



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

Directorate C – Migration & Asylum
C.2 – Legal Pathways and Integration

HOME.C.2.002

Fifth Meeting of the Labour Migration Platform

17.10.2024 (9 :30 – 16 :00)

Conference Centre Albert Borschette

Rue Froissart 36 – Brussels, Belgium

Minutes

1. Nature of the meeting

The fifth meeting of the “Labour Migration Platform” brought together representatives of Member States’ migration and employment sectors and European Social and Economic Partners, as well as relevant stakeholders active in labour migration. The topic of the meeting was the labour market test in labour migration procedures across the EU Member States (morning), including the role of Public Employment Services in labour market tests (afternoon).

2. List of points discussed

A. Welcoming Remarks

During its opening remarks, **COM** recalled the pivotal role of the Labour Migration Platform in fostering dialogue between migration and employment authorities. Specifically referring to the President Von der Leyen’s political guidelines and the mission letters of Commissioners-Designate Brunner (Internal Affairs and Migration) and Mīnzatu (People, Skills and Preparedness). **COM** stressed the importance of enhancing legal migration pathways to effectively address labour shortages. **COM** highlighted the relevance of labour market tests (LMTs) in the migration procedures, acknowledging that while it is an instrument to protect domestic labour markets, it can also hinder international recruitment if not effectively managed. Hence, it is essential to strike a balance between safeguarding national labour markets and attracting non-EU nationals. **COM** also referred to the Skills and Talent Mobility Package

adopted in November 2023, along with the recent Draghi report on the future of European competitiveness (September 2024), both of which stress the importance of minimising administrative burdens on employers, especially small and medium-sized enterprises (SMEs), and to effectively respond to the EU's socio-economic needs and demographic challenges. Lastly, **COM** reported the updates since the last meeting in March 2024: the adoption of the Council general approach on the EU Talent Pool proposal, the adoption of the recast Single Permit Directive, and the adoption of the Commission Action Plan to tackle labour and skills shortages.

B. Labour market tests in labour migration procedures across the EU

COM presented preliminary findings from the recent European Migration Network (EMN) ad-hoc query on labour market tests, launched in August 2024. The query received responses from 27 Member States. It shows substantial variations in the LMTs practices across Member States and the main challenges they are facing. It also highlighted that adjustments are underway in several Member States to further enhance digitalisation and simplify existing systems, with the aim of increasing flexibility.

Labour market tests in international recruitment strategies: perspectives from Fragomen Global LPP

Fragomen provided an overview of the main challenges linked to the labour market test implementation. Lack of clarity on certain aspects of the procedures was highlighted as a major challenge (e.g. whether workers are subject to the testing in case of promotions and employment changes, and unpredictable outcomes). In addition, the LMTs processes can take a considerable amount of time and they are often complicated since they might require employers to navigate multiple job posting platforms and provide conflicting documentation requirements. To streamline this process, **Fragomen** noted that shortage occupations lists can play a key role. It recommended to regularly update these lists in consultation with employers and clearly defining exemptions. It was also suggested to further improve the digitalisation of recruitment processes and the use of innovative job matching platforms. Additionally, **Fragomen** stressed the importance of providing clear guidelines and further support employers to attract skilled workers from third countries.

Member States' methodologies and practical implementation

NL and **LU** authorities presented their respective national practices and challenges related to the LMTs. **NL** explained that the LMT is outlined in the Aliens Employment Act and emphasized the importance of protecting the local labour market. No shortage occupation lists are in place. As part of the process, employers are required to actively search for candidates within the Netherlands and the EU/EEA for three months. A significant challenge for employers is demonstrating the unavailability of candidates from the Netherlands and the EU. **LU** presented its newly adopted LMT process in 2023, which focuses on efficiency and envisages the publication of a list of shortage occupation to expedite the issuance of work certificates. **LU** noted that this revised approach enables quicker responses from authorities (LMT completed in 7 working days)

and has led to an increase in the number of residence and work permits issued. Both Member States recognised the importance of ensuring effective collaboration between employment services and immigration authorities to improve access to the labour market.

