



2023/0404(COD)

8.4.2024

COMPROMISE AMENDMENTS

1 - 12

Draft opinion

Tomas Tobé

(PE758.160v01-00)

on the proposal for a regulation of the European Parliament and of the Council
establishing an EU Talent Pool

Proposal for a regulation

(COM(2023)0716 – C9-0413/2023 – 2023/0404(COD))

AM_Com_LegCompr

Amendment 1

Tomas Tobé

Compromise amendment replacing Amendments 1, 18, 25, 26, 27 and 103

Proposal for a regulation

Recital 3 a (new), Recital 3 b (new), Recital 3 c (new)

Text proposed by the Commission

Amendment

(3a) The Talent Pool should contribute to achieving the UN 2030 Agenda for Sustainable Development and its Sustainable Development Goals (SDGs), in particular Goal 1 to eradicate poverty, Goal 5 to ensure gender equality and empower all women and girls, 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.

(3b) 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. It should promote equal treatment and non-discrimination as well as prevent and protect migrant workers from exploitation and abuse. It should furthermore take into account the WHO Global Code of Practice on the International Recruitment of Health Personnel and the potential negative effects of health personnel emigration from developing countries.

(3c) The EU Talent Pool should be in line with the EU's Gender Equality Strategy as well as the policy framework of the Gender Action Plan III, as migrant women are often particularly vulnerable to mistreatment.

Or. en

Amendment 2

Tomas Tobé

Compromise amendment replacing Amendments 2, 20, 28, 34 and 35

Proposal for a regulation

Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) The EU Talent Pool should promote skills-based migration that relies on genuine partnerships, taking into account possible consequences on family disintegration. Strong partnerships with third countries can contribute to effective development cooperation in line with the principle of Policy Coherence for Development, and facilitate the creation of mutual gains for the third countries, the EU and its Member States. Partnerships should offer simple, coherent and comprehensible legal pathways to the Union, enabling re-entry possibilities that may be facilitated through the EU Talent Pool and encouraging circular migration for its developmental benefits to countries of origin, including through skills and knowledge transfers and remittances. Third countries must be able to co-create equal partnerships. The European Union migration policy must always be guided by respect for the rule of law and human rights.

Or. en

Amendment 3

Tomas Tobé

Compromise amendment replacing Amendments 3, 40, 42 and 43

Proposal for a regulation

Recital 16 and Recital 16 a (new)

Text proposed by the Commission

Amendment

The EU Talent Pool should **contribute to**

(16) The EU Talent Pool should

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 accordance with Directive 2008/115/EC of the European Parliament and of the Council¹¹, 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.

¹¹ 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>).

facilitate legal migration by promoting the international recruitment of third country nationals and their access to existing legal pathways and contribute to ***reducing irregular migration by helping address its root causes, while contributing to human capital development by promoting decent work and social inclusion***. 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.

(16a) The EU Talent Pool should also build on the objectives and provisions regarding the Union's constructive engagement on mobility and all aspects of migration laid out in the NDICI-GE Regulation as well those regarding support to the development of skills and competences, education and vocational training in partner countries.

¹¹ 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

Tomas Tobé

Compromise amendment replacing Amendments 4, 44, 45 and 63

Proposal for a regulation

Recital 17 and Recital 17 a (new)

Text proposed by the Commission

(17) Jobseekers from third countries wishing to register in the EU Talent Pool should create a profile using the Europass¹² profile builder functionality enabling to create a free profile and report the relevant skills, qualifications, and other experiences in one secure online location.

¹² 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, **where appropriate**, the Europass¹² profile builder functionality enabling to create a free profile **without the obligation to include any pictures** and report the relevant skills, qualifications, and other experiences in one secure online location.

(17a) Eligibility criteria should be non-discriminatory, based on the principle of equal treatment, and should be defined in a broad way to allow for the admissibility of jobseekers with all skill levels and providing opportunities for persons with disabilities. 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 applicable, 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.

¹² 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

Tomas Tobé

Compromise amendment replacing Amendments 6, 67, 68 and 69

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 ***where technically possible*** at least in the official languages of the participating Member States, ***as well as in the official languages of third countries participating in the Talent Partnerships (AM 6/EPP, AM 68/Greens, AM 69/S&D) as well as the official languages of the ten nationalities that have received the highest number of single permits within the EU during the past three years.***

Or. en

Amendment 6

Tomas Tobé

Compromise amendment replacing Amendments 9, 83, 107 and 109

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 with all skill levels to easily access and navigate the platform, and employers to easily recognise foreign qualifications, without the obligation to include any pictures of the jobseekers. Where relevant, Delegations of the European Union shall disseminate information towards potential jobseekers in third countries about the Talent Pool IT Platform and how to make use of it.

