



C/2024/4067

12.7.2024

Opinion of the European Economic and Social Committee

Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Skills and Talent Mobility

(COM(2023) 715 final)

Proposal for a regulation of the European Parliament and of the Council establishing an EU talent pool

(COM(2023) 716 final - 2023/0404 (COD))

Proposal for a Council recommendation 'Europe on the Move' – learning mobility opportunities for everyone

(COM(2023) 719 final)

Commission recommendation on the recognition of qualifications of third-country nationals

(C(2023) 7700 final)

(C/2024/4067)

Rapporteur: **Tatjana BABRAUSKIENĖ**

Co-rapporteur: **Mariya MINCHEVA**

Referral	Council of the European Union, 24.1.2024 European Commission, 21.12.2023
Legal basis	Articles 165, 166 and 304 of the Treaty on the Functioning of the European Union
Section responsible	Employment, Social Affairs and Citizenship
Adopted in section	12.4.2024
Adopted at plenary session	25.4.2024
Plenary session No	587
Outcome of vote (for/against/abstentions)	187/1/3

1. Conclusions and recommendations

1.1. The EESC underlines that labour and skills shortages driven by different factors, including demographic challenges and the twin transitions, pose serious challenges to companies' operations and growth. This is especially valid in disadvantaged regions ⁽¹⁾. It is highly important for the EU Talent Pool (TP) to be a **practical, reliable, easy to use tool** that is **attractive for workers and employers** and supports fair and ethical **legal labour migration** into the EU.

⁽¹⁾ Harnessing talents in EU regions: <https://www.eesc.europa.eu/en/our-work/opinions-information-reports/opinions/harnessing-talents-eu-regions>.

1.2. The EESC asks the European Commission and Member States (MSs) to make effective steps to reduce labour shortages in the EU in cooperation with social partners and to ensure that active labour market policies support high-quality jobs and job creation in the EU and to make these jobs attractive for all workers, while taking into consideration the EU Action Plan on Labour and Skills shortages. Labour shortages in certain professions and the identification of shortage occupations need to be discussed with sectoral and national social partners, taking into consideration skills and job matching, decent wages, working conditions and the well-being of workers, as well as equal access to professional development, as key factors in making the profession concerned more attractive.

1.3. The EESC points out that third-country nationals already present on EU territory and willing to work in the EU (asylum applicants, people without work permits, people that have entered the EU for reasons of family reunification) constitute an under-used pool of potential workers that can help meet labour market needs. These people need to be supported to facilitate their labour market integration.

1.4. The EESC asks the Member States to **ensure there is a welcoming environment for migrant and refugee workers in all Member States**, and to work in cooperation with the social partners and civil society organisations on changing the discourse and narrative surrounding legal migration mostly generated by far-right movements, putting a stop to hostile attitudes towards migration and acknowledging the role that legal migration can play in helping address labour shortages and regional disparities.

1.5. The EESC recommends to implement the TP initiative in conjunction with the EU Harnessing Talent initiative ⁽²⁾ to avoid causing a brain drain – within the EU and towards the outside of the EU – in professions where there is a shortage of workers. Circular migration can be a useful tool in this respect as well.

On the Proposal for a regulation establishing an EU Talent Pool

1.6. The EESC would like to see the TP as an effective and efficient complement to existing EU and national tools and practices for helping third-country nationals find quality work in the EU and for supporting employers in the recruitment of these workers. The TP should ensure that migrant workers and EU employers are provided with information on the laws to comply with, as well as on their rights and responsibilities, e.g. rules concerning the effects of loss of job after a shorter period of time. The European Commission, in cooperation with the European Labour Authority, should ensure that the appropriate arrangements are in place for providing information on these matters.

1.7. The EESC stresses that the EU TP should lead to quality work, corresponding to the skills and competences of migrants. Workers should not be considered as stopgaps for EU economies but they have to receive the same treatment as EU nationals and the same opportunities in terms of developing their career and furthering their education and training if they should so wish, as well as the possibility of continuing to live in the EU.

