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OF THE
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*Directorate-General
Audiovisual, Information,
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*Head of Unit
Single Market
X/B.1 ▸ T120 9/32*

Free movement of people

in the space without frontiers:

the changes



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INTRODUCTION

For the Community citizen the most tangible aspect of a space without internal frontiers is free movement. Freedom to study, work and reside in eleven countries other than one's own are rights not enjoyed by our parents and grandparents.

On the eve of the completion of the large market, at the end of 1992, the benefits of eliminating internal borders are already making themselves felt. Soon there will be no more checks nor queues at frontiers. People, goods, services and capital will be able to move freely. Whether he be in or out of work, adolescent, adult or senior citizen, captain of industry, sportsman or tourist, the Community citizen will enjoy numerous facilities established during recent years.

The European passport, in force since 1985, has a symbolic value. It is the first document shared by all citizens of the twelve Member States of the European Community.

From 1 January 1993, the Community citizen will be free to buy goods and transport them in his personal luggage without being subjected to any checks or formalities whatsoever when crossing internal frontiers.

The right of residence, the right to pursue an activity in an employed or self-employed capacity within the territory of a Member State other than that of origin, the recognition of diplomas and professional qualifications, the mobility of young people, action in favour of the elderly are all "Community patrimony" already being enjoyed by European citizens.

The aim of the following document is to show, in a clear and concise way, all these new rights of free movement inside the space without frontiers. The Community citizen already enjoys some of them, others will apply from 1 January 1993, whether it be a short stay in another Member State (eg tourism, vocational training for workers or education for the young), or residence for a longer or undefined period (eg employed or self-employed persons pursuing an occupational activity in another Member State etc).

RIGHT OF RESIDENCE

NEW RIGHTS

Generalized right of residence

Right of residence for employees and self-employed persons who have ceased their occupational activity

Right to reside for students

The right for any citizen of a Member State to reside in another is primordial to setting up a citizens' Europe without frontiers.

Let us look at the progress the Community is making towards this goal.

On 28 June 1990, the Council of the European Communities adopted three directives bringing considerable progress towards free movement:

↳ 90/364/EEC - on the right of residence

↳ 90/365/EEC - on the right of residence for employees and self-employed persons who have ceased their occupational activity

↳ 90/366/EEC - on the right of residence for students.

These three directives completed the existing arrangements granting right of residence to persons pursuing an occupational activity (employees, self-employed, those providing services) or to persons wishing to remain in the state where they exercised such an activity.

Henceforth, with the addition of these three directives, it is possible to talk about a generalized right of residence.

It should however be noted that these directives, like all directives, must be transposed into the internal legislation of each Member State. The deadline for this process was 30 June 1992.

1. RIGHT OF RESIDENCE

Directive 90/364/EEC

This directive covers those nationals of Member States who do not enjoy the right to reside under other provisions of Community legislation. The right of residence is also granted to the members of family of the holder of this right, irrespective of nationality (spouse and dependent offspring and ascendants).

In order to enjoy this right to reside, the person concerned and members of family must be covered by sickness insurance in respect of all risks in the host Member State, and have sufficient resources to avoid becoming a burden on the social assistance system of the host Member State during their period of residence.

The granting of the right of residence is evidenced by means of the issue of a "Residence permit for a national of a Member State of the EEC", the validity of which may be limited to five years on a renewable basis. However, Member States may, when they consider it necessary, require revalidation of the permit at the end of the first two years of residence.

A residence permit of the same validity is also issued to members of family who do not hold the nationality of a Member State.

2. RIGHT OF RESIDENCE FOR EMPLOYEES AND SELF-EMPLOYED PERSONS WHO HAVE CEASED THEIR OCCUPATIONAL ACTIVITY

Directive 90/365/EEC

(See also "Employed and self-employed persons", retirement p 11)

This directive covers those employed or self-employed persons who have ceased their occupational activity and who wish to take up residence in a Member State other than that in which they pursued their professional activity. The family of the holder of the right of residence also have this right (spouse and descendants or ascendants who are dependent), irrespective of nationality.

To qualify for this right to reside, the person concerned, and members of the family, must be covered by a sickness insurance in respect of all risks in the host Member State, and have sufficient resources (invalidity or early retirement pension, or old-age benefits, or a pension in respect of an industrial accident or disease) to avoid becoming a burden on the social assistance system of the host Member State during their period of residence.

The granting of the right of residence is evidenced by means of the issue of a "Residence permit for a national of a Member State of the EEC", the validity of which may be limited to five years on a renewable basis. However, Member States may, when they deem it necessary, require revalidation of the permit at the end of the first two years of residence.

A residence permit of the same validity is issued to members of family not holding nationality of a Member State.

3. RIGHT OF RESIDENCE FOR STUDENTS

Directive 90/366/EEC¹

(see also "Youth" - p. 37)

Member States shall grant the right of residence to any student (and spouse and dependent children) who, by declaration, or by any other equivalent means chosen by the student, assures the national authority concerned that he has sufficient resources to avoid becoming a burden on the social assistance system of the host Member State during the period of residence.

