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REGULATORY SCRUTINY BOARD OPINION

Impact assessment / Recognition of qualifications and skills of third
country nationals

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Brussels,
RSB

Opinion

Title: Impact assessment / Recognition of qualifications and skills of third country nationals

Overall opinion: POSITIVE WITH RESERVATIONS

(A) Policy context

The initiative is part of the broader Skills Portability Initiative (SPI), which comprises three complementary actions: facilitating worker mobility across the EU through skills transparency and digitalisation (action 1); modernising and expanding the recognition of qualifications for access to regulated professions (action 2); improving the recognition of qualifications and skills for third-country nationals (action 3).

Action 3 aims to address EU labour and skills shortages by facilitating the recognition of qualifications for third country nationals. The initiative focuses on making the Single Market a more attractive destination for third-country nationals by enabling them to have their qualifications recognised and their skills validated more easily.

The Skills Portability Initiative is part of the Fair Labour Mobility Package and is to contribute to the Union of Skills.

(B) Key issues

The Board notes the additional information provided and commitments to make changes to the report.

However, the report still contains significant shortcomings. The Board gives a positive opinion with reservations because it expects the lead Service to rectify the following aspects:

- (1) The magnitude of the problem is not sufficiently described. The problem definition does not sufficiently draw on evidence from evaluations.**
- (2) It is not sufficiently explained how the uniform application of common rules will be ensured and consistently implemented across Member States.**
- (3) The report does not sufficiently assess effectiveness and efficiency, including costs and benefits.**
- (4) The coherence is not sufficiently analysed, in particular coherence with the Talent pool platform and digital solutions developed under other parts of SPI.**

This opinion concerns a draft impact assessment which may differ from the final version.

(C) What to improve

(1) The report should clarify to what extent the magnitude of the problem stemming from the obstacles related to skills portability can be established and analytically isolated from other factors affecting Third Country Nationals' (TCN) choice of the EU as a destination. The main report should better use evidence from the existing evaluations of relevant instruments, as detailed in Annex 8, to substantiate the problem definition and the problem drivers.

(2) The report should further elaborate the basis of the common approach, and on how a uniform approach by Member States will be ensured given the flexibility foreseen by the legal instrument. The report needs to consider enforcement in more detail, in particular regarding how rules - in particular regarding fixed deadlines, exhaustive lists of documents and transparency of fees - will be enforced. Under policy option 3, the report should better explain the role of the envisaged EU quality assurance agencies, including how these bodies would be selected and how they would relate to the existing landscape of quality assurance for professional qualifications. The report should clarify how the EU wide quality assurance channel provided for by this Action, relates to national approaches.

(3) The analysis of effectiveness and efficiency must be improved. The report needs to analyse to what extent the competent authorities have the capacity and incentives to deliver on qualification recognitions, including complying with shorter deadlines, without increasing processing costs. It also needs to demonstrate what productivity or efficiency gains drive this enhanced capacity, and if and how these gains are achieved through the intervention. The specificities of automatic qualification recognition process should be explained in more detail, for example its role in accelerating the processing of qualification recognition and authentication requests. The report also needs to analyse the different types of competent authorities that deal with the recognition of professional qualifications, including these organisations' governance and incentive structures, and how this might impact on their delivery of the envisaged improved outputs, and compliance with deadlines and other requirements. The risk of possibly limited enforcement of these requirements needs to be factored in in the analysis of effectiveness.

(4) The report should provide evidence of the expected level of interest from third country institutions, that provide professional qualifications, to have their qualifications recognised in the envisaged automatic recognition system and their willingness to bear the related expected costs. The report should present a more balanced approach to the expected benefits and their monetisation, considering the uncertainties in the evidence base, the assumptions made, and the flexibility foreseen at Member States level. The main report should more clearly specify which assumptions form the basis for its analysis and findings regarding productivity gains through IT and governance improvements; and describe to what extent the findings may change if the underlying assumptions are changed.

(5) The report should strengthen the coherence analysis in relation to the 'ecosystem of initiatives' to address EU labour market needs, including the EU Talent Pool Regulation, as well as the other initiatives of the SPI. In particular, the report should analyse the possible synergies with the digital solution to be developed under Action 2, including to be used based on voluntary basis. The report should specify what type of legal act would be proposed under this initiative.

Some more technical comments have been sent directly to the author Service.

(D) Conclusion

The lead Service may proceed with the initiative.

The lead Service must revise the report and its executive summary in accordance with the Board's findings before launching the interservice consultation.

Full title	Fair labour mobility package - Skills Portability 3: recognition of qualifications and skills of third country nationals
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