1.8. The EESC points out that transparent and trustworthy information about accessing jobs in EU Member States and about requirements, including the recognition of qualifications, need to be provided on one single EU website for workers and employers. The new 'web tool' on labour mobility that is being developed by the European Labour Authority will be a digital tool aimed at consolidating national and EU-level information sources, including the European Commission, EU agencies etc. The matching algorithm should not take into account personal data irrelevant to a job, such as name, age, gender, nationality or country of residence. Companies must be able to rely on support from the EU TP when recruiting third-country nationals.

⁽²⁾ COM(2023) 32 final.

1.9. The EESC underlines that setting up the EU TP must build on the work of the revision of the **Single Permit Directive** ⁽³⁾ and the **Long-term Residents Directive** ⁽⁴⁾, in order to ensure efficient and timely access to work and residence permits for migrant workers, as well as to enforce labour standards in the EU. Member States participating in the TP are also encouraged to follow the nationally and sectorally agreed proposals by the Member States and social partners in the Commission's Recommendation on the recognition of third-country qualifications.

1.10. While welcoming the provisions of the proposed regulation, the EESC highlights the fact that particular attention must be paid to fraud-sensitive sectors, where migrant workers are particularly vulnerable and at high risk of labour exploitation and abuse.

1.11. The EESC believes that the role of intermediaries and agencies, including for subcontracting, should be clarified, as currently many employers use their services at national level.

1.12. The initiative should not result in an increased administrative burden for employers who ask the EU TP National Contact Point in the Member State where they are established to transfer their job vacancies to the EU TP IT platform. There should be a simple add-on function for the transfer of vacancies from national Public Employment Services to the EU TP. A possible role for private employment agencies should also be considered.

1.13. Suspended access for employers in the event of a breach of their obligations should be defined in terms of time and proportionality to the violation concerned. Similar limitations should be considered for TCNs (third-country nationals) who abuse the right to reside and work legally in the EU.

1.13.1. Democratic governance is key to ensuring that labour migration policies and tools are designed for, and driven by, workers and employers. The EESC welcomes the fact that the Steering Group on implementation will include European cross-industry social partners. The initiative should motivate Member States to involve the social partners at cross-industry and sectoral level, as well as relevant civil society organisation working with migrants and refugees, and education and training stakeholders in discussions and decisions at national level, notably as regards the identification of shortage occupations as well as for the provision of periodic feedback on their assessment of the functioning of the TP.

On the Commission's recommendation on the recognition of qualifications of third-country nationals

1.14. The EESC underlined the need that skills and competences of workers from third countries should be assessed and swiftly validated to ensure that their skills are certified and they can obtain their qualifications when necessary (e.g. in case of regulated professions). Procedures should aim to reduce the administrative burden of proof for applicants, especially when documents may have been left behind or lost during the migration journey.

1.14.1. The EESC welcomes the fact that the Communication reminds Member States that the Directive on the recognition of professional qualifications can also apply to the recognition of the qualifications of third-country nationals and of qualifications gained within the EU in the event of workforce shortages in certain professions ('priority regulated professions') defined by the Member States. The EESC asks that access for those who would like to work in **regulated** professions in EU Member States be supported through speedy and transparent validation and recognition processes when necessary. At the same time, conditions for ensuring the quality of jobs and services lie in the implementation of qualification and skills requirements. Thus, it is important for potential employees to respect the minimum qualification requirements of Member States in order to enter certain regulated shortage professions.

1.14.2. The EESC highlights the possibility of streamlining access to professions by agreed common training frameworks in a minimum of nine countries, which can contribute to automatic recognition of qualifications in certain regulated professions at EU level. This may help to TCNs to access recognition in a more coherent way in all EU Member States.

⁽³⁾ COM(2022) 655 final.

⁽⁴⁾ COM(2022) 650 final.

1.15. The EESC believes that it is important to provide trustworthy information for TCNs on what kind of agencies, social partners and stakeholders can help them enter the job market and obtain quality jobs.

1.16. The EESC points out that on recruiting professionals from third countries whose qualifications are **not regulated**, the role of employers and Public Employment Services is essential in ensuring equal treatment when analysing whether the TCN's learning and work experience is relevant to the job. The assessment of their skills and the 'skills first' approach can apply in this case.