The student must be registered with a recognized establishment to undergo, as a principal activity, a course of professional training. The student must be covered by sickness insurance in respect of all risks in the host Member State.

The right of residence is evidenced by the issue of a "Residence permit for a national of a Member State of the EEC" the validity of which is limited to the length of the course of study or to one year if this is longer than one year, in which case the permit is renewable annually.

Members of family who are not nationals of a Member State shall receive a residence permit with the same validity as that issued to the person on whom they depend.

¹ Although this directive was annulled by judgment of the Court of Justice on 7.7.1992, the Court maintained its effects until the Council modifies its legal basis.

EMPLOYED AND SELF-EMPLOYED PERSONS

NEW RIGHTS

Right to pursue an occupational activity (employed or self-employed) in another Member State

Right of residence for the worker and his family

Right to remove his moveable property without paying taxes or duties

Right to transfer his savings and capital and to repatriate them

Right to make use of social security entitlements, acquired in the country of origin, in the host country

Right of the migrant and family to the same education and vocational training as the nationals of the host country

Right of the migrant to housing, including acquisition of property, on the same basis as nationals of the host country

Right of the migrant and family to enjoy the same social benefits, in particular reduced-cost public transport, as nationals of the host country

Right to move within and reside in another Member State in order to seek employment

Right of workers seconded from a company in one Member State to another to stay with same social security system

Right of retired persons or those incapacitated by an accident at work or an occupational illness to return to their country of origin, to remain in the state in which they have been active professionally, or to take up residence in another Member State whilst continuing to receive their pension

Right of Community citizens holding a diploma obtained in a Member State other than their own and who wish to exercise their profession elsewhere in the Community to demand that the host country examine and take into account this diploma in order to determine if it corresponds to that required for nationals

Right of free movement for training

In the past, the Community citizen who crossed the border of a Member State for purposes other than tourism often ran up against certain restrictions on their activities.

Now, thanks to the EC's action, this situation has changed. In fact, any citizen of any Member State has the right to take up an occupational activity in any other Member State, or to extend that occupational activity from one Member State to any other, pursuing that activity in each Member State under the same conditions applied to nationals of that state.

This right covers all occupational activities, in an employed or self-employed capacity, with the exception of certain functions involving the exercise of public authority.

Whatever the activity, employed or self-employed, this principal right is accompanied by other derived rights necessary to make it effective. Among them are:

- ↳ right of residence for the entitled person and family
- ↳ right to remove moveable property without paying taxes or duties
- ↳ right to transfer savings and capital freely and to repatriate them
- ↳ right to have social security entitlements, acquired in the country of origin, recognized in the host country
- ↳ right of the migrant to the same education and vocational training as nationals of the host country
- ↳ right of the migrant to housing, including acquisition of property, on the same terms as nationals of the host country
- ↳ right of the migrant and family to enjoy the same social benefits - in particular reductions on public transport - as nationals of the host country

1. THE SEEKER OF EMPLOYMENT

Nationals of a Member State have the right to move freely within the territory of other Member States and to remain there in order to seek employment.

The seeker of employment may enter the territory of Member States by simply presenting a valid identity card or passport. No visa or equivalent formality may be imposed.

The right of entry into the territory of another Member State may be refused only for reasons of public order, public security or public health, within the limits laid down in this regard by Community legislation.

The national of a Member State who seeks employment within the territory of another Member State receives the same assistance as the employment offices of that state give to their own nationals in the same situation.

However, the seeker of employment cannot claim equal treatment as regards "social and fiscal benefits" since this is reserved for workers.

Seekers of employment may also consult the EURES (European Employment Services). Before the end of 1993, EURES aims to provide workers and enterprises with Community-wide information on vacancies and applications, as well as on living and working conditions in each Member State. A network of specially trained Eurocounsellors will help to provide this information and any useful advice on mobility.

2. ACCESS FOR EMPLOYED PERSONS

The Treaty of Rome lays down that "all discrimination based on nationality of workers of Member States affecting employment, pay, and other working and employment conditions" will be eliminated in order to ensure free movement of workers within the Community. Pursuant to the Treaty, a series of Community measures have been adopted to put this principle into practice. In 1968, the Council adopted a regulation on the free movement of employed persons within the Community (1612/68/EEC). The same year, directive 68/360/EEC eliminated restrictions on the freedom of movement and residence of workers, who are nationals of a Member State, and their families. In 1970, the Commission adopted regulation (1251/70/EEC) on the right of a worker to remain in the territory of a Member State after having worked there.

Thus any national of a Member State, irrespective of residence, has the right to take up and pursue any employed activity anywhere within the territory of another Member State under the same laws, regulations and administrative provisions laid down for nationals in that state.