Or. en

Amendment 7

Tomas Tobé

Compromise amendment replacing Amendments 10, 89 and 90

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 ***including gender, age and disability disaggregated data on a voluntary and anonymous basis, and on the impacts of this Regulation on developing countries; including their achievement of the SDGs;***

Or. en

Amendment 8

Tomas Tobé

Compromise amendment replacing Amendments 11, 98 and 99

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, ***where appropriate, with participation of relevant civil society organisations. The selection of the representatives shall be fully transparent.*** 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 from third countries when useful, including social partners' organisations and civil society organisations.

Or. en

Amendment 9

Tomas Tobé

Compromise amendment replacing Amendments 12, 13, 136, 137 and 140

Proposal for a regulation

Article 17 – paragraph 2 – point c; point ea (new) and point eb (new)

Text proposed by the Commission

(c) specific information on third-country nationals' rights and obligations including access to social benefits, health assistance, education, housing, recognition of qualifications and the complaint mechanism pursuant to Article 18;

Amendment

(c) specific information on third-country nationals' rights and obligations including access to social benefits, health assistance, education, housing, **best practices for transferring remittances**, recognition of qualifications and the complaint **and redress** mechanism pursuant to Article 18;

(ea) information to third country nationals on legal stay in the Member State of reception after the end of their working contract with an employer participating in the EU Talent Pool as well as information on assistance available to third country nationals on return to their home countries, including on support for reintegration in the context of Talent Partnerships with developing countries;

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

Or. en

Amendment 10

Tomas Tobé

Compromise amendment replacing Amendments 103, 142, 143 and 144

Proposal for a regulation

Article 18 – paragraph 1 and paragraph 2 a (new)

Text proposed by the Commission

1. Participating Member States shall ensure that there are effective mechanisms through which registered jobseekers from third countries may lodge complaints in case of breach by the employers participating in the EU Talent Pool of the obligations and conditions laid down in Article 13(3).

Amendment

1. Participating Member States shall ensure that there are ***accessible, timely, gender-sensitive and*** effective mechanisms through which registered jobseekers from third countries may lodge complaints in case of breach by the employers participating in the EU Talent Pool of the obligations and conditions laid down in Article 13(3). ***Attention should be especially given to occupations with higher rates of labour exploitation, such as domestic and care work.***

2a The EU Talent Pool IT Platform shall feature a direct link to the relevant complaint and redress mechanisms for registered jobseekers against unlawful recruitment as well as abusive employment practices, indicating the relevant institutional body or organisation they should refer to.

Or. en

Amendment 11

Tomas Tobé

Compromise amendment replacing Amendments 14, 152, 153, 154, 155, 156 and 157

Proposal for a regulation

Article 20 – paragraph 1 – introductory part and point fa (new); paragraph 2 a (new) and paragraph 3

Text proposed by the Commission

1. The performance of the EU Talent Pool shall be regularly monitored by the EU Talent Pool Secretariat in accordance with Article 8(2), point (e). In particular,

Amendment

1. The performance of the EU Talent Pool shall be regularly monitored by the EU Talent Pool Secretariat in accordance with Article 8(2), point (e). In particular, ***gender, age and disability disaggregated***

data shall be gathered on:

data shall, *on a voluntary and anonymous basis*, be gathered on:

(fa) The number and type of registered jobseekers and recruitments from developing countries in order to monitor the impact of the regulation on developing countries through clear indicators based on the SDGs.

2a. The EU Talent Pool Secretariat, in collaboration with the EU Talent Pool National Contact Points, shall distribute anonymous surveys to employers and jobseekers, on their evaluation of the suitability of the matching mechanism, amount of recruitments facilitated through the EU Talent Pool, overall satisfaction with information provided and assistance during the process, and accessibility of the platform.

3. The EU Talent Pool Secretariat shall gather the data referred to in paragraph 1 with the support of the EU Talent Pool National Contact Points and the EU Talent Pool Steering Group.

3. The EU Talent Pool Secretariat shall gather the data referred to in paragraph 1 with the support of the EU Talent Pool National Contact Points and the EU Talent Pool Steering Group *and, where relevant, in consultation with the Delegations of the European Union.*

Or. en

Amendment 12

Tomas Tobé

Compromise amendment replacing Amendments 15, 159 and 160

Proposal for a regulation

Article 23 – paragraph 1

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 and
the advancements of the SDGs in third
countries.*

Or. en