1.17. The EESC asks the Member States to ensure their fair entry to **regulated professions** by appropriate support for TCNs during the period of recognition and training. Member States need to ensure that training is available to every TCN - not simply those aiming for priority regulated professions - as it is a social right and the path to quality employment, career development and social inclusion.

On the Proposal for a Council recommendation entitled 'Europe on the Move' – learning mobility opportunities for everyone

1.18. The EESC points out that learning mobility in the EU should aim to enhance a sense of belonging to the EU. The EESC regrets that only 15 % of EU citizens have participated in studying, training or apprenticeships in another EU country and underlines the fact that all students and teachers should have more equal access to mobility, in all education sectors, and in particular in VET.

1.19. The EESC calls on the Member States to ensure public investment in schools and educational institutions to ensure their capacity to provide quality and trustworthy guidance and advice on learning mobility opportunities supporting career development, lifelong learning; this must be freely available in order to motivate learners to apply for learning mobility to another EU country. The EESC urges Member States to require learning mobility coordinators in education and training institutions to establish continuous dialogue with the social partners and other relevant stakeholders.

1.19.1. The EESC requests Member States to ensure teachers' learning mobility by overcoming the problems of replacement and teacher shortage. The profession needs to be made attractive, with good working conditions, fair salaries, access to quality initial education, continuous professional development and career development to ensure the quality education.

1.19.2. The EESC asks the Commission to ensure that appropriate funding is available to reflect the real costs of participating in Erasmus mobility for learners, teachers and trainers, guaranteeing the transferability of salaries and other benefits, including pensions, for adult learners and teachers taking part in international mobility through their continuous professional development. Involvement of the social partners in monitoring this and in decisions on how to solve these problems is key.

1.20. The EESC asks the European Commission to reinstate the role of the European social partners and relevant stakeholders in the Erasmus+ Committee, which defines the yearly priorities of the Erasmus+ Programme. The EESC urges the Member States to develop their national action plans on the initiative in cooperation with the relevant stakeholders and social partners.

2. General comments

2.1. The Talent Mobility Package includes several policy initiatives on mobility and migration for education and employment purposes for EU and non-EU nationals. The package will impact national policies dealing with migration, employment, qualifications, and international mobility in education to propose possible solutions to develop actions in the current context of labour and skills shortages.

2.2. Within these different initiatives, and especially those relating to third-country migration, human rights need to be seen as a priority and supported by equal treatment of workers and clear labour market objectives.

2.3. Many professions, including regulated ones, are shortage professions in EU countries. Linking the mobility of 'talents' also to job mobility raises concerns how the initiatives will avoid causing a brain drain – within the EU and globally – in professions where there is a shortage of workers. In this regard, the package should work in conjunction with the EU Harnessing Talent initiative.

3. Specific comments

3.1. *Proposal for a regulation establishing an EU Talent Pool*

3.1.1. The EU TP will be the first EU-level **voluntary matching tool** for interested Member States, open to 'low, medium and highly-skilled job-seekers'. Only employers established in those Member States will be able to publish their job vacancies. It will also support the implementation of **Talent Partnerships** launched with **Morocco, Tunisia, Egypt, Pakistan and Bangladesh**. The matching function should be structured in a way that proposes matches between workers and employers that correspond to the skills and qualifications of the worker and the needs of the employer.

3.1.2. While the TP does not provide specific entry route into the EU in terms of the acquisition of work and residence permits, advice and support should be available to workers entering the pool as regards access to healthcare, housing, and further education and training in the host Member State. It is also important that the TP ensure migrant workers and employers are provided with information on the laws to follow and on their rights and responsibilities. The European Commission should provide impetus for the adoption of common standards in terms of information provision.

3.1.3. Progress on the EU Talent Pool should build on the work of the revision to the **Single Permit Directive and the Long-term Residents Directive**, in order to improve access to work and residence permits for migrant workers, as well as to enforce labour standards in the EU. The third-country nationals already present on EU territory and willing to work in the EU (asylum applicants, people without work permits, people that have entered the EU for reasons of family reunification) constitute an under-used pool of potential workers that can help meet labour market needs.