However, by derogation, this equality of treatment does not apply as regards access to employment in public administrations. This should be understood as those posts involving participation in the exercise of public authority and those functions which safeguard the interests of the State (police, armed forces, magistrates, legislators etc).

2.1 Residence in the host Member State

(see also "Consumers" - complete freedom of movement of personal property - p 31)

An employed person has the right to a residence permit on presentation of the document used to enter the territory of the host Member State and a certificate of employment. The employed person may take up his professional activity immediately even though the necessary formalities for the issue of his residence permit are not completed. It is not necessary to obtain a residence permit if the salaried activity does not exceed three months.

The employed person is issued a residence permit renewable every five years if his work is for longer than a year. However, on first renewal, the validity of the permit may be limited to twelve months if the worker has been unemployed involuntarily for more than twelve consecutive months.

Liability for military service in the country of origin, or trips abroad shorter than six months, do not affect the validity of the residence permit.

2.2 Rights in the host Member State

A person employed in a Member State other than his own enjoys equality of treatment as regards employment and working conditions, particularly remuneration, dismissal, and occupational reinsertion or reemployment if obliged to register as unemployed.

He also enjoys the same social and fiscal benefits as nationals. These are very diverse and include, particularly, granting of interest-free loans, reduced-cost public transport passes for large families, or, if the possibility is open to nationals, to be joined by his/her unmarried partner.

Equal treatment also applies regarding union membership and obtaining housing.

2.3 Security social

In 1971, the Council adopted a regulation (1408/71/EEC) co-ordinating national social security systems in order to guarantee social security cover for workers, even if they move from one EC country to another. Initially, this coordination concerned social security arrangements in force for employees and members of their families. It was not until 1982 that regulations were extended to include self-employed persons and members of their families.

It is clear that the regulation has a limited objective. It does not interfere in any way with the freedom of Member States to define their own social security system. It does aim at correcting undesirable effects which may arise from certain aspects of national legislation when the migrant crosses a border. This regulation therefore guarantees the rights of employees who go to work in another country.

The coordination of national social security systems, established by this regulation, is based on the following principles: equal treatment for national and non-national employees, uniformity of the legislation applied, totalization of all periods of insurance or residence when calculating benefits, and the exportation of social security benefits to other Member States.

2.3.1 Equality of treatment

In substance, regulation 1408/71 article 3 provides that persons residing in the territory of one of the Member States and to whom the regulation applies, are subject to the obligations, and enjoy the benefits, of the legislation of any Member State under the same conditions as nationals of that state.

2.3.2 Maintaining acquired rights

The legislation of certain Member States lays down that benefits may be paid only if the beneficiary resides in the Member State concerned. Regulation 1408/71 revoked the clauses on residence. Invalidity and old-age pensions, survivors' benefits, pensions in respect of an industrial accident or disease provided for in the legislation of a Member State must be paid to the person entitled, even if this person resides in another Member State. Article 10 of this regulation, therefore, sanctions the existing principle of exportation of pensions.

2.3.3 Maintaining rights not yet fully acquired

In all Member States, the right to certain benefits is subject to a qualifying period. In order to obtain the right a minimum number of contributions must be made, the employee must work or reside for a certain time in the country. Without community legislation, these qualifying periods could be prejudicial to employed or self-employed migrants when deciding on their right to benefit and its calculation.

When a worker does not meet fully the qualification conditions for benefit laid down in a country, then thanks to this regulation the total of the periods of insurance in other Member States is taken into account. This is known as the totalization of the periods of insurance or residence.

2.3.4 Uniformity of legislation applied

In the interests of the employed or self-employed person working in another Member State, two types of situation must be avoided: not to be insured in any Member State or to be insured in several Member States at the same time. These are situations which can arise because of different conditions of affiliation to national social security systems.

Thanks to regulation 1408/71 which determines the legislation to be applied through a single set of criteria, these problems have disappeared. In fact the regulation lays down that the legislation of the country where the employed or self-employed person carries out his activity applies, irrespective of place of residence.

2.3.5 Sickness benefits

(1) On the spot medical care

Generally speaking, an employed or self-employed person, or member of the family, insured in a Member State and who suddenly becomes ill during a holiday or journey in another Member State, is entitled to medical care in accordance with the legislation of that state, as though the person were insured there. Of course, the person concerned must justify this right using form E111, issued by the competent authority in the country of affiliation.

(2) "Programmed" medical care

Further, an employed or self-employed person, and family members, residing and insured in a Member State may go to another Member State to receive medical care provided they satisfy certain conditions, particularly obtaining permission from their national authority and the E112 form. This authorization is obligatory where the care concerned is provided for in the legislation of the country of residence and cannot be carried out there in reasonable time.

It is important to stress that the care provided in these two types of situation must be paid for by the state where the person is insured.

2.3.6 Unemployment benefit

Community regulations offer the possibility, subject to certain conditions, for employed persons to seek employment in another Member State whilst guaranteeing the benefits from the country where last worked, for a period limited to three months.

