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Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on a European network of Employment Services, workers' access to mobility services
and the further integration of labour markets**

(Text with EEA relevance)

{SWD(2014) 9 final}
{SWD(2014) 10 final}

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

1.1. The scope of the proposal

This proposal for a Regulation aims to enhance access of workers to intra-EU labour mobility support services, thus supporting fair mobility and increasing access to employment opportunities throughout the Union.

It replaces the provisions on the exchange of information on job vacancies, job applications and CV's across Member States ("clearance") found currently in Chapter II and Article 38 of Regulation 492/2011¹ and is based on Article 46 of the Treaty on the Functioning of the Union ('the Treaty'). It also (re)establishes the European network of Employment Services, called EURES, the purpose of which will be to provide assistance with job search and recruitment across Member States. A similar network is active today on the basis of a Commission Decision adopted in 2012². Therefore, upon adoption of this Regulation, the Commission will repeal the above Decision on the functioning of the current EURES network.

Article 45 of the Treaty secures the freedom of movement for workers within the Union while Article 46 sets out the measures to bring about this freedom, in particular by ensuring close cooperation between the Public Employment Services ('PES'). The Commission also recently introduced a proposal to establish a network of PES³ to deepen cooperation and mutual learning based on Article 149 of the Treaty. That network will cover a wider range of objectives and initiatives in the form of incentives and is complementary to this proposal.

1.2. Rationale for the proposal

Freedom of movement is one of the four fundamental freedoms of the European Union and a core element of EU citizenship. Article 45 TFEU enshrines the right of EU citizens to move to another Member State for work purposes.

Mobility generates social and economic benefits. Increased intra-EU labour mobility will widen employment opportunities for workers and help employers fill job vacancies better and faster. This contributes to the development of a European labour market with a high level of employment (Article 9 TFEU).

Intra-EU labour mobility is relatively low when compared to the size of the labour market and the active population of the EU. Annual mobility within the former EU27 is 0.29%, below the rates of Australia (1.5% between 8 states) and the United States of America (2.4% between 50 states)⁴. Only approximately 7.5 million of the European labour force of around 241 million (i.e. 3.1%) is economically active in another Member State⁵. At present high unemployment rates in some Member States coexist with high numbers of open job vacancies in others.

¹ OJEU, 27.5.2011, L141, p.1

² Commission Decision 2003/8/EC of 23 December implementing Council Regulation (EEC) No 1612/68 as regards the clearance of job vacancies and application for employment (OJ L5, 10.1.2003, p.16) was repealed by Commission Implementing Decision 2012/733/EU of 26 November 2012 implementing Regulation (EU) No 492/2011 (OJEU L328, 28.11.2012, p.21). This Decision will enter into force on 1.1.2014.

³ COM (2013) 430

⁴ [OECD Economic Surveys European Union, March 2012](http://www.oecd-ilibrary.org/economics/oecd-economic-surveys-european-union-2012) or <http://www.oecd-ilibrary.org/economics/oecd-economic-surveys-european-union-2012> eco_surveys-eur-2012-en

⁵ This figure excludes workers residing in one Member State and working in another (frontier workers)

There has been a significant increase in the number of workers that indicate "firm intentions" (i.e.: the proportion of those planning to migrate in the following 12 months) to move to work abroad⁶. Registrations with EURES indicate that there is an increase in the number of people looking for a job across national borders. The number of job seekers registered on the EURES portal has increased from 175.000 to 1.200.000 between 2007 and December 2013 without a corresponding increase in job mobility.

Today only about 700.000 persons on average move annually to work in another Member State⁷, whilst extrapolations on the surveys show that about 2.9 million EU citizens would like to move in the following 12 months⁸. This represents a significant mobility potential and a challenge for the EURES network.

There are many reasons why the potential for intra-EU labour mobility remains untapped and individual citizens do not realise their intentions to become mobile workers. Surveys⁹ show that the most common practical difficulties expected or encountered are the lack of relevant language knowledge and the difficulties in finding a job. The EU can contribute to addressing the latter by raising awareness on employment opportunities across the Union and developing appropriate support services to encourage intra-EU recruitments. This will be the task of the reinforced EURES network.

Whereas the functioning of the EURES network was subject to some changes at the initiative of the Commission through its 2012 Decision, the Chapter II of Regulation 492/2011 which constitutes the European regulatory framework for the clearance and information exchange between Member States on intra-EU labour mobility has not been amended since 1992.

A comprehensive revision is needed to reflect new mobility patterns, enhanced requirement for fair mobility, changes in the technology for sharing job vacancy data, the use of a variety of recruitment channels by job seekers and employers and an increasing role of other labour market brokers next to the Public Employment Services (PES) in the provision of recruitment services. Fair mobility is understood as mobility which takes places on a voluntary basis and which respects labour law and labour standards as well as workers' rights within the Union.

The conclusions of the 28 and 29 June 2012 European Council on the Compact for Growth and Jobs recognize the political urgency to enhance intra EU labour mobility against the background of high unemployment rates: "*the EURES portal should be developed into a true European placement and recruitment tool (...)*". The conclusions of the European Council of 13 and 14 December 2012 on the 2013 Annual Growth Survey and youth employment invited the Commission to propose a new EURES regulation.

In its 2013 EU Citizenship Report¹⁰ the Commission committed to put forward an initiative in 2013 to modernise EURES to enhance the role and impact of employment services at national level and improve the coordination of labour mobility in the EU (action 2). Modernising EURES is also included in the Commission Communication "Free movement of EU citizens and their families: Five actions to make a difference"¹¹ of 25 November 2013 as part of the action aiming at helping local authorities apply EU free movement rules on the ground (action 5).

⁶ EU Employment and Social Situation Quarterly review June 2013, using the Gallup World poll data

⁷ Applying the annual rate of 0.29% to the total labour force (241 million)

⁸ Applying Gallup World poll data on the share of persons planning to move within the next 12 months, 1;2% in 2011 and 2012, to the total labour force (241 million)

⁹ Special Eurobarometer 337: Geographical and labour market mobility (2009)

¹⁰ COM (2013)269 final

¹¹ COM (2013) 837 final

In line with the request in the above conclusions of the 28 and 29 June 2012 European Council, the EURES network will also be gradually extended to cover apprenticeships and traineeships. Employment through intra-EU recruitments for young people is supported by Your first EURES job (YfEJ). This scheme combines customised job search assistance with financial support for travel expenses for job interviews, job settlement etc. The Commission intends to continue to support such schemes. The proposal for a Regulation should also reinforce the capacity of employment services to develop partnerships to bring about more intra-EU recruitments for young people. To ensure coherence with ongoing initiatives at EU level, such as the Grand Coalition for Digital Jobs and the European Alliance for Apprenticeships, the EURES network is also called upon to actively promote the development of those initiatives.

1.3. Shortcomings in the EURES network

In line with the Employment Package¹², the Commission adopted in 2012 a Decision to modernise and reinforce the EURES network¹³. The Decision replaces the 2003 Commission Decision¹⁴ and aims to create incentives to strengthen matching, placement and recruitment activities within the current EURES network, *inter alia* by opening up to Private Employment Services ('PrES'), in as far as possible, without modifying the legal basis (Regulation 492/2011). Commission Implementing Decision 2012/733/EU entered into force on 1 January 2014.

Evidence shows that the EURES network, with about 900 advisers and a common platform for European job vacancy clearance - the EURES portal - has helped many job seekers and employers in realising mobility opportunities. Those who reach out to this instrument and can use the services it offers, generally appreciate it.

Yet it is evident that the instrument as it functions today is not sufficiently equipped to encourage further fair mobility patterns as part of the solutions for the imbalances on the European labour market, particularly given the size of the EU labour force and the nature of the challenge in the current economic situation. The following shortcomings in the functioning of the EURES network have been identified:

- An incomplete pool of job vacancies and CVs accessible at EU level for all Member States (transparency of labour markets);
- A limited matching capability of the EURES portal that brings job vacancies and CV's together at EU level, due to the limited degree of semantic interoperability of data coming from national job vacancy systems (automated matching potential);
- An uneven access to EURES services across the EU as job seekers and employers do not receive systematically all the necessary information on EURES nor receive an offer for further assistance at the first stage of recruitment (mainstreaming);
- A limited availability to assist with matching, recruitment and placement for those job seekers and employers who have indicated their interest in intra-EU labour mobility, including in gaining access to both active labour market measures and information and advice on social security (support services);

¹² COM (2012) 173 final

¹³ OJ L328, 28.11.2012, p.21

¹⁴ OJ L 5, 10.1.2003, p.16

- An inefficient information exchange between Member States on labour shortages and surpluses, hampering a more targeted practical co-operation in the EURES network (information exchange and cooperation).

