin Katsiaticas (2023). Can the EU Talent Pool drive complementary pathways to the EU?, Commentary: <https://www.icmpd.org/blog/2023/can-the-eu-talent-pool-drive-complementary-pathways-to-the-eu>



The variable degrees of digital literacy and access to information in third countries mean that accessible information on the Talent Pool needs to be actively disseminated for it to reach jobseekers. This could be done through the establishment of in-country focal points for dissemination, a role that could be assumed by EU Delegations, as suggested in the draft opinion of the European Parliament's Committee on Development (DEVE).²⁵

Information on support structures for migrant workers should always be available through the Pool and not only upon request. It should include the contact of trade unions active in the sector and civil society organisations that work with migrants.

d. Better governance to ensure affected groups' needs are taken in consideration

It is promising that the Commission proposes that Member States appoint representatives of both employment and migration authorities to their NCPs. Protection and labour migration are often dealt with as separate policy areas, by different actors with different objectives and different bureaucratic cultures and practices. In relation to complementary labour pathways, it would be a positive move for those two strands of policy to interact in the same governance structure.

To safeguard jobseekers' and workers' rights and interests, **the Regulation should provide adequate opportunities for the participation of trade unions and civil society organisations in the Talent Pool's governance.** Their involvement should be supported with appropriate funding.

Trade unions and social partners in general are the key stakeholders for advancing workers' rights, both within and across sectors. Relevant trade unions from the EU destination countries and from workers' (major) countries or regions of origin – as well as union federations and confederations at international level – should have a voice in the governance of the EU Talent Pool. An observer status in the Steering Group, as proposed by the Commission, may not be sufficient to meaningfully involve social partners, though this would depend on the prerogatives attached to this status, which are yet to be clarified.

Civil society organisations, including a number of SOLIDAR members, work with migrants, people who are not employed, and vulnerable groups with less access to public services and unionization. Among these CSOs are inclusion support structures, legal aid associations, diaspora collectives, and learning providers. As such, they play a central role in reaching out to vulnerable communities, helping them navigate job-searching and migration procedures, and advising and monitoring compliance with fundamental rights. In spite of CSOs' experience and expertise, they are essentially absent from the governance structure, and from the proposed Regulation itself, other than in the possibility for NCPs to refer requests to 'organisations offering post-recruitment assistance' to third-country nationals. To ensure migrants' needs are taken into account, CSOs should be meaningfully involved in all aspects of the governance. This means having a status in the Steering Group, at least as an observer, depending on what this entails. Participating Member States should also consult CSOs operating in their countries. A transparent selection mechanism for relevant CSOs could be envisaged, so

²⁵ Tomas Tobé (Rapporteur for opinion) (2024). Opinion of the Committee on Development on the proposal for a regulation of the European Parliament and of the Council establishing an EU Talent Pool: https://www.europarl.europa.eu/doceo/document/DEVE-AD-758160_EN.pdf



that, for instance, one CSO represented migrants or providers of post-selection and inclusion support for migrants, while another organized labour pathways for people in need of protection in third countries. The participation of groups with lived migration experience, in the form of migrant- or refugee-led organisations or diaspora collectives, is also a central aspect of a successful migration policy.

Countries of origin are all but absent from the proposal, even though the tool may have important consequences for them. In the Annex to the proposal, the list of occupations in which there are EU-wide shortages identifies several health occupations for the Talent Pool to target, such as nursing and healthcare assistance. However, a number of third countries also have skills shortages in the health²⁶ and other critical sectors, and implementation of the Talent Pool could well aggravate these. Third countries should be involved in governance of the Talent Pool so as not to deprive them of the healthcare workers they need. As suggested by the DEVE draft opinion, the Steering Group should establish a mechanism for consulting relevant stakeholders from third countries, including social partners and CSOs.

²⁶ World Health Organisation (2010). WHO Global Code of Practice on the International Recruitment of Health Personnel: <https://www.who.int/publications/i/item/wha68.32>



RECOMMENDATIONS FOR CO-LEGISLATORS

The EU Talent Pool is an ambitious tool with the potential to facilitate international recruitment for quality jobs in the EU. However, the current proposal could have the unintended consequence of cementing poor working conditions and precariousness in sectors with a labour shortage. It also misses an opportunity to improve the employment prospects of a large group of non-EU nationals willing to work in the EU, by focusing on talent from outside rather than migrants already on EU territory.

Below we outline some practical changes that can improve [the Commission's proposal](#).

4.1 On the scope of the Talent Pool (Article 2):

- Extend the scope to jobseekers from third countries, removing the residence condition.

4.2 On the governance of the Talent Pool (Article 9):

- Clarify the status of 'observers' to guarantee a meaningful role for trade unions and employer representatives in the Steering Group.
- Introduce a mechanism for the representation of CSOs and national trade unions in the Steering Group.
- Introduce a mechanism for consultation with relevant stakeholders from third countries, including employers' representatives, trade unions and CSOs.

4.3 On the registration of jobseekers (Article 11)

- Introduce a paragraph on guidance for reaching out to people in need of protection – both in third countries in the context of complementary labour pathways and in the EU in the context of an amended Article 2.

4.4 On participation of employers (Article 13)

- Introduce a procedure for screening or vetting employers before admitting their profile into the Talent Pool.

4.5 On the list of EU-wide shortage occupations

- Delete Article 13 paragraph (2) point (a) specifying that NCPs should only transfer to the platform vacancies that fall within the list of shortage occupations. Delete Articles 14 and 15 and the Annex that lists EU-wide shortage occupations.

4.6 On information provision (Article 17)

- Set up common standards for Member States' provision of complete, transparent and up-to-date information in the pre-selection phase. This should include information specific to the situation of people in need of protection who are looking to apply through complementary labour pathways.
- Set up mandatory common standards for Member States' provision of complete, transparent and up-to-date information on additional support and post-selection assistance. This information should be presented in a language that applicants understand, and the mention 'upon request' should be deleted.

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SOLIDAR is a European and worldwide network of Civil Society Organisations (CSOs) working to advance social justice through a just transition in Europe and worldwide. Our over 50 member organisations are based in 27 countries (19 of which are EU countries) and include national CSOs in Europe, as non-EU, EU-wide and organisations active at the international level.



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