2.3.7 Family allowances

Employed persons or those out of work with children living in a Member State other than that where their parents work or have worked are entitled to family allowances for the children as though they were living with them in the same Member State.

2.4 Seconded employees

When employees are seconded by a company from one Member State to another, they need not change their social security cover but remain insured, for a period of twelve months, by the social security system of the State where they usually work.

Within the framework of the implementation of the Community Charter of the Fundamental Social Rights of Workers, the Commission has put forward a directive aimed at making sure that seconded persons, doing work on a temporary basis, benefit from the working and employment conditions applicable to that type of work.

In the context of the Single European Act of 1986, which provides for the free movement of people in the Single Market from January 1993, and of the signature of the Treaty of Maastricht in February 1992, which establishes European citizenship and recognizes the right of all citizens to move freely within the Community, the Commission has proposed a regulation to extend the provisions of regulation 1408/71/EEC to all insured people in the EC, including students, those who do not work and civil servants subject to special arrangements.

The agreement on the European economic space, linking the EC and members of the European Free Trade Association (EFTA), extends the benefits of the regulation to this latter group of countries, thereby ensuring social security cover to a national of an EC Member State even if he works in an EFTA country. Agreements with Hungary, Czechoslovakia, Poland and, possibly, Rumania and Bulgaria may well lead to a certain coordination in the field of social security. These agreements will guarantee the conservation of acquired rights (eg exportation of pensions for Community workers who have worked in these countries).

2.5 Retirement

(See also "The Elderly" - p 46 and "Right of residence" - p 2)

Retired persons, like those incapacitated by an accident at work or an occupational illness, do, of course, have the right to return to their country of origin. This right was made effective with the application of the principle of exportation of pensions (art. 10 of reg. 1408/71 see point 2.3.2. above).

Further, retired persons and those incapacitated in an accident at work have the right to remain in the Member State where they worked by virtue of paragraphs 2.5 of reg. 1251/70 and 3.3 of dir. 75/34. They conserve their rights, in particular to equality of treatment.

Employed persons who cease their occupational activity and wish to take up residence in a Member State where they have not worked have the right, since 30 June 1992, to request and obtain a residence permit allowing them to live in the Member State of their choice (directive 90/365/EEC of 28 June 1990).

To qualify for this right of residence, the person concerned and the members of family, must be covered by sickness insurance in respect of all risks in the host Member State and have sufficient resources to avoid becoming a burden on the social assistance system of the host Member State during the period of residence.

Once the right of residence in the Member State is granted, the employed person is issued a "residence permit for a national of a Member State of the EC". This card is valid for at least five years (although renewal may be required at the end of the first two years of residence) and is renewable after five years.

3. ACCESS TO SELF-EMPLOYMENT - THE PROFESSIONS

Any citizen of a Member State may pursue a professional activity in another Member State either under his own name, or under cover of a company he has founded or taken over, under the same conditions applying to nationals of the host country.

He has the choice between durable installation in another Member State (right of principal or secondary installation) or of exercising his activity by dividing the time between the Member State where he is installed permanently and one or several Member States where he has no anchor point. All discrimination based on nationality or place of residence is forbidden since 1 January 1970. In particular all the types of discrimination listed in Annex 3 are prohibited.

In this respect the self-employed worker benefits from measures guaranteeing free access, with equal transparency, to contracts placed by the States, regional authorities and corporate bodies for the execution of public works, delivery of supplies or provision of services (directive 92/50/EEC of 18.6.1992 on the coordination of procedures for public procurement)

3.1 Entry into the host Member State

(see also : "Consumers" - totally free movement of personal property - p 30)

Self-employed workers wishing to set up or provide services in a Member State other than their own may stay in the host Member State for a period of three months, in which case no residence permit is required. For a length of stay exceeding three months, the host Member State must issue a "residence permit for a national of a Member State of the EEC", valid for at least five years and automatically renewable. This permit is issued on presentation of a passport or an identity card and a professional card (proof that the person is self-employed). Member States may also make enquiries regarding the period of residence and the activity to be exercised. This residence permit may be refused only for reasons of public order, public security or public health.

3.2 Social security

(See also : Social security - p. 8)

As regards social security, regulation 1408/71/EEC, guaranteeing the worker's right to social security even if he moves from one Member State to another, was extended in 1982 to self-employed workers and members of their families. With certain exceptions, the self-employed are insured in the Member State in which they work, even if they live in another. In this way, self-employed persons enjoy the same social security benefits as employees.

3.3 Retirement

(See also "The elderly" - p. 46).

Retired people, like those incapacitated by an accident at work or an occupational illness, have of course the right to return to their country of origin. This was made effective with the application of the principle of exportation of pensions (art. 10 reg. 1408/71 - see pt. 2.3.2. above).

Further, retired workers and those incapacitated at work have the right to remain in the Member State where they worked by virtue of paragraphs 2.5 of reg. 1251/70; and 3.3 of dir. 75/34. They conserve their rights, notably to equality of treatment.