1.4. Objectives of the proposal

The general objective is to make the EURES network an effective instrument for any job seeker or employer interested in intra-EU labour mobility. The specific objectives of the proposal address the above shortcomings as follows:

- to achieve on the EURES portal a nearly complete supply of job vacancies, with job seekers all over Europe having instant access to the same vacancies, in combination with an extensive pool of CV's available from which registered employers can recruit;
- to enable the EURES portal to carry out a good automated matching between job vacancies and CV's across Member States, translating in all EU languages and understanding skills, competences, qualifications and occupations acquired at national and sectoral level;
- to make available basic information about the EURES network throughout the Union to any job seeker or employer seeking client services for recruitment and to consistently offer any person interested access to the EURES network;
- to assist any such person interested with matching, placement and recruitment through the EURES network;
- to support the functioning of the EURES network through information exchange on national labour shortages and surpluses and the coordination of actions across Member States.

2. RESULTS OF CONSULTATIONS WITH THE INTERESTED PARTIES AND IMPACT ASSESSMENTS

2.1. Consultations with Member States

The starting point for the 2012 Decision was the 2010 evaluation of the EURES network¹⁵. In the context of the preparation towards the 2012 Decision, consultations have taken place with Member States on current shortcomings and possible future orientations for the EURES network. The Advisory Committee on 'Freedom of Movement of Workers' was formally consulted on the draft Decision in the autumn of 2012. The main aim of the Decision, to reorient the EURES services from general information and guidance towards more matching, placement and recruitment, was generally welcomed. All Member States have also supported the idea of a programming cycle and common indicators on EURES activities to increase transparency on performance, enhance information exchange and improve the coordination of actions.

Since then individual Member States in expert meetings have clarified their positions on the scope of possible implementation measures in light of national practices and constraints. As a result of these meetings, it was agreed to adjust the approach towards opening up the network to service providers other than the PES to allow Member States more time and leeway on how to develop partnerships at national level.

¹⁵ COM (2010) 731 final

2.2. Consultations with practitioners

Building on the above consultations on the EURES network in general, questionnaires were sent out in 2013 to review practices on the access to job vacancies at national level, the access for job seekers and employers to the EURES network, and the organisation of matching, placement and recruitment activities across the EURES network. The replies to these questionnaires confirm the shortcomings identified by the Commission, as they show a wide diversity in Member States on (a) which job vacancies are made subject to European clearance (transparency of labour markets), (b) their starting position for enabling automated matching, (c) how to gain access to the EURES network in practice (mainstreaming) and (d) the actual provision of support services.

2.3. Impact assessment

In line with its policy on better regulation, the Commission conducted an impact assessment of policy alternatives for addressing the shortcomings identified.

The different policy alternatives were (1) maintaining the status quo, (2) amending Regulation 492/2011 as regards the powers of the Commission on the implementation of its provisions, (3) introducing a new Regulation with new provisions altogether and (4) introducing a new Regulation with a specific Commission mandate to increase the co-operation between public and private employment services. All options were analysed against the general objective to make the EURES network an effective instrument for any job seeker or employer interested in intra-EU labour mobility.

The impact assessment demonstrated that the first option would result in delays in the reform launched with the 2012 Decision. The second option would enable the Commission to bring forward appropriate measures and to continue the process towards a more effective instrument, but, in light of the constraints in some Member States, was not expected to secure the desired outcome of the Decision without changes in Regulation 492/2011 itself. The second option would also not fully resolve shortcomings on automated matching, mainstreaming, support services and information exchange and co-operation. The preferred option is therefore replacing Regulation 492/2011 and the 2012 Decision with a stand-alone instrument combining the provisions of the two instruments as well as addressing all shortcomings. Within this option, a number of specific alternatives were discarded as not being proportionate to the specific objectives. The fourth option which would add to option 3 a mandate for the Commission to autonomously establish partnerships with new employment services in the interest of the EURES network as a whole was considered to go beyond what is strictly necessary at this stage.

The Impact Assessment Board ('IAB') gave an opinion on the draft impact assessment on 5 December 2013. The opinion of the IAB as well as the final Impact Assessment and its executive summary are published together with this proposal.

3. LEGAL ELEMENTS OF THE PROPOSAL

3.1. Legal basis

This proposal is based on Article 46 TFEU, the same legal basis as Regulation (EU) No 492/2011, which allows for the adoption of Regulations or Directives under the ordinary legislative procedure.

3.2. Subsidiarity and proportionality principles

The intentions of the proposed Regulation are closely connected to the objectives set out in Article 3(3) TEU, under which the European Union established an internal market based on a

highly competitive social market economy, aimed at full employment and social progress, Article 9 TFEU, the promotion of a high level of employment, the guarantee of adequate social protection and Article 45 TFEU (“the right to accept offers of employment actually made (...) within the territory of Member States for this purpose”).

The individual specific measures in this proposal are closely interconnected. They reinforce each other and should together make the EURES network a preferred instrument of choice for any job seeker or employer interested in intra-EU labour mobility. Insofar as these measures entail expanding current transparency obligations, enabling automated matching, ensuring equal access throughout the Union to the EURES network, defining more clearly practical support services and extending current information exchange arrangements, they are deemed to be a comprehensive but balanced response to the different shortcomings in the current framework for cooperation. Those measures are also adequate in light of the situation of unemployed people on the labour markets, the needs of job seekers (“firm intentions”) and the (technological) evolutions on the job vacancy and recruitment markets.

Each individual measure is justified per se as a measure bringing about freedom of movement for workers identified under Article 46 of the Treaty. Each measure either aims at improving “the close cooperation between national employment services” (Article 46(a) TFEU) and/or at redesigning “the appropriate machinery” to bring job vacancies in touch with job applications (Article 46(d) TFEU).

As clearance of job vacancies, job applications and CV’s across borders and the resultant placement of workers both presuppose a common framework for co-operation between organisations in different Member States, the objectives of the proposal cannot be sufficiently achieved by Member States alone and action at EU level is therefore required.

In line with the principle of proportionality, this Regulation does not go beyond what is necessary in order to achieve the objectives. For transparency, the Member States will only make available to the EURES portal those job vacancies and CV’s already available nationally. Automated matching will be achieved using simple interoperability tools and not by imposing a common classification system for use at the national level. Mainstreaming, i.e. the integration of EURES services into the activity of front desks of employment services, can be achieved through standard information (online and/or paper) and only comes into play in those situations where direct contact at the explicit request of individuals in the target groups is made (i.e. in the case of a request for client services with employment services). Support services can be delivered at national level through a range of options and channels and its intensity and scope can be conditioned depending on the individual situation of job seekers and employers. Member States will share more systematically national information on labour shortages and surpluses and related policies, but the decision on these policies falls outside the scope of the Regulation.

4. BUDGETARY IMPLICATIONS

The present proposal will not result in any specific budgetary impact for the EU budget. Any activities to be carried out by the European Commission for the EURES network which will result in the need for human and/or financial resources fall under the scope of the Regulation establishing the Programme for Employment and Social Innovation (“EaSI”) (2014-2020)¹⁶ and will be covered within the annual budgetary allocation of this programme.

¹⁶ Regulation (EU) No 1296/2013 of the European Parliament and of the Council of 11 December 2013 on a European Union Programme for Employment and Social Innovation (“EaSI”) and amending Decision No 283/2010/EU establishing a European Progress Microfinance Facility for employment and social inclusion, OJ L347, 20.12.2013, p.238

For the period 2014-2020, this EU programme will pay for horizontal measures such as the EURES portal, the common training programme, targeted mobility schemes like Your first EURES Job and the development of the European classification for skills/competences, qualifications and occupations (ESCO). For the same period, activities in Member States on intra-EU labour mobility are eligible under the European Social Fund.

5. DETAILED OUTLINE OF THE PROPOSAL

5.1. Chapter I – general provisions

This chapter defines the subject matter of the proposal (Article 1) and its key concepts (Article 2).

The proposal integrates into a single framework the provisions of chapter II and Article 38 of Regulation 492/2011 and the Commission Decision 733/2012/EU on the EURES network.

Throughout the proposal reference is made to workers and employers as the target groups. Workers are defined with reference to the rights conferred on citizens under Article 45 TFEU. For the purpose of the provisions, they are citizens who are looking for a job and have the right to take up an activity as an employed person and to pursue this activity in the territory of another Member State. However, they may also be third-country nationals legally residing in a Member State and having the right to work, provided that they may move to another Member State.

The proposal also covers these categories of citizens when they are seeking apprenticeship or work-based traineeship opportunities involving an employment contract. To address the request of the European Council of 28-29 June 2012, some members of the EURES network are already exploring on an informal basis the possibilities to extend the scope of the EURES network to cover apprenticeships and traineeships. A pilot project will start in the course of 2014 allowing Member States to share offers and applications on a voluntary basis. The aim should be to gradually develop the exchange of information, offers and applications in this area beyond situations covered by an employment contract.

5.2. Chapter II – Establishment of the EURES network

This Chapter re-establishes the EURES network (Article 3). It lays down its composition (Article 4(1)) and the respective roles and responsibilities of a) the Commission (the European Coordination Office, Article 6) b) the bodies designated by the Member States for the application of this Regulation (the National Coordination Offices, Article 7) and c) the organisations participating in the EURES network as service providers (EURES Partners, Article 9). As this is a network of mutual assistance, all these organisations share joint responsibilities (Article 4(2)).