3.1.4. The TP needs to become a reliable and trusted tool with up-to-date profiles accessible in at least English for employers and workers, supporting migrant workers' matching with job opportunities in the EU. This includes proposing appropriate matches in terms of the skills and qualifications that a job-seeker holds in relation to the advertised vacancy. Therefore, when this is carried out, there also needs to be more work done on recognising qualifications and skills obtained abroad and/or in non-formal and informal learning environments.

3.1.5. Particular attention must be paid to fraud-sensitive sectors, where migrant workers are particularly vulnerable and at high risk of labour exploitation and abuse. The Talent Pool needs to be designed to ensure fair and ethical recruitment standards, including bans on abusive practices, recruitment fees and deductions. The role of intermediaries and agencies, including subcontracting, should be clarified, as currently many employers use their services at national level.

3.1.6. Democratic governance is key to ensuring that labour migration policies and tools are designed for, and driven by, workers and employers. The Steering Group on implementation will include European cross-industry social partners. Member States need to involve the social partners and relevant stakeholders in discussions and decisions at national level, notably as regards the identification of shortage occupations as well as for the provision of periodic feedback on their assessment of the functioning of the TP.

3.1.7. Implementation of the TP and Talent Partnerships also depends on bilateral labour migration agreements and partnerships with third countries as a means of labour migration governance. The EESC underlines the fact that these partnerships need to ensure the protection and rights of migrant workers coming to the EU, as well as defining the role of the employers, as per the EU labour migration directives.

3.1.8. The initiative should not result in an increased administrative burden for employers who ask the EU TP National Contact Point in the Member State where they are established to transfer their job vacancies to the EU TP IT platform.

3.1.9. Both the TP and Talent Partnerships should address the need for transparency, providing information on existing EU legislation, covering responsibilities for the provision of social rights, travel costs and quality accommodation, labour and trade union rights, complaints and redress mechanisms, if possible incorporating translation tools to provide information for workers in their own language about the job concerned and on the support available from social partners and civil society organisations.

3.1.10. Suspending an employer's access to the EU TP in the event of breaches of their obligations under labour or social law should be proportionate to the breach and limited in time. In order to avoid illegal practices, similar sanctions should be envisaged for TCNs whose permits have been cancelled due to a breach of entry requirements.

3.1.11. According to the Commission's proposal, the list of shortage occupations in Annex 1 can be amended if a significant number of Member States should so request. To avoid legal uncertainty regarding the shortage occupation, the Commission could amend the list, i.e. if two Member States so request.

3.2. *Commission recommendation on the recognition of qualifications of third-country nationals*

3.2.1. The EESC welcomes the fact that the recommendation proposes possible solutions to help TCNs access employment by validating skills and competences and through the recognition of TCNs' qualifications, which are practical barriers that migrant workers face. Procedures should aim to reduce the administrative burden of proof for applicants, especially in a context where documents may have been left behind or lost during the migration journey.

3.2.2. Fair treatment during the recruitment process is key. On recruiting professionals from third countries whose qualifications are **not regulated**, the role of employers and Public Employment Services is essential in ensuring equal treatment when analysing whether the TCN's learning and work experience is relevant to the job. The assessment of their skills and the 'skills first' approach can apply in this case. At the same time, the EESC welcomes the fact that the recommendation urges Member States to reflect on whether and how labour market tests are performed, with a view to making them as efficient as possible also via social dialogue mechanisms.

3.2.3. For **priority regulated professions**, a fair and speedy assessment and recognition of their qualifications is key for the needs of the labour market. Member States need to ensure that TCNs who want to occupy a priority regulated profession have appropriate support during the period of recognition and training and to prevent temporary contracts, lower status and lower salary. Training should be available to all TCNs and not simply those aiming for priority regulated professions.

3.2.4. Better information exchange about qualifications in regulated professions among EU and non-EU countries, e.g. via communication among ministries and social partners, is essential. The EESC welcomes the encouragement provided to motivate Member States to establish cooperation with non-EU countries in order to understand the qualifications and requirements of third countries and to develop comparability databases. The EESC points out that this is essential, in particular in respect of regulated professions, and work on the database should be led by cooperation among groups of ministries, social partners and stakeholders in the European Qualifications Framework Advisory Group, in consultation with the Committee on the Recognition of Professional Qualifications.