Self-employed persons who cease their occupational activities and wish to move to another Member State in which they have not worked have the right, since 30 June 1992, to a residence permit authorizing them to reside in the chosen Member State (directive 90/356/EEC of 28.6.1990).

In order to benefit from this right of residence, the person concerned and members of the family must be covered by sickness insurance in respect of all risks in the host Member State, and have sufficient resources to avoid becoming a burden on the social assistance system of the host Member State during their period of residence.

As soon as the right to reside is granted, a "residence permit for a national of a Member State of the EEC" is issued to the self-employed person. It is valid for five years (renewal may be required at the end of the first two years of residence) and renewable thereafter.

4. MUTUAL RECOGNITION OF DIPLOMAS

Despite all the progress made, the mobility of employed and self-employed workers has been hindered by specific requirements in each Member State regarding training, qualifications and experience, not recognized throughout the Community.

The rights of Community citizens holding a diploma obtained in one Member State and who wish to exercise their profession in another Member State

Any Community citizen has the right to demand that the host Member State examine and take into account diplomas obtained in another Member State in order to determine whether they correspond to those the host country requires of its own nationals (jurisprudence Heylens).

In so doing, the host Member State is obliged to make an objective comparison of qualifications acquired and required (applying purely objective criteria such as length and content of training).

If the qualifications acquired correspond totally to those laid down by national provisions, then the host Member State is obliged to accept their equivalence and to formally recognize them.

If they correspond only partially, then the host Member State must, should circumstances so require, verify if knowledge acquired by the migrant in the same Member State (through a course of study or practical experience), compensates the difference (jurisprudence Vlassopoulou).

Where the Community citizen's request for recognition is rejected, he has the right to demand a reasoned decision from the host Member State in a form enabling him to seek a legal remedy.

In addition to these possibilities available to the European citizen, numerous Community directives reinforce them by setting up systems for the recognition of technical qualifications (professional experience, diplomas or other documents certifying professional training). Certain systems may permit automatic recognition, others semi-automatic.

Automatic recognition

Any Community citizen having acquired in a Member State the experience or the professional training corresponding with that recognized in one of these systems has the right to avail himself of this in another Member State. The state may make no judgment regarding duration and content whatsoever of this experience or training (as it is already recognized).

There are 22 Community systems establishing automatic recognition of professional technical qualifications:

- twelve cover handicrafts, industrial or commercial activities
- two are concerned with road or river carriers
- six cover medical or paramedical activities¹
- one is for architects
- one facilitates the recognition of a lawyer's professional qualification to provide services

Semi-automatic recognition

These are based on a presumption of equivalent training which the host Member State may however contest.

In fact, if a Community citizen wishes to take up or pursue in a host Member State a regulated profession which does not benefit from automatic recognition, he may fall back on the general systems and request this state to recognize the professional training he has acquired in his Member State of origin with a view to exercising the corresponding profession in the host Member State. If the profession is the same in both Member States, the training acquired in the Member State of origin is presumed equivalent to that required in the host Member State and must be recognized by this state, unless proved otherwise.

The host Member State conserves the right to verify, on the one hand, that the professional's regulated activity is the same as the one he has the right to exercise in his Member State of origin and, on the other hand, that there are no important differences between the training that he has acquired and that required by national provisions in the host country.

Admittedly, where important differences do exist, the host Member State may demand that these be compensated, but, in doing this, it must respect the provisions for compensation laid down in the directive.

Finally, the person concerned has the right to demand that the host Member State decide on his application within four months.

The first general system, adopted by the Council on 21 December 1988, has applied since 4 January 1991.

¹ *Doctors, general care nurses, veterinarians, dentists, midwives and pharmacists. For pharmacists, this automatic recognition applies only if they take up residence in another Member State*

It covers the access to, and exercise of, all regulated professional activities other than those already covered by a sectorial system of recognition, and which are considered regulated because the Member State requires a higher education diploma issued after completion of a course of professional education and training lasting at least three years. This particularly applies to the following professions: lawyers, chartered accountants, engineers, psychologists, the teaching profession.

A second general system to complete the first was adopted by the Council on 18 June 1992 and will come into force on 18 June 1994. This second system is to cover all those regulated professional activities not already covered by a system of recognition (Council directive 92/51/EEC of 18 June 1992).

5. THE FAMILY

Fear of having to leave one's family, of not finding employment for one's spouse, or the necessary care and schools for the children are all factors hampering movement of citizens to another Community Member State with a view to working there. To clear the way, the Community adopted legislation enabling the family of an employed or self-employed worker to accompany him when he exercises his right of free movement.

5.1 Right of residence

(See also "Right of residence" - p 2)

The right to family immigration applies to the spouse, offspring under 21 or still dependent, and dependent ascendants. Member States are also bound to favour the regrouping of other members of family.