The EURES network shall contribute to broad policy objectives (Article 5). As an instrument facilitating intra-EU labour mobility, it constitutes one among many solutions and policies fostering a high level of employment.

Article 8 establishes the framework on the basis of which individual Member States will authorise organisations to join the EURES network as EURES Partners, subject to the application of the minimum common criteria set out in the Annex (Article 8(4)). This provision is the main vehicle for broadening membership of the EURES network under this proposal.

The aim is to establish a flexible mechanism that enables Member States to (gradually) include in the EURES network as many organisations as deemed useful to further the EURES network's objectives:

- Firstly, no definition is provided for an applicant organisation, so that access could be granted to a wide range of relevant organisations, including private or third sector employment services, employers' organisations, trade unions, chambers of commerce and non-governmental organisations supporting migrant workers. All these organisations could meaningfully contribute to fostering intra-EU labour mobility in one way or another.
- Secondly, as some of these organisations may be subject to specific restrictions in their mandate, legal status or administrative capacity, it is made possible for them to choose to participate to only certain parts of the activities of the EURES network (Article 9(1)).
- Thirdly, these organisations can become EURES Partners in co-operation with other organisations (Article 8(6)). The framework thus allows for ample flexibility in building partnerships at national level and thereby for the progressive development of extensive geographical and thematic outreach and service provision at national level commensurate to the mobility patterns and needs.

Article 8(3) introduces for employment services a right to apply. This right can only be exercised in the country in which the employment services concerned are lawfully operating (territoriality principle). While public employment services (PES) will continue to play a prominent role in the EURES network (Article 10), the review of applications by other types of employment services will be left to the individual Member State. A Member State may introduce criteria additional to those laid down in the Annex if deemed necessary (Article 8(5)).

Article 11 introduces a single governance body to facilitate practical co-operation between Commission and Member States for this Regulation.

5.3. Chapter III – Transparency

This chapter introduces the specific measures on transparency and automated matching:

- to achieve on the EURES portal a nearly complete supply of job vacancies, with job seekers all over Europe having instant access to the same vacancies, in combination with an extensive pool of CV's available from which registered employers can recruit (Articles 14, 15 and 17);
- to enable the EURES portal to carry out a good automated matching between job vacancies and CV's across Member States, translating in all EU languages and understanding skills, competences, occupations and qualifications acquired at national level (Article 16).

The provisions in this chapter explicitly support the extension of the principle of transparency to organisations other than the PES, in principle through the voluntary participation in the EURES network by EURES Partners. In addition, the PES are encouraged to develop partnerships with any other relevant organisations on the principle of easy access to the EURES portal (Article 15(2)) and to facilitate information transfer at national level through the creation of a national hub (Article 15(5)).

A nearly complete supply of job vacancies

Currently, not all Member States make available to the EURES portal all job vacancies published and available at national level. Article 14(1), paragraph (a) will require Member States to make available to the EURES portal all the job vacancies they publish nationally and therefore extends the scope of Article 13 of Regulation 492/2011.

Firstly, this means doing away with any general administrative limitations in the transfer of job vacancies to the EURES portal to date, such as those related to the nature and duration of the contract or the recruitment intentions of the employers (Article 14(2)).

Secondly, it involves adding to the existing job vacancy pool the job vacancies (a) available with PES at local or regional level, but not shared centrally nor made available to the EURES portal so far; (b) from third parties, such as private employment services, where these are made available to the PES on the basis of existing national agreements and (c) from EURES Partners.

Taking into account the relatively recent technological developments on web crawling, the limited number of Member States which make use of such tools and possible data protection concerns, at this stage it is not proposed to require Member States to make available to the EURES portal any data harvested with web crawlers in accordance with national law.

An extensive pool of job applications and CV's

Currently no automated electronic exchange of CVs or other job seeker profile information takes place at European level, despite the formulation in Article 13 of Regulation 492/2011. Article 14(1)(b) will require Member States to make available in the future to the EURES portal job applications and CV's available nationally, provided that the individual has consented to their transmission to the EURES portal.

This will cover the transmission to the EURES portal of the data, made available by job seekers, (a) directly to the PES, (b) to the PES as a result of any agreements or arrangements on data sharing between the PES and other employment services and (c) to EURES Partners. This would allow employers registered on the EURES portal to directly access a wider pool of CV's.

Supporting mechanisms for online access for job seekers and employers

To make it easier for job seekers and employers to share job applications, CV's and job vacancies across borders, two obligations are introduced: (a) Article 15 requires PES and other EURES Partners to improve access to the EURES portal on the job search portals they manage, and (b) Article 17 provides that PES and other EURES Partners registering their data, must offer job seekers and employers adequate assistance when they would like to register also on the EURES portal.

Automated matching

The European Commission is developing a European classification of skills, competences, qualifications and occupations. While its first function is to serve as an automated skills-based matching engine for the EURES portal, it will allow for full interoperability of data between national job search portals across Europe.

From a technical point of view, no harmonisation of classifications systems is required to achieve interoperability for the purpose of automated matching. To introduce in Union law an appropriate mechanism enabling all Member States to develop automated matching across borders on national job search portals, Article 16 provides merely that Member States will

make an initial inventory to map all classifications to and from this European classification. Article 16(3) sets a date for delivery for all Member States after which all data shared would be interoperable, provided that technical standards and templates are used (Article 16(5)).

Responsibilities for the quality of the data

The responsibility for the quality of the job vacancy, the correctness of the information it provides and its compliance with national law and standards lies with the organisation that makes this information available to the EURES portal. In order to inform the users of the portal about this responsibility, there is a corresponding disclaimer from the Commission on the portal. Article 14 refers to the need for such national law and standards in paragraph 4, while paragraph 5 lays down the principle of cooperation and exchange on information in this field and paragraph 6 provides that the source of job vacancy data must be traceable (to the organisation that makes it available).

5.4. Chapter IV – support services

This chapter introduces the specific measures on mainstreaming and support services:

- to make available basic information on the EURES network throughout the Union to any job seeker or employer seeking client services for recruitment and to consistently offer any person interested access to the EURES network (Articles 19 and 20(1));
- to assist any such person interested in matching, placement and recruitment through the EURES network (Articles 20(2)-(4), 21 to 23).

The provisions in this chapter explicitly support the extension of the delivery of support services by organisations other than the PES, in principle through the voluntary participation in the EURES network by EURES Partners. In addition, PES are encouraged to develop partnerships to promote a coherent service package to employers as regards intra-EU labour mobility (Article 21(4)).

Principles

Paragraphs 1 and 2 of Article 18 respectively enshrine the principles that Member States must ensure effective access to the EURES network on their territory and that they develop a coordinated approach to support services, taking into account their responsibility for the authorisation system for EURES Partners, the smooth functioning of the National Coordination Office and the role of the PES in serving the public interest in this area. Article 18(3) identifies the menu of options for service provision on the territory of each Member State.

Article 18(5) enshrines the principle that support services to workers must be free of charge, while for most support services to employers fees can be charged in accordance with national practices (Article 18(6)).

Mainstreaming

Articles 19 and 20 (1) provide respectively that (a) every worker and employer registering for client services with an employment service in the EU must receive the necessary basic information on what EURES can do for them and (b) that every worker interested is made proactively aware of a "EURES offer" for further assistance.

Support services

Under current practice, organisations in the EURES network are invited to provide information services, counselling and advice to respectively job seekers and employers as follows:

- (...) help and adviser job seekers interested in working abroad about suitable job vacancies and provide help and assistance with the drawing up of applications and CVs, in conformity with the recommended European CV format. Job seekers shall be given the opportunity to register their CVs in the EURES database;
- (...) provide information and recruitment services to employers who wish to recruit from other countries, including advice and help to specify the profile of the potential candidates. They shall promote the EURES CV database as a tool to give employers access to a pool of those interested in working abroad.

With the 2012 Decision, Member States were invited to focus more on matching, placement and recruitment.

To support a more consistent implementation within the EURES network, EU law should specify the support services to be provided to those job seekers and employers interested in assistance with intra-EU labour mobility. Articles 20-23 cover the whole range of services; from basic information and guidance, to more personalised assistance, including on social security, and post-recruitment assistance.

Specific support services

Frontier workers face specific issues as regards social security, taxation and insurance and require therefore specific assistance.

The concerned Member States may decide to set up co-operation and service structures in cross-border regions and where they do so, support services to frontier workers must include a) one stop shop solutions for communication on job vacancies, job applications and CV's (Article 15(6)); b) targeted basic information (Article 19(2) and c) as regards social security, an integrated on line access (Article 23(2)) and assistance and referral to competent authorities on social security (Article 23(3)).