Tour de table

LMT obligations and procedures vary significantly across Member States. Some require employers to notify the PES (**SK, NL**) or publish job vacancies on a dedicated government platform (**ES, IR, CZ**). **PL** reported that there is no obligation for employers to publish a job offer with the public employment service; instead, the local PES checks if an unemployed person is available in the registry. Some Member States (**ES, IR, AT, FR, LU**) indicated relying on shortage occupation lists to address labour shortages and prioritise the recruitment of foreign workers in specific occupations. The timeframe for the LMT process also varies significantly across Member States, both in terms of how long employers must search for a suitable candidate and the time it takes for the services to deliver an LMT result. **PL** explained that the local office must provide a result within 14 days, and the person must be recruited within 21 days. Several Member States stated having recently introduced or plan adjustments to their current LMT procedures (**BG, CZ, PL**).

A key issue highlighted by several Member States (**NL, AT**) was the lengthy processing times and the complexity of LMT procedures, which are often burdened by excessive requirements that impact their efficiency and even relevance, especially in light of the current labour market situation (**PL, SK, DE**). The involvement of multiple actors and unclear decision-making processes, as noted by **DE** and **Fragomen**, further complicates the system. Furthermore, **LU** and **NL** noted that the lack of clarity and guidance for employers in the process, particularly due to the existence of multiple shortage occupation lists, might create additional confusion. Data collection also emerged as a significant challenge. **IT** noted that regional disparities in data practices hinder the consistency and effectiveness of LMTs, underlining the need for improved coordination and more standardised data collection across Member States.

In response to these challenges, several Member States (**SK, EL, FI, IE, MT, DE, SI**) recommended incorporating digital tools and AI into the LMT process, both to streamline procedures and to enhance communication between national authorities, as suggested by **MT** and **SK**. Some Member States (**IE, MT, HU, EE, FI**) introduced exemptions to LMTs for specific occupations, sectors, or types of workers. For example, highly skilled workers or seasonal workers. **Fragomen** proposed broader exemptions for strategic sectors critical to the EU's future, such as green and digital industries. The use of shortage occupation lists was also discussed, with **LU, ES, DK, MT, IE, and EL** highlighting their reliance on these lists to address specific labour market gaps.

BusinessEurope recommended increasing employer involvement in the LMT process, stressing the need for Member States to balance efforts to support inactive groups entering the labour market while also addressing the growing demand for third-country nationals. They also

emphasised the need for clearer guidance for employers and greater transparency in decision-making, as echoed by **NL**, **LU**, **BG**, and **Fragomen**.

C. The role of Public Employment Services in labour market tests

The session started by a presentation of the findings from the recent European Network of Public Employment Services' Thematic Paper on the role of PES in attracting skilled labour from third countries by its author (September 2024). The findings indicate that PES are generally responsible for conducting Labour Market Tests (LMTs), with PES from 15 Member States reporting that they perform LMTs, 11 indicating they do not, and 4 performing LMTs, but not in a strict sense. **COM** noted that Member States respond to long-standing labour shortages by introducing more exemptions.

The experience of Public Employment Services with labour market tests

HR and **FI** provided a presentation on the role of their PES in conducting LMTs. **HR** explained that its LMT process is regulated by the Aliens Act, in place since 2021. PES in **HR** is responsible for conducting LMTs, which involves checking the unemployment register and issuing decisions within 15 days. Employers are required to post job vacancies for at least three working days. The PES also manages the list of shortage occupations, which primarily covers sectors such as tourism and construction. One key challenge for **HR** is the high volume of online requests for seasonal work in the construction and tourism sectors, which can reach up to 900 per day, making it difficult to conduct thorough LMTs. **FI** outlined upcoming changes to the LMT, noting that the responsibility for conducting LMTs will transition from PES to the Immigration Service in 2025. Regional administrations, in cooperation with PES, will manage exemption lists for specific occupations, while a national list of confirmed labour shortage occupations is set to be introduced in spring 2025. **FI** highlighted ongoing efforts to digitalise the process, focusing on data-driven and automated systems that enhance statistical insights into labour demand and supply. PES will remain responsible for data gathering and providing figures on labour market needs and forecasts. This shift towards greater digitalisation is intended to improve vacancy management and support better labour mobility.