Residence permits are issued to family members free of charge or against payment of the same sum paid by nationals for their identity cards. Members of family who are nationals of a third country may also be required to obtain a visa, which must be free of charge.

To obtain a residence permit, members of family must present the document which enabled them to enter the host Member State and a document establishing their relationship with the worker.

Once the members of family are admitted into the territory of the state where the worker is active, they enjoy certain rights guaranteed by the legislation adopted by the EC. Thus the spouse and children, even if they are nationals of a third country, have access to any salaried employment with the same working conditions as nationals.

Further, if they reside in the host state, the worker's children have the right to the same education (general or vocational) as the children of nationals. In particular, they have the same right as nationals to grants or subsidies to finance their studies, even if these courses are abroad.

Moreover, members of an employed or self-employed person's family have the right to remain in the host state, even after his death.

5.2 Social security

Employed and self-employed workers resident and insured in a Community Member State may, after obtaining the necessary authorization and providing they have form E 112, go with their family to another Community Member State for medical treatment. The social security is paid by the Member State in which the person is insured.

According to the terms of the regulation co-ordinating the laws governing social security systems in a Member State, employed and unemployed persons whose children live in a Member State other than that which is competent, have the right to family allowances as though the children were living with them in the competent Member State.

REMAINING TO BE DONE

In 1988, the Commission proposed extending the provisions of regulation 1612/68/EEC, among them the following:

1. for all descendants and ascendants to have the unconditional right to join the head of family
2. to maintain the right to equal treatment when a worker is seconded to a third country
3. to allow the spouse, national of a third country, to conserve the right of access to any employment even after the death of, or divorce from, the worker.

The Commission also proposed the revision of directive 68/360/EEC in particular to reinforce the right to remain of workers who have lost their jobs involuntarily. Moreover, it proposed extending validity of the residence permit from five to ten years at the time of renewal.

Improving information on qualifications

Non-transparency of qualifications stems mainly from two factors: lack of information on qualifications and the difficulty in assessing them.

As regards information, a considerable step forward is the system of comparability of vocational education and training qualifications. This aims at establishing mutually agreed Community job descriptions, at skilled-worker level, in 19 sectors, as well as drawing up comparative tables for these national diplomas and certificates (decision 18/7/1985).

The objectives of this system (mobility and information) are being pursued through the evaluation of the comparability of qualifications which should lead to a Commission proposal aimed at implementing measures in favour of mobility and more flexible information systems.

Experiments are being made at the CEDEFOP on description of qualifications and on anticipated skill needs.

6. FREE MOVEMENT FOR EDUCATION AND TRAINING

(See Annex 4)

Everyone should be able "to receive appropriate education and training, respecting the free choice of profession, establishment and place of training as well as place of work". That is one of the first general principles which guides the application of a common policy on vocational education and training adopted in 1963.

Community programmes such as ERASMUS, PETRA, COMETT, LINGUA, Human Capital and Mobility stimulate the exercise of the right of free movement for education and training and even provide financial support. They aim not only at facilitating access to vocational education and training in another Member State, but also at giving a Community dimension to this education and training. These programmes are a recent achievement and are a good example of "how things have changed" since 1985.

Transnational exchanges, networks and partnerships are an essential added value from these programmes. They are privileged vehicles for the acquisition, development and multiplication of know-how and of the European dimension of education and training. The targeted publics are varied: teachers and trainers, company senior management, social partners, researchers etc.

a) Education and Training abroad

ERASMUS gives strong encouragement to exchanges of university teaching staff, enabling them to teach students in an establishment in another Member State for periods ranging from one week to one year. LINGUA set up comparable programmes for the mobility of foreign language teachers.

COMETT makes possible exchanges enabling university personnel or company managers to share their skills and knowledge with universities or enterprises in other Member States and also to contribute to training activities.

Researchers, particularly young researchers, can benefit -through Community research programmes, particularly Human Capital and Mobility - from research training grants for periods of six months to two years in selected research laboratories or those of their choice.

b) Developing common education and training systems

The development of educational systems and training modules in common (COMETT, ERASMUS) obeys the logic of pooling problems and initiatives in order to improve through exchange of information the quality of training offered.

Within the framework of PETRA training partnerships, projects give rise to joint action for the training of youth trainers. There is also the possibility of creating modules in common.

c) Obtaining education and training abroad

Foreign language teaching staff can take part in continuous training sessions in another Member State (LINGUA).

In the field of new technologies and qualifications, EUROTECNET also organizes training for trainers abroad, through specific projects.

Among the activities of the Community Initiative programmes "Human Resources" (FSE), training is organized (EUROFORM-FORCE), including exchanges of workers undergoing continuous professional training (people threatened by unemployment, or working in a SME in regions lagging behind, or regions of industrial reconversion or rural development).

d) Study missions or visits abroad

Most of the programmes provide such opportunities.