One specific form of these support structures are cross-border partnerships. Under the guidance of the PES of Member States, they may bring together, in various partnership constellations, depending on the regional cross-border labour market needs, the public employment services, employers and trades union organisations, local authorities and other institutions dealing with employment and vocational training problems in the border regions. Cross-border regions qualifying for a specific support structure are employment catchment areas in which there are significant levels of cross-border commuting or a clear potential for it.

Non-discriminatory access to Active Labour Market Policies (ALMP's)

Article 24 lays down the principle that there shall be no discrimination in the access to ALMP's between nationals moving within the territory of the own country and nationals moving to other Member States (equal treatment in case of outbound mobility). It is the corollary of Article 5 of Regulation 492/2011, which provides that workers who seek employment in a Member State shall receive the same assistance as that afforded to the own nationals in that Member State (equal treatment in case of inbound mobility).

5.5. Chapter V – relationship to mobility policies

This chapter introduces the specific measure:

- to support the functioning of the EURES network through information exchange on national labour shortages and surpluses and the coordination of actions across Member States (Articles 25 to 30).

The provisions in this chapter explicitly support the extension of the collection and review of information, data and indicators by organisations other than the PES, through the participation in the EURES network by EURES Partners.

Overall purpose of information exchange and reporting

The overall purpose of this chapter is to reinforce the existing arrangements for sharing information in the EURES network where it benefits the quality of concrete collective outputs or the coordination of policies of Member States.

Activities relating to information exchange

Article 25 takes over a provision agreed within the framework of the negotiations on the EU Programme Employment and Social Innovation (EaSI). This should help integrate into the work of the EURES network data analysis work on mobility flows and patterns. As this provision is better placed in the EURES Regulation it is proposed to repeal the corresponding Article in the EaSI Programme (see Article 35).

Article 26 introduces an obligation on Member States to share labour market intelligence relevant for intra-EU labour mobility. This will help Member States to link the actions within the EURES network to the broader picture of mobility policies.

Article 27 aims to encourage all the organisations within the EURES network, i.e. the Coordination Offices, the PES and other EURES Partners, to share openly and proactively available information on the situation in the individual Member State likely to be of use for workers interested in intra-EU labour mobility. To date, this information is only gathered by Coordination Offices and then put on the EURES portal. A more inclusive bottom-up approach process for compiling this kind of information will be beneficial for the workers. The result could be consolidated in agreed templates (Article 27(3)).

Article 28 takes over the approach on programming from the 2012 Decision. Sharing information on planned activities, resources and monitoring among National Coordination Offices should strengthen the effectiveness of the whole EURES network. It may reinforce synergies and the development of specific joint recruitment projects.

Activities relating to reporting

Article 29 establishes ways to measure the outcome of the EURES network.

Article 30 aims at continuing the approach established in Article 17 of Regulation 492/2011 to report every two years on the implementation of Chapter II of the Regulation.

5.6. Chapter VI – final provisions

Article 31 clarifies that all measures provided for in this Regulation must be carried out in accordance with EU law on protection of personal data and the national implementing measures thereto. As the Commission in its role as European Coordination Office is one of the actors, Regulation 45/2001 must also be respected.

Article 32 provides for an ex post evaluation on the introduction of this Regulation.

Articles 33 and 34 are standard provisions in secondary EU legislation relating to the application of Articles 290 and 291 TFEU.

Article 35 identifies the provisions to repeal.

Article 36 underscores the existence of transitional arrangements in accordance with accession treaties. This provision is applicable to Croatia.

Proposal for a

REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

**on a European network of Employment Services, workers' access to mobility services
and the further integration of labour markets**

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 46 thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national Parliaments,

Having regard to the opinion of the European Economic and Social Committee¹⁷,

Having regard to the opinion of the Committee of the Regions¹⁸,

After consulting the European Data Protection Supervisor,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) The free movement of workers is a fundamental freedom of Union citizens and one of the pillars of the internal market in the Union enshrined in Article 45 of the Treaty on the Functioning of the European Union ('the Treaty'). Its implementation is further developed by Union law aimed at guaranteeing the full exercise of rights conferred on Union citizens and the members of their families.
- (2) The free movement of workers is a key element to the development of a more integrated Union labour market which allows worker mobility from high unemployment areas to areas characterised by labour shortages. It also contributes to finding the right skills for vacant positions and overcoming bottlenecks in the labour market.
- (3) The provisions of Regulation 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union (codification)¹⁹ established mechanisms for clearance and for information exchange and the Commission Implementing Decision 2012/733/EU of 26 November 2012 has laid down provisions on the functioning of a network entitled EURES (European Employment Services) in accordance with that Regulation. This regulatory framework needs to be revised to reflect new mobility patterns, enhanced requirements for fair mobility, changes in the technology for sharing job vacancy data, the use of a variety of recruitment channels by job seekers and employers and the increasing role of other

¹⁷ OJ C , , p. .

¹⁸ OJ C , , p. .

¹⁹ OJEU, 27.5.2011, L141, p.1

labour market brokers next to the Public Employment Services ('PES') in the provision of recruitment services.

- (4) In order to help the workers who enjoy the right to free movement to effectively exercise that right, assistance in accordance with the present Regulation is open to any Union national who has a right to take up an activity as an employed person and their family members, in accordance with Article 45 of the Treaty. Member States shall give the same access to any third-country national benefiting, as per Union or national law, from equal treatment with their own nationals in this field.
- (5) Growing interdependency between labour markets calls for reinforced cooperation between employment services to bring about freedom of movement for all workers through voluntary and fair labour mobility within the Union in accordance with Article 46 (a) of the Treaty, and therefore a common framework for cooperation should be established between Member States and the Commission on labour mobility within the Union. This framework should bring together job vacancies from across the Union and the possibility of applying for those job vacancies ('clearance'), define the provision of related support services to workers and employers and provide for a common approach to share information necessary to facilitate said co-operation.
- (6) In the 'Compact for Growth and Jobs', the European Council requested to explore the possibility of extending to apprenticeships and traineeships the EURES network, apprenticeships and traineeships can be covered under the present Regulation, provided that the persons concerned are considered workers with reference to the rights conferred on citizens under Article 45 of the Treaty. An appropriate exchange of general information on mobility for apprenticeships and traineeships within the Union needs to be introduced and adequate assistance to the candidates for those positions should be developed, based on a mechanism for clearance of offers, once such a clearance is deemed feasible in accordance with the appropriate standards and with due respect to the competences of the Member States.
- (7) A more coherent application across the Union of clearance, support services and exchange of information on labour mobility within the Union is needed. It is therefore required that the EURES network be established as an integral part of the common framework for cooperation between Member States and the Commission. The roles and responsibilities of the different organisations participating in the network, such as the European Commission ('the European Coordination Office'), the bodies designated by the Member States to take action at national level ('the National Coordination Offices') and the organisations assisting job seekers and employers ('EURES Partners') should be determined.
- (8) The transnational and cross-border co-operation and the support to all organisations operating for EURES in Member States would be facilitated by a structure at Union level ('the European Coordination Office') that should provide common information, training activities, tools and guidance. That structure should also be responsible for the development of the 'European Job Mobility portal' (EURES portal), the common IT platform. To guide its work, multiannual work programmes should be developed in consultation with Member States.
- (9) Member States should establish Coordination Offices at national level to provide general support and assistance to all organisations on their territory operating for EURES and support the cooperation with their counterparts in the other Member States and with the European Coordination Office. Those Coordination Offices should in particular have the task of dealing with complaints and problems with job

vacancies, and verify compliance issues as regards voluntary and fair labour mobility within the Union.

- (10) The social partners' participation in the EURES network contributes in particular to the analysis of obstacles to mobility as well as the promotion of fair and voluntary labour mobility within the Union, including in the cross-border regions. Social partners representatives at Union level should therefore be involved in the overall governance structure of the EURES network, while national employers' organisations and trade unions may apply to become a EURES Partner.
- (11) The composition of the EURES network as regards other organisations than the ones above should be flexible to adjust to changing developments on the market for recruitment services. The emergence of a variety of employment services coupled with the reshaped role of the PES relating to national recruitment services points towards the need for a concerted effort by Member States and the European Commission to open up the EURES network, as the main Union tool delivering intra-Union recruitment services.
- (12) A broader membership of the EURES network has social, economic and financial benefits. It improves efficiency in service delivery by facilitating partnerships, enhancing complementarity and quality improvements. It increases the market share of the EURES network insofar as new members make available job vacancies, job applications and curriculum vitae ('CV's'). Transnational and cross-border co-operation, which is a key feature of the operation of the EURES network, could generate innovative forms of learning and co-operation between employment services, including on quality standards for job vacancies and support services. The EURES network would therefore enhance its relevance as one of the key Union tools available to Member States and the European Commission for supporting concrete measures towards a high level of employment within the Union.
- (13) In line with their competences on the organisation of labour markets, Member States themselves should be responsible for authorising the participation of organisations as EURES partners for the EURES network, each on their own territory. Authorisations should be subject to minimum common criteria and a limited set of basic rules on the process of authorisation, to ensure transparency and equal opportunities when joining the EURES network, without prejudice to the flexibility necessary to take into account the different national models and forms of co-operation between public employment services and other labour market actors in the Member States.
- (14) One of the EURES network objectives is to support fair intra-Union labour mobility and therefore the minimum common criteria for authorising organisations to join should include the requirement that those organisations commit themselves to fully respect applicable labour standards and legal requirements.
- (15) To ensure a proper balance between the present functioning of the EURES network, which is based on a long standing co-operation among PES, and the objective of opening up the EURES network to new organisations, provisions should be made to recognise the specific position of the PES in the EURES network. A transition period should be introduced after which the PES' participation also becomes subject to full application of the minimum common criteria. Member States should ensure that PES comply with the minimum common criteria and the obligations under the Regulation.
- (16) To communicate reliable and up to date information to workers and employers on the different aspects of labour mobility within the Union, the EURES network should

cooperate with other bodies, services and Union networks facilitating mobility and informing citizens about their rights under Union law, such as Your Europe portal, the European Youth portal and SOLVIT, the organisations responsible for the recognition of professional qualifications and the bodies for the promotion, analysis, monitoring and support of equal treatment of workers, designated in accordance with Directive/2013 (EU) of [the European Parliament and of the Council on measures facilitating the exercise of rights conferred on workers in the context of the freedom of movement for workers].