3.2.5. Recognition of qualifications requires simplification and transparency and is critical in reducing friction in the EU labour market. The application process under Directive 2005/36/EC of the European Parliament and of the Council ⁽⁵⁾ can not only be time-consuming and stressful for applicants, but also entails costs in submitting applications and in meeting skills requirements through training, while neither salary compensation nor unemployment benefits are guaranteed during this period. The EESC welcomes the steps to ensure equal treatment of workers by asking Member States to make sure that the cost for non-EU nationals ⁽⁶⁾ of applying for recognition of qualifications should be equal to that for EU nationals. At the same time, applicant TCNs should be informed how can they apply for financial and administrative support in the host country. If an applicant has a higher level of qualifications and skills than is required for accessing the regulated profession of their home country, support should be provided to the worker for fair employment, in keeping with their skills and qualifications level.

3.3. *Proposal for a Council recommendation entitled 'Europe on the Move' – learning mobility opportunities for everyone*

3.3.1. The EESC welcomes the broader possibility of participation in the learning mobility experience supported by the Erasmus Programme. The EESC would refer to the point made in its opinion on 'Education about the European Union' ⁽⁷⁾ that the vitality of the EU depends to a great extent on a strong European identity and on citizens identifying with the EU; it recommended increasing the Erasmus+ budget to foster a sense of EU belonging by ensuring learning mobility for all, especially amongst people from diverse socioeconomic backgrounds. It called for all future Erasmus projects to emphasise learning about the EU, building an EU identity and supporting intergenerational learning about the EU, as well as language learning and civic dialogue for all age groups, including adults.

3.3.2. The EESC welcomes the new sectoral benchmarks on participation in learning mobility. However, there is a lack of associated funding for meeting the new targets. Some of the more ambitious targets have also been watered down in terms of how they have been defined (for example: the target for higher education has been increased, but mobility can be acknowledged even if it accounts for only three ECTS (European Credit Transfers), instead of 15, as was the case previously). At the same time, benchmarks for the learning mobility of adult learners so they can participate in recognised continuous professional development in another EU country could also be set up. The EESC welcomes the steps to put in place learning mobility promoters such as coordinators, contact points, ambassadors and dedicated learning mobility information centres on learning mobility.

3.3.3. The EESC notes that democratic governance on learning mobility within the EU is key to achieving the objectives of the initiative. The EESC welcomes the proposed 'structural cooperation with stakeholders in the area of learning mobility in view of the implementation of this Recommendation' and points out that to implement such mobility, education institutions would have to collaborate with networks that have expertise and experience in learning mobility.

3.3.4. The EESC welcomes the fact that the initiative tries to broaden learning mobility for teachers and trainers. There are many obstacles to supporting teachers' learning mobility, namely the shortage of integrated mobility periods in curricula, different school year structures across the Member States, the lack of language skills, teachers' family responsibilities, and difficulties in arranging adequate substitute teachers and trainers. In addition, inadequate financial means and the insufficiency of Erasmus grants were the main obstacles to participation in earlier Erasmus exchange programmes. Most importantly, many EU countries suffer from teacher shortages; equal access to learning mobility can be achieved by ensuring that there are enough teachers to replace those who participate in mobility programmes, which is key to ensuring quality education.

⁽⁵⁾ Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications (OJ L 255, 30.9.2005, p. 22).

⁽⁶⁾ A number of innovative practices to facilitate access to skills recognition for temporary protection beneficiaries have been introduced by Member States following the April 2022 Recommendation on the recognition of qualifications for people fleeing Ukraine. Some of those practices are listed in the Commission's assessment of the implementation of the recommendation. For instance, Belgium, Portugal and Romania have exempted Temporary Protection holders from paying fees for the recognition process. Most Member States authorities have accepted alternative means of proof as well. Such practices can be replicated and upscaled.

⁽⁷⁾ Opinion of the European Economic and Social Committee on 'Education about the European Union' (Exploratory opinion requested by the Romanian Presidency) (OJ C 228, 5.7.2019, p. 68).

Brussels, 25 April 2024.

The President
of the European Economic and Social Committee
Oliver RÖPKE