Tour de table

The discussion focused on the tasks performed by PES in Member States and ways to improve efficiency and effectiveness in these processes. In some Member States, PES are responsible for checking candidates' suitability and issuing authorisations (**NL**, **EE**, **SI**, **LU**, **BG**, **HU**), but challenges such as resource constraints and administrative burdens affect efficiency. **BE** noted that sometimes the PES faces challenges in completing the LMT process on time, with an average processing time of five weeks (currently up to 9 weeks). **SI** highlighted the use of digital tools to match candidates with job vacancies, speeding up the LMT process. **NL** and **BE** expressed interest in adopting similar digital tools and fostering more proactive labour mediation at the EU level, with **BE** specifically calling for enhanced recruitment from other Member States. Additionally, **SI**, **FI**, and **COM** emphasised the importance of data-driven decision-making using

labour market intelligence to better align LMTs with current needs. The need for stronger inter-agency cooperation, particularly between PES, migration authorities, and other stakeholders, was also highlighted by **ES** and **BE**.

D. Way forward for the Labour Migration Platform

COM presented options for enhancing the work of the Labour Migration Platform and proposed the creation of an online collaborative space for participants to exchange information, based on the EMN Information Exchange System. The already existing EMN IES would provide to the members of the Labour Migration Platform with a dedicated workspace where information sharing is facilitated. **COM** explained that this space could serve as a secure environment for quickly sharing information, informing about upcoming events, and storing content related to the work of the platform.

Tour de table

Member States discussed the proposed creation of an online workspace and the future of the Labour Migration Platform. **NL**, **SE**, **EL**, **DE**, and **ES** supported establishing a dedicated online space for participants, drawing from positive experiences with the EMN IES system. However, **AT** raised concerns, citing that previous COM IT tools had been less effective. **SE** highlighted the advantage of receiving reports and background information prior to meetings through the online workspace.

The possibility of offering translations in other EU languages during meetings (**DE**) and ensuring regular hybrid participation (**AT**) were also raised.

Further proposals from Member States for future meetings included integrating labour migrants and their families into the Member States labour markets (**BE**, **SE**, **IE**, **ES**), exploring technology's role in streamlining processes (**ES**, **DE**), and discussing the EU Talent Pool (**BE**). There was also emphasis on addressing fair recruitment practices and intra-EU mobility for TCNs (**NL**, **SE**, **DE**), unfair practices in posting of third-country national workers (**FR**, **SE**).

Closing remarks

COM concluded by emphasising that Member States have the competency to use LMTs in a way that best suits their national context, but exchange of good practices can lead to improved efficiency and user-friendliness of the process. **COM** reaffirmed its intention to maintain and enhance the platform to continue the conversation about best practices. **COM** also mentioned that it is launching a study in collaboration with the OECD to map ongoing practices in labour migration processes. For the next meeting, scheduled for spring 2025, **COM** will take into account the suggestion for topics raised by Member States (e.g. integration of migrants) and continue preparing an online collaborative space based on their feedback.

3. List of Participants

Member States
AT, BE, BG, HR, CY, CZ, DK, EE, FI, FR, DE, EL, HU, IE, IT, LV, LT, LU, MT, NL, PL, PT, SK, SI, ES, SE
European Social and Economic Partners
EuroChambers
European Trade Union Confederation (ETUC)
SGI Europe
BusinessEurope
SMEunited
EU Institutions and Agencies
COM
COUNCIL
EP
Others
Fragomen Global LLP
IAB (Institut für Arbeitsmarkt- und Berufsforschung)