- (17) The right of freedom of movement entails the necessity to set up the means to support clearance, that is to say, the exchange of job vacancies, job applications and CV's, in order to make the labour market fully accessible to both workers and employers in accordance with Article 46(d) of the Treaty, and therefore a common IT platform should be established at Union level and run by the Commission. Securing this right means empowering workers to actually gain access to all employment opportunities throughout the Union.
- (18) The common IT platform which brings together job vacancies and the possibility of applying for those vacancies, while enabling job seekers and employers to automatically match data according to various criteria and levels, should facilitate the achievement of equilibrium on the Union labour markets which would bring a high level of employment and help avoid serious threats to the standard of living and levels of employment in the various regions and industries.
- (19) The legal responsibility for ensuring the intrinsic and technical quality of the information made available to the common IT platform, in particular as regards job vacancy data, is with the organisations that make the information available in accordance with the law of and/or within the standards set by the Member States. The Commission should facilitate cooperation to render possible an early detection of any fraud or abuse related to the exchange of information at European level.
- (20) A common classification system of skills, competences, qualifications and occupations constitutes one of the most important tools for enabling online job application in the Union, it is therefore necessary to develop the cooperation between Member States and the European Commission in order to achieve interoperability and meaningful automated matching across borders, including by mapping to and from the common to national classification systems. Other established European formats and tools for comparability of and transparency on skills and qualifications, such as the European Qualifications Framework and the single framework for the transparency of qualifications and competences (Europass) should also be used in this context.
- (21) A common approach to the services delivered by the organisations ('support services') participating in the EURES network should be established and the principle of equal treatment of workers and employers seeking assistance on intra-Union labour mobility, regardless of their location in the Union, should be secured as much as possible, and therefore principles and rules should be established regarding the availability of support services in the territory of the individual Member States. This common approach also covers apprenticeships and traineeships considered as work.
- (22) A wider and more comprehensive choice of assistance on intra-Union labour mobility opportunities benefits workers, and it is needed to improve the EURES network's potential to provide support to workers throughout their entire working life, securing their transitions and careers.

- (23) Support services will help to decrease the obstacles faced by job seekers when exercising their workers' rights under Union law as well as to exploit more efficiently all job opportunities, thus securing better individual employment prospects.
- (24) A profound understanding of labour demand in terms of occupations, sectors and needs of employers would benefit the right of free movement of workers within the Union and therefore support services should include good quality assistance to employers, small and medium sized enterprises in particular. Close working relationships between employment services and employers will increase the pool of job vacancies and job matching of suitable candidates, secure pathways for job seekers in particular those in vulnerable groups and improve labour market intelligence.
- (25) The support services common to all Member States should be defined on the basis of the emerging consensus on successful Member State practices for information, counselling and advice to job seekers and employers.
- (26) Support services for workers are connected to the exercise of their fundamental freedom of movement as workers under Union law, they should be free of charge. However, support services for employers may be subject to a fee, in accordance with national practices.
- (27) Particular attention should be paid to supporting mobility in the cross-border regions for and providing services to frontier workers who are living in one Member State and working in another and have to cope with different national practices and legal systems and encounters specific administrative, legal or tax obstacles to mobility. Member States may choose to set up specific support structures to facilitate this kind of mobility, such structures should, within the framework of the EURES network, address the specific needs for information, guidance, cross-border matching between labour demand and supply and the resulting placements.
- (28) Transparency of labour markets and adequate matching capabilities are pre-conditions for labour mobility within the Union. A better balance between labour supply and demand can be achieved through an efficient system at Union level for exchanging of information on national and sectoral labour surpluses and shortages that should be set up between Member States and the European Commission and used as a basis for Member States to develop their mobility policies and underpin the practical cooperation within the EURES network.
- (29) The freedom of movement for workers and high levels of employment are closely linked and make it necessary for Member States to develop mobility policies supporting a better functioning of labour markets in the Union. Member States' mobility policies should be considered as an integral part of their social and employment policies.
- (30) A programming cycle should be established to support the coordination of action on mobility within the Union. To be effective, the programming of Member States' activity plans should take into account data on mobility flows and patterns, the data analysis of existing and forecast labour shortages and surpluses, and recruitment experiences and practices under the EURES network and it should consist of a review of the existing resources and tools at the disposal of the organisations in the Member State to facilitate intra-EU labour mobility.
- (31) The sharing of draft activity plans under the programming cycle among Member States should enable the National Coordination Offices, acting on behalf of the Member States, together with the European Coordination Office, to direct the

resources of the EURES network toward appropriate actions and projects, and thereby steer the development of the EURES network as a more result-oriented tool responsive to the needs of workers according to the dynamics of labour markets.

- (32) In order to obtain adequate information for measuring the results of the EURES network, common indicators should be established. Those indicators should guide the organisations participating in the EURES network in identifying their results and should help assess the progress made against the objectives set for the EURES network as a whole, including its contribution towards the implementation of a coordinated strategy for employment in accordance with Article 145 of the Treaty.
- (33) Whenever the measures provided for in this Regulation entail the processing of personal data, they must be carried out in accordance with EU law on the protection of personal data²⁰ as well as the national implementing measures thereto.
- (34) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union, as referred to in Article 6 of the Treaty on European Union.
- (35) Since the objective of this Regulation - namely to establish a common framework for cooperation between Member States to bring together job vacancies and the possibility of applying for those job vacancies and to facilitate the achievement of a balance between supply and demand in the employment market - cannot be sufficiently achieved by the Member States, and can therefore, by reason of the scale and effect of the action, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty of the European Union. In accordance with the principle of proportionality, as set out in said Article 5, this Regulation does not go beyond what is necessary to achieve that objective.
- (36) The power to adopt delegated acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in order to ensure that the obligations imposed on the Member States for the authorisation of the organisations to join the EURES network as EURES Partners and to provide common indicators on the performance of those organisations can be amended in light of the experiences gained with their application or to take into account evolving needs on the labour market. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level. The Commission, when preparing and drawing-up delegated acts, should ensure a simultaneous, timely and appropriate transmission of relevant documents to the European Parliament and Council.
- (37) In order to ensure uniform conditions for the implementation of the technical standards and formats applicable to clearance and automated matching as well as the models and procedures for sharing information between Member States, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the

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In particular Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regards to the processing of personal data and on the free movement of such data (OJ L 281, 23.11.1995, p. 31) and Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data (OJ L 8, 12.01.2001, p. 1).

Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.

HAVE ADOPTED THIS REGULATION:

CHAPTER I GENERAL PROVISIONS

Article 1

Subject matter

1. The aim of this Regulation is to facilitate the exercise of the freedom of movement for workers within the Union in accordance with Article 45 TFEU, by establishing a common framework for cooperation between Member States and the Commission.
2. For the purpose of the first paragraph, this Regulation provides for objectives, principles and rules on
 - (a) cooperation between Member States and the Commission on sharing data on job vacancies, job applications and CV's and on the resultant placement of workers in jobs;
 - (b) actions by and between Member States to facilitate the achievement of a balance between supply and demand in the labour market of the Union, with a view to promote a high level of employment;
 - (c) the functioning of a European network of employment services between Member States and the Commission;
 - (d) related mobility support services to be provided to workers and employers.