LINGUA enables representatives from SMEs, professional organizations and unions, as well as language teachers, to go on study missions aimed at improving language training in the sectors they represent or at developing teaching materials.

Under ERASMUS and LINGUA, grants are available to teaching and administrative staff from higher education for study or teaching exchanges in a university in another Member State.

EUROTECNET projects also facilitate such visits and missions.

Study visits for education specialists, launched in 1978 through ARION, promote mutual understanding of national systems and develop exchanges on matters regarding mainly initial training.

This type of visit is also organized for specialists and researchers into education and training (in coordination with CEDEFOP).

e) Backing innovation and developing research

Trainers, "human resources" managers, social partners, personnel representatives or continuous training specialists are able, through the mutual exchanges provided for in the FORCE programme, to develop the transfer and spread of innovations in the field of continuous training for employees.

Pilot projects set up under COMETT, FORCE, EUROTECNET aim to conceive, try out and perfect innovative methods and products for transfer to the field of education and training and qualifications.

The aim of EUROTECNET is to identify existing studies or research on innovations in the field of vocational education and training challenged by new technologies and the new qualifications required, as well as finding how national and Community research programmes in this field tie together.

Observations

Methods of finance vary: individual grants, subsidies for training organisms or for enterprises.

7. TEACHING STAFF

Three lines of action are aimed at ensuring mobility in the short term for teaching personnel.

7.1 Tex

This programme of exchanges for secondary teachers was launched in 1989-90 on a European Parliament initiative. It is complementary to the ARION programme, this latter being aimed more at education specialists and school principals. Under TEX the Commission finances 400 grants per year, enabling the beneficiaries to spend from three weeks to a month in another Member State.

7.2 Lingua

This covers in-service training of language teachers in the country where the language taught is spoken. Around 500 teachers take part every year.

7.3 The European network of teacher-training institutions RIF

This network, composed of 14 sub-networks comprising 80 teacher-training institutions, aims at introducing the European dimension into school programmes as well as promoting student and teacher exchanges.

8. FREE MOVEMENT FOR RESEARCH

Community programmes for technological research and development (TRD) consist for the most part in the financing of projects, in the form of consortia or cooperation networks made up of multinational teams from universities, private and public research organizations, and industrial undertakings.

Within these consortia or networks there are exchanges of researchers in line with the scientific and technical objectives (ST) defined by the TRD projects financed by the Community. As a general rule, Community financing covers 50% of project costs.

SALARIED AND SELF-EMPLOYED WORKERS

REMAINS TO BE DONE

Extend the right of family immigration to apply unconditionally to all offspring and ascendants

Maintain the right to equality of treatment when the worker is seconded to a third country

Enable the spouse, of non-EC nationality, to conserve the right of access to any salaried employment, even after death of, or divorce from, the worker

Improve information on qualifications and on all aspects of Community labour markets

Improve and widen the systems for recognition of qualifications held

Resolve the problem caused by different methods of affiliation to social security systems

Encourage discussion on private social security systems which, at present, are not covered by regulation 1408/71/EEC

Encourage Member States to extend beyond their frontiers the financial aid for mobility already granted to job applicants who incur travel expenses when attending interview

Resolve the remaining bureaucratic difficulties met by employed and self-employed workers when applying for a residence permit and the practical difficulties (waiting time, cost, etc) which arise when the members of family are of non-Community origin

Posts in the national public services are still reserved for nationals of each Member State, even those posts which do not involve the exercise of public power or the protection of the general interest of public authorities

Resolve the problem of the movement of medical prescriptions (where a dispensing chemist in one Member State prepares a medical prescription drawn up by a doctor in another EC country)

There is no legal statute for a grant-financed researcher, giving rise to social and fiscal problems

1. ADMINISTRATIVE OBSTACLES

The transposition of the Community texts into the national legislation of each Member State may be considered as accomplished. However, the mobility of workers is very often hindered in practice by administrative obstacles, which sometimes have a financial character.

These obstacles are of a very varied nature. To name a few, there are the supporting documents to be presented to obtain a residence permit, certain forms of discrimination in the allocation of grants to migrants' children, or of certain social or fiscal advantages. These discriminatory administrative practices may be isolated cases, or be a permanent feature of certain public administrations. They are also very difficult to identify and put right.

Moreover, certain difficulties or situations considered unacceptable by the citizen may arise from disparities between the different national legislation or from discrimination which, given the present state of Community legislation, must be considered as justified (see, among other cases, a decision of 28 January 1992 concerning C-204/90, Bachmann).

2. THE LACK OF INFORMATION

Exercising an occupational activity in another Member State is still a difficult and complicated operation. Lack of information is a determining factor. Here, further initiatives are necessary along with the action taken under SEDOC and Euro Info Centres. Candidates considering work in another State need, in fact, information on all aspects of working outside their state (qualifications required, unions, social legislation, etc.).

It is all the more difficult to provide this information as work situations, job characteristics and training are evolving so rapidly.