Article 2

Definitions

For the purpose of this Regulation, the following definitions apply:

- (a) "the public employment services" are the organisations of the Member States, as part of relevant ministries, public bodies or corporations falling under public law, that are responsible for implementing active labour market policies and providing employment services in the public interest;
- (b) "employment services" means any legal or natural person, lawfully operating in a Member State, which provides services for job seekers to get employed and for employers to recruit workers;
- (c) "job vacancy" means any offer for employment, including for apprenticeships and traineeships considered as work;
- (d) "clearance" means the exchange of information and processing of job vacancies, job applications and CV's;
- (e) the "common IT platform" means the IT infrastructure and related platforms set up at European level for the purpose of clearance;
- (f) "placement" by employment services of a worker with an employer or "recruitment" of a worker for an employer means the provision of services to mediate between supply and demand with the objective of filling a job vacancy;

- (g) "frontier worker" means any worker pursuing an activity as an employed person in a Member State and who resides in another Member State to which he returns as a rule daily or at least once a week.

CHAPTER II

ESTABLISHMENT OF THE EURES NETWORK

Article 3 **Establishment**

This Regulation establishes a European network of Employment Services ('the EURES network').

Article 4 **Composition, roles and joint responsibilities**

1. The EURES network comprises the following categories of organisations:
 - (a) The European Commission which is responsible for assisting the EURES network in carrying out its activities through the 'European Coordination Office';
 - (b) The EURES Members which are the bodies appointed by the Member States responsible for the application of this Regulation in the respective Member State, i.e. the 'National Coordination Offices';
 - (c) The EURES Partners which are the organisations authorised by Member States to provide at national, regional and/or local level support with clearance and/or support services to workers and employers.
2. In accordance with their respective roles and responsibilities, all organisations participating in the EURES network promote actively, in close cooperation, the opportunities labour mobility in the Union offers and seek to enhance ways and means for workers and employers to seize these opportunities at local, regional, national and European level.

Article 5 **Objectives**

The EURES network contributes to the following objectives:

- (a) to facilitate the exercise of the rights conferred by Article 45 TFEU and by the provisions of Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union²¹;
- (b) the implementation of the coordinated strategy for employment in accordance with Article 145 TFEU;
- (c) the better functioning and integration of the labour markets in the Union;
- (d) increased voluntary geographical and occupational mobility in the Union on a fair basis;
- (e) social inclusion and integration of persons excluded from the labour market.

²¹ OJEU, 27.5.2011, L141/1

Article 6

The responsibilities of the European Coordination Office

1. The European Coordination Office in particular undertakes to provide the following:
 - (a) the formulation of a coherent framework and the provision of horizontal support for the benefit of the EURES network, including
 - (i) the operation and development of a European job mobility portal, 'the EURES portal', and related IT services, including systems and procedures for the exchange of job vacancies, job applications, CVs, and supporting documents such as skills passports and the like, and other information, in cooperation with other relevant Union information, advisory services or networks, and initiatives;
 - (ii) information and communication activities;
 - (iii) a common training programme for EURES staff;
 - (iv) facilitation of networking, exchange of best practice and mutual learning within the EURES network;
 - (b) the analysis of geographic and occupational mobility;
 - (c) the development of an appropriate framework for cooperation and clearance within the Union on apprenticeships and traineeships, in accordance with this Regulation;
 - (d) the monitoring and evaluation of EURES activity and its employment performance, in co-operation with EURES Members;

2. Its multi-annual work programmes are drawn up in consultation with the EURES Coordination Group referred to in Article 11.

Article 7

The responsibilities of the National Coordination Offices

1. Each National Coordination Office is responsible for
 - (a) cooperation with the Commission and other Member States on the clearance within the framework set in Chapter III;
 - (b) organisation of the work for EURES in the Member State, including the delivery of support services in accordance with Chapter IV;
 - (c) coordination of actions by the Member State concerned and with other Member States in accordance with Chapter V.

2. The National Coordination Office also organises the implementation at national level of the horizontal support activities provided by the European Coordination Office as referred to in Article 6, where appropriate in close cooperation with the European Coordination Office and other National Coordination Offices. Those horizontal support activities are in particular:
 - (a) for the purpose of publication, including on the EURES portal, the collection and validation of information on EURES Partners operating from its national territory, their activities and the scope of the support services they provide to workers and employers;

- (b) the provision of pre-training activities relating to EURES activity, the selection of staff for participation in the common training programme and in mutual learning activities;
 - (c) the collection and analysis of data related to Articles 28 and 29.
3. For the purpose of publication, including on the EURES portal, in the interest of workers and employers, the National Coordination Office validates, regularly updates and timely disseminates information and guidance available at national level on:
- (a) living and working conditions;
 - (b) administrative procedures as regards employment;
 - (c) the rules applicable to workers;
 - (d) apprenticeships and traineeships;
 - (e) where applicable, the situation of frontier workers in particular in cross-border regions.

Where appropriate, the National Coordination Office may validate and disseminate the information in cooperation with other information and advisory services and networks and appropriate bodies at national level, including those referred to in Article 5 of Directive 2013/.../EU of the European Parliament and of the Council on measures facilitating the exercise of rights conferred on workers in the context of freedom of movement for workers.²²

- 4. The National Coordination Office provides general support to the organisations participating within its own territory in the EURES network regarding collaboration with their EURES counterparts in other Member States. This includes support in case of complaints related to EURES job vacancies and recruitments, as well as cooperation with public authorities such as labour inspectorates.
- 5. The National Coordination Office promotes the collaboration with stakeholders such as career guidance services, universities, chambers of commerce and organisations involved in apprenticeships and traineeships schemes.
- 6. Each Member State ensures that its National Coordination Office gets the staff and other resources necessary to carry out its tasks as defined under this Regulation.
- 7. The National Coordination Office is headed by a national coordinator who is a member of the Coordination group referred to in Article 11.

Article 8 ***Authorisation of EURES Partners***

- 1. Each Member State shall set up a system to authorise EURES Partners to participate in the EURES network, monitor their activities and their compliance with national and Union law when applying this Regulation. This system shall be transparent, proportionate and respect the principles of equal treatment for applicant organisations and due process of law.

²² COM (2013) 236 final

2. Member States inform the European Coordination Office about their national systems put in place and the EURES Partners they authorised to participate in the EURES network accordingly.
3. Any employment services lawfully operating in a Member State can request in that Member State participation in the EURES network as a EURES Partner, subject to the conditions laid down in this Regulation and to the system set up by that Member State.
4. EURES Partners are authorised to participate in the EURES network in accordance with the minimum common criteria laid down in the Annex.
5. The minimum common criteria are without prejudice to the application by a Member State of additional criteria or requirements deemed necessary by the Member State for the purpose of a correct application of the rules applicable to the activities of employment services and the effective management of labour market policies on its national territory. To ensure transparency such criteria and requirements are an integral part of the system referred to in paragraph 1.
6. EURES Partners may involve other EURES Partners or other organisations in order to comply together with the criteria in the Annex. In such cases, the continued existence of an appropriate partnership is an additional condition for participation in the EURES network.
7. To amend the Annex, the Commission shall be empowered to adopt delegated acts in accordance with the procedure referred to in Article 33.
8. The Commission may, by means of implementing acts, adopt a template for the description of the national system and procedures for sharing information on national systems between Member States. Those implementing acts shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 34(2).

Article 9

The responsibilities of EURES Partners

1. Applicant organisations can choose to participate in the EURES network according to the following options:
 - (a) to contribute to the pool of job vacancies in accordance with Article 14(1), paragraph (a);
 - (b) to contribute to the pool of job applications and CV's in accordance with Article 14(1), paragraph (b);
 - (c) to provide support services to workers and employers in accordance with Chapter IV or
 - (d) a combination of points (a) to (c).
2. EURES Partners designate one or more contact points, such as placement and recruitment offices, call centres, self-service tools and the like, where workers and employers can get support with clearance and/or access to support services in accordance with this Regulation. The contact points may also be based on staff exchange programmes, the detachment of liaison officers or involve common placement agencies.
3. The contact points shall clearly indicate the scope of the support services provided to workers and employers.

4. Member States may require EURES Partners to contribute to
 - (a) the functioning of the national hub referred to in Article 15(5) through a fee or in another form;
 - (b) the exchange of information referred to in Articles 26 and 27;
 - (c) the programming cycle referred to in Article 28;
 - (d) the collection of data in accordance with Article 29.

Member States shall decide on the modalities for these contributions in their national systems on the basis of the principle of proportionality, taking into account factors such as the administrative capacity of the EURES Partner and its degree of participation in the EURES network as referred to in paragraph 1.

Article 10

The role of the public employment services

1. Member States may delegate to their public employment services general tasks or activities relating to the organisation of the work under this Regulation, such as the development and running of the national systems for authorising EURES Partners or the preparation and distribution of the basic information referred to in Article 20.
2. Member States may entrust the provision of support services referred to in Articles 21 to 23 to their public employment services, provided that the latter participate in the EURES network, either as a EURES Partner authorised pursuant to Article 8 and the Annex to this Regulation or as a EURES Partner on the basis of the exemption in paragraph 3.
3. For a maximum period of five years from the date of application of this Regulation, Member States may exempt from a review into the application of Article 8 and the Annex to this Regulation those public employment services which were at the time of the entry into force of this Regulation part of the EURES network in accordance with Commission Implementing Decision 2012/733/EU and/or, where appropriate, Commission Decision 2003/8/EC. Member States shall inform the Commission of the exemptions granted.

Article 11

The Coordination Group

1. The Coordination Group is composed of representatives of the European Coordination Office and the National Coordination Offices.
2. The Coordination Group supports the implementation of this Regulation by exchanging information and developing guidance. In particular it helps preparing the draft technical standards and formats referred to in Articles 14(8) and 16(5).
3. The European Coordination Office organises the work of the Coordination Group and chairs the meetings.

It invites representatives of the social partners at Union level to attend the meetings.

Article 12
Common identity and the Trade Mark

1. The name EURES is used exclusively for activities within the EURES network in accordance with this Regulation. It shall be illustrated by a standard logo, defined by a graphic design scheme, adopted by the European Coordination Office.
2. The EURES service mark, as well as the logo characterising it, is registered as a Community Trade Mark with the Office for Harmonisation in the Internal Market and shall be used by all organisations participating in the EURES network referred to in Article 3 in all their activities related to the EURES network and this Regulation to ensure a common visual identity.
3. Organisations participating in the EURES network ensure that the information and promotional material they provide is coherent with the overall communication activities of the EURES network and with the information coming from the European Coordination Office.
4. Only the European Coordination Office has the authority to grant third parties permission to use the EURES logo, and informs the organisations concerned accordingly.
5. Organisations participating in the EURES network inform the European Coordination Office without delay of any abuse of the logo by third parties or third countries.

Article 13
Cooperation

1. The European Coordination Office facilitates the collaboration of the EURES network with other Union information and advisory services and networks.
2. The National Coordination Offices collaborate with the services and networks referred to in paragraph 1 at Union, national, regional and local level to achieve synergies and avoid overlaps, and, where appropriate, involve EURES Partners.
3. Member States shall seek to develop one stop shop solutions for the communication with workers and employers on the common activities of the EURES network and those services and networks.

CHAPTER III
COMMON IT PLATFORM

Article 14
The organisation of the common IT platform

1. To bring offers of employment together with applications for employment each Member State shall make available to the EURES portal:
 - (a) all job vacancies available with its public employment services as well as those provided by its EURES Partners;
 - (b) all job applications and CV's available with its public employment services as well as those provided by its EURES Partners, provided that the workers concerned have consented to making the information also available to the EURES portal under the terms defined in paragraph 3.

2. When making available job vacancy data to the EURES portal, Member States
 - (a) shall not make any distinction according to the nature and duration of contracts nor the recruitment intentions of employers;
 - (b) may exclude job vacancies which due to their nature or to national rules are only open to citizens of a specific country.
3. The consent of workers referred to in paragraph 1(b) shall be explicit, unambiguous, freely given, specific and informed. Workers shall be able to withdraw at any time their consent and require the deletion or modification of any of all of the data made available. Workers shall be able to choose from a number of options to restrict access to their data or to certain attributes.
4. Member States shall have in place the mechanisms and standards necessary for ensuring the intrinsic and technical quality of job vacancy and CV data.
5. They shall exchange information on the mechanisms and standards referred to in paragraph 4 as well as on standards regarding data security and data protection. They shall co-operate between each other and with the European Coordination Office, in particular in case of complaints and job vacancies deemed not compliant with the standards applicable under national law.
6. They shall ensure that for the purpose of monitoring the quality of the data, the sources can be traced.
7. To enable the matching of offers of employment with applications for employment each Member State shall provide the information referred to in paragraph 1 according to a uniform system.
8. The Commission shall adopt, by means of implementing acts, the necessary technical standards and formats aimed at reaching the uniform system referred to in paragraph 7. Those implementing acts shall be adopted by the Commission in accordance with the examination procedure referred to in Article 34(3).

Article 15

Access at national level to the common IT platform

1. The public employment services shall ensure that the EURES portal is linked to, clearly visible and intuitively searchable through all the job search portals they manage, be them at central, regional or local level.
2. The public employment services endeavour to make agreements with other employment services operating on that Member State's territory to ensure the applicability of the principle referred to in paragraph 1 also to online job search tools managed by them.
3. Member States shall ensure that in the internal tools for caseworkers managed by the public employment services all job vacancies, job applications, and CV's made available on the EURES portal shall be available on a par with any national data in those tools.
4. The EURES Partners concerned also apply the principles referred to in paragraphs 1 and 3, in accordance with the choice made by these organisations under Article 9(1).
5. Member States shall put in place a national hub to allow for the transfer to the EURES portal of information on job vacancies, job applications and CV's made

available by any organisation that is willing to share this information also on the EURES portal.

6. Member States shall seek to develop one-stop shop solutions for the communication towards frontier workers and employers in those cross border regions where the Member States concerned together deem it necessary to set up specific co-operation and service structures.

Article 16

Automated matching through the common IT platform

1. The Commission shall develop a European classification of skills, competences, qualifications and occupations. This classification is the tool facilitating on line job application across borders for the European Union by performing job matching, identifying skills shortages, recognising qualifications and providing career guidance on the EURES portal.
2. Member States cooperate with each other and the European Commission regarding interoperability between national systems and the classification referred to in paragraph 1.
3. To that end, by 1.1.2017 each Member State shall establish an initial inventory to map all its national, regional and sectoral classifications to and from the classification referred to in paragraph 1, and, following the introduction of the use of the inventory on the basis of an application made available by the European Coordination Office, regularly update the inventory to keep it updated with the evolution of recruitment services.
4. The Commission provides technical support to Member States who choose to replace national classifications with the classification referred to in paragraph 1.
5. The Commission shall adopt, by means of implementing acts, the technical standards and formats necessary for the operation of the classification referred to in paragraph 1. Those implementing acts shall be adopted by the Commission in accordance with the examination procedure referred to in Article 34(3).

Article 17

Facilitated access mechanisms for workers and employers

1. The public employment services shall ensure that workers using their services, by making available job applications and/or CV's with them, can choose to have those employment services assist those workers with their registration on the EURES portal, using the national hub referred to in Article 15(5).
2. The public employment services shall set up a similar mechanism to facilitate the registration as employer on the EURES portal for those employers which use their services to publish job vacancies at national level either directly through their job search portals or via other platforms supported by the Member States.
3. The EURES Partners concerned will also apply the principles referred to in paragraphs 1 and 2, in accordance with the choice made by those organisations under Article 9(1).
4. Workers and employers shall have access to general information on how, when and where they can update, revise and withdraw the data concerned.

CHAPTER IV SUPPORT SERVICES

Article 18 **Principles**

1. Member States shall ensure that workers and employers can gain access to support services at national level
2. Member States shall support the development of a coordinated approach at national level to such services.
3. Member States shall ensure the provision of the support services referred to in Articles 20 to 23 through EURES Partners as follows:
 - (a) by the public employment services of the Member State concerned themselves, in accordance with Article 10;
 - (b) by organisations acting under the responsibility of the public employment services of the Member State concerned, on the basis of delegation, outsourcing or specific agreements signed either with these public employment services or other bodies on the services delivered by those organisations;
 - (c) through one or more EURES Partners or
 - (d) with a combination of points (a) to (c).
4. In each Member State the support services referred to in Articles 20 to 23 shall be provided at least by organisations referred to in either paragraph 3(a) or 3(b).
5. Support services for workers as set out in Articles 20, 22 and 23 and the assistance with registration on the EURES portal referred to in Article 17(1) are free of charge.
6. Support services for employers referred to in Articles 21 and 22 and the assistance with registration on the EURES portal referred to in Article 17(2) may be subject to fee. Any fee charged, cannot differentiate between the fees levied for EURES services and those applicable to other comparable services provided by the organisation concerned.
7. The EURES Partners concerned shall clearly indicate to workers and employers the range of support services they provide, where and how those services are accessible and the conditions under which access is provided, using their information channels. That information is published on the EURES portal.

Article 19 **Access to basic information**

1. Member States shall ensure that all workers and employers requesting client services from employment services receive or are made aware of basic information on mobility support available at national level which
 - (a) informs them at least of the existence of the EURES portal and the EURES network, the contact details of relevant EURES Partners at national level, information on the recruitment channels they use (e-services, personalised services, location of contact points) and the relevant web links and
 - (b) is easily accessible and is presented in a user friendly manner.

2. Member States shall develop specific information for frontier workers in those cross border regions where the Member States concerned together deem it necessary to set up specific co-operation and service structures.
3. The European Coordination Office supports the development of basic information under this Article and assists Member States in ensuring an adequate language coverage.

Article 20

Support services for workers

1. The EURES Partners concerned proactively offer all workers seeking employment the opportunity to access the services defined in this Article. Where appropriate, this offer is repeated during the job search process.
2. If workers are interested in further assistance, the EURES Partners concerned provide information and guidance on individual employment opportunities and in particular offer them the following services:
 - (a) to provide information on living and working conditions or refer to such information;
 - (b) to provide information on active labour market measures and the access to such measures;
 - (c) where requested, to provide assistance with the drawing up of job applications and CVs to ensure conformity with the European technical standards and formats referred to in Articles 14(8) and 16(5);
 - (d) where necessary, to provide assistance with the uploading of such job applications and on relevant national job search portals and the EURES portal;
 - (e) where appropriate, to include follow-up on possible intra-EU placement as part of the individual action plan;
 - (f) where appropriate, to refer to another EURES Partner.
3. If workers are interested in further assistance and there is a reasonable likelihood of an intra-EU placement, the EURES Partners concerned provide further job search assistance, consisting of services such as the selection of suitable vacancies, assistance with drawing up job applications and CV's and providing translations and/or obtaining clarifications on specific job vacancies in other Member States.
4. Upon recruitment of a worker in another Member State as a result of the services provided in accordance with this Article, the EURES Partners concerned provide the person concerned with the contact details of organisations in the Member State of destination which can offer post-recruitment assistance.

Article 21

Support services for employers

1. The EURES Partners concerned shall provide information and guidance to employers interested in recruiting workers from other Member States and in particular offer them the following services:
 - (a) to provide information on the specific rules applicable when employing those workers;

- (b) to promote the use of the EURES network and the CV database on the EURES portal as a tool helping to fill job vacancies;
 - (c) to provide information and guidance on factors which can facilitate the recruitment of workers and how to support their integration;
 - (d) where requested, to provide information and guidance on the formulation of individual job requirements in a job vacancy understandable to a European audience;
 - (e) where requested, to provide assistance on the formulation of the job vacancy in conformity with the European technical standards and formats referred to in Articles 14(8) and 16(5);
 - (f) where necessary, to provide assistance with the registration as an employer on the EURES portal;
 - (g) where appropriate, to refer to another EURES Partner.
2. If employers are interested in further assistance and there is a reasonable likelihood of an intra-EU recruitment, the EURES Partners concerned provide further assistance, consisting of such services as the pre-selection of suitable candidates and assistance with providing translations and/or obtaining clarifications on specific job applications.
 3. Upon recruitment of a worker from another Member State as a result of the services provided in accordance with this Article, the EURES Partners concerned provide the employer concerned with the contact details of organisations which can offer assistance with the integration of newly recruited workers from other Member States.
 4. The public employment services shall endeavour to make agreements with other employment services operating on that Member State's territory
 - (a) to jointly promote in the Member State's territory the registration of employers on the EURES network and their use of the common platform for European clearance;
 - (b) to share information and best practices on support services for employers interested in recruiting workers from other Member States.

Article 22

Post-recruitment assistance

1. The EURES Partners concerned shall provide, upon request of workers and employers, general information on post-recruitment assistance and about where to obtain post-recruitment assistance such as training on intercultural communication, language courses and support with integration.
2. By derogation from Article 18(5), EURES Partners may offer the assistance referred to in paragraph 1 to workers against a fee.

Article 23

Facilitated access to information and services on social security

1. Member States shall ensure coordination between support services under this Regulation and services provided on social security by the competent authorities.

2. For the purpose of paragraph 1, Member States shall support the development of integrated online access as a first source of information for workers, frontier workers and employers.
3. Upon request of workers, frontier workers and employers, the EURES Partners concerned shall provide general information on the rights related to social security and undertake to refer those requests for specific information to the competent authorities and, if applicable, other bodies supporting workers exercising their rights in the framework of the freedom of movement.

Article 24

Access to national labour market measures

A Member State shall not limit the access to national labour market measures merely for the reason that a worker seeks that assistance in order to find employment in the territory of another Member State.

CHAPTER V RELATIONSHIP TO MOBILITY POLICIES

Article 25

Exchange of information on flows and patterns

The Commission and the Member States monitor labour mobility flows and patterns in the Union on the basis of Eurostat statistics and the available national data.

Article 26

Exchange of information between Member States

1. Each Member State shall, in particular, collect and analyse information on:
 - (a) labour shortages and labour surpluses on national and sectoral labour markets and the extent to which labour mobility can address them;
 - (b) EURES activities at national level;
 - (c) the position of the EURES network on the market for recruitment services at national level as whole.
2. The National Coordination Offices are responsible for sharing the information within the EURES network and contributing to the joint analysis.
3. Taking into account the exchange of information and the joint analysis, Member States shall develop mobility policies as an integral part of their employment policies. These mobility policies provide the framework on the basis of which Member States carry out the programming referred to in Article 28.
4. The European Coordination Office sets up procedures and makes practical arrangements to facilitate the exchange of information between the National Coordination Offices and the development of joint analysis.

Article 27

Exchange of information accompanying support services

1. All organisations participating in the EURES network referred to in Article 4 shall share and exchange information on the situation in the Member States concerning living and working conditions, administrative procedures and the rules applicable to workers from other Member States, thus giving guidance to workers and employers.
2. They also share and exchange the information on the situation in Member States that gives guidance to frontier workers.
3. The Commission shall adopt, by means of implementing acts, the models and procedures for the exchange of this information. Those implementing acts shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 34(2).

Article 28

Programming

1. Each National Coordination Office draws up each year a work programme for the organisations participating in the EURES network on that Member State's territory.
2. The work programmes specify:
 - (a) The main activities to be carried out in accordance with this Regulation;
 - (b) The overall human and financial resources allocated for its implementation;
 - (c) The arrangements for monitoring and evaluation of the activities planned.
3. The National Coordination Offices and the European Coordination Office review together the draft work programmes before finalising them.
4. The representatives of the social partners at Union level participating in the EURES Coordination Group shall be consulted on the draft work programmes.
5. The Commission shall establish, by means of implementing acts, the necessary templates and procedures for the programming. Those implementing acts shall be adopted by the Commission in accordance with the advisory procedure referred to in Article 34(2).

Article 29

Data collection and indicators

1. Member States ensure that procedures are in place to produce and collect data on activities carried out at national level according to the following categories of common indicators:
 - (a) information and guidance by the EURES network, on the basis of the number of contacts EURES staff have with workers and employers;
 - (b) placement and recruitment resulting from EURES activity, on the basis of the number of vacancies, job applications, CV's handled and processed by EURES staff and the number of workers recruited in another Member State accordingly;
 - (c) results about customer satisfaction with the EURES network, obtained also through the use of surveys.

2. The European Coordination Office is responsible for collecting data about the EURES portal and the development of the cooperation on the clearance under this Regulation.
3. The Commission shall be empowered to adopt delegated acts in accordance with the procedure referred to in Article 33 to develop further the common indicators.

Article 30

Implementation reports

Taking into account the information gathered as referred to in this Chapter, the European Commission shall submit every two years a report to the European Parliament, the Council, the Committee of the Regions and the European Economic and Social Committee on labour mobility within the Union and the services provided to workers to facilitate the exercise of the freedom of movement in accordance with Article 46 TFEU.

CHAPTER VI FINAL PROVISIONS

Article 31

Protection of personal data

The measures provided for in this Regulation must be carried out in accordance with Union law on protection of personal data, in particular Directive 95/46/EC on the protection of individuals with regards to the processing of personal data and on the free movement of such data²³ and the national implementing measures thereto, as well as Regulation (EC) No 45/2001 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data²⁴.

Article 32

Ex post evaluation

The European Commission shall submit to the European Parliament, the Council, the Committee of the Regions and the European Economic and Social Committee an ex-post evaluation on the operation and effects of this Regulation five years after its entry into force.

The report can be accompanied by legislative proposals amending this Regulation.

Article 33

Exercise of the delegation

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.
2. The delegation of power referred to in Articles 8 and 29 shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation or from any other date set by the legislator.
3. The delegation of power referred to in Articles 8 and 29 may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of the power specified in that decision. It shall take effect on

²³ OJ L 281, 23.11.1995, p. 31

²⁴ OJ L 8, 12.01.2001, p. 1

the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.
5. A delegated act adopted pursuant to Articles 8 and 29 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of 2 months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by 2 months at the initiative of the European Parliament or the Council.

Article 34
Committee procedure

1. The Commission shall be assisted by the Committee 'EURES' established by this Regulation. That Committee shall be a Committee within the meaning of Regulation (EU) No 182/2011.
2. Where reference is made to this paragraph, Article 4 of Regulation (EU) No 182/2011 shall apply.
3. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Article 35
Repeals

1. The following provisions specified in the below-mentioned acts are hereby repealed:
 - (a) Chapter II and Article 38 of Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on freedom of movement for workers within the Union;
 - (b) Article 23 of Regulation (EU) No 1296/2013 of the European Parliament and of the Council of 11 December 2013 on a European Union Programme for Employment and Social Innovation ("EaSI") and amending Decision No 283/2010/EU establishing a European Progress Microfinance Facility for employment and social inclusion.
2. References to the repealed acts shall be construed as references to this Regulation.

Article 36
Application

The Regulation shall apply to the Member States and to their nationals without prejudice to Articles 2 and 3 of Regulation (EU) No 492/2011.

Article 37
Entry into force

This Regulation shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Done at Brussels,

For the European Parliament
The President

For the Council
The President