The idea of occupational mobility from State to State is still often seen as cost rather than opportunity, not only for individuals but also for the enterprises sending personnel to another Member State.

Data on occupational mobility (statistics, types of qualification etc) are still fragmentary, incomplete, relatively inaccessible and based very much on an economic appraisal of qualifications.

3. DIVERSITY OF NATIONAL SYSTEMS OF VOCATIONAL QUALIFICATIONS

This diversity of arrangements and cultural differences make Community action very complex in this field of qualifications and mutual understanding of national arrangements.

The recognition of qualifications obtained through professional experience or continuous training, for example, remains a problem from one Member State to another.

Citizens meet great difficulties in obtaining a correct appraisal of their potential, and their skills and knowledge, in another Member State.

Moreover, the positive value of experience gained through mobility (a sort of "qualifying" mobility) has hardly begun to be appreciated.

4. THE LANGUAGE PROBLEM

The knowledge of foreign languages remains a determining factor in obtaining employment in another Member State.

5. SOCIAL SECURITY

The problem faced by certain categories of migrant workers due to different methods of financing social security systems must be solved. At the moment, a worker could find himself paying twice for social security if he works in a state which requires workers to pay social security contributions but lives in another state which finances social security through taxation.

For the moment, private social security systems are not governed by Community regulations. However the Commission, in a communication published in 1991, took the initiative of encouraging a discussion on the subject.

Community citizens working outside the EC and non-Community citizens working in the EC are not necessarily covered by legislation or agreements which ensure they have social security protection or which avoids double social security payments. These problems must be solved.

EMPLOYEES

There are still several areas where more needs to be done to ensure free movement of employed persons.

The Court of Justice recently handed down several very important fundamental judgments (regarding fiscal advantages, rights of person seeking employment) that the Member States have not yet incorporated into their legislation and which the administrative authorities do not take sufficiently into consideration.

Member States must also be incited to extend beyond their frontiers the financial help they already grant to those seeking employment who incur travelling expenses in order to attend interview.

Regulation 1408/71/EEC does not cover cases of early retirement. A Commission proposal aimed at changing this situation is blocked at Council level.

Furthermore, posts in the national public services are still reserved for nationals of the particular Member State. This is despite the Court of Justice decision that the term "employment in the public administration" is limited to those posts where the specific activity involves the exercise of public power and the safeguard of the general interest of the public authorities.

SELF-EMPLOYED ACTIVITIES - THE PROFESSIONS

Problems still affecting the free movement of self-employed workers also involve the administrative steps they must take in order to obtain a residence permit and the practical difficulties (waiting time, cost, etc) arising when the worker's members of family are not nationals of an EC State.

A further hindrance to the mobility of professionals is the necessity, for a provider of a regulated service to obtain an authorization prior to exercising that activity. This derives from the principle that he should be on the same footing as a national. This obstacle has been only partly eliminated by Member States mutually recognizing the authorizations to practise certain regulated professions, namely those of doctor, general care nurse, dentist, veterinarian, midwife, architect and lawyer. (This problem is being examined with a view to applying article 100B).

The diversity of national rules throws up a barrier hampering the exercise of specific professions which ought to benefit from automatic or semi-automatic recognition.

Finally, there remains another obstacle, regarding the movement of medical prescriptions. The problem arises when a dispensing chemist in one Member State prepares a prescription drawn up by a doctor in another EC country. A legal action was brought on this subject.

The Commission was of the opinion that "the pharmacist established in one Member State cannot be required to dispense the prescription of a doctor established in another", insofar that no Community mechanism exists enabling the dispensing chemist to verify the authenticity of the prescription, and that setting up such a mechanism, although technically possible, appears excessive given the limited number of cases concerned.

TEACHERS

The mobility of teachers is of particular strategic importance and this is stressed in the Maastricht agreements. However, it does run up against considerable obstacles.

Mobility in the short term

Certain Member States are reticent to release their teachers during term time (replacement problems) even for a short period. Because of this, LINGUA can really be operated fully only during the summer holidays, which limits the possibilities and the number of teachers participating.

Mobility in the long term:

Although legally possible, in practice it remains difficult for teachers to take up residence and work in another Member State because of the diversity of regulations and organization of education and training, differing working conditions and difficulties of transferring and guaranteeing acquired rights. Apart from language problems, a crucial factor is the difficulty of experience gained abroad being appreciated in terms of career development.

More complete information on the differing professional regulations, as well as consultation with all concerned, is desirable.

RESEARCHERS

Community stimulation of training and mobility for research staff is a priority laid down in the Single Act and the Treaty of Maastricht (Article 130G).

It is to be achieved by giving grants to researchers and to the consortia and the ST cooperation networks described above. However, particularly as regards training through research, difficulties arise because there is no legal status laid down for a fellowship researcher thus creating social and fiscal problems.

CONSUMERS

NEW RIGHTS

Total freedom for the intra-Community acquisition of goods without the citizen having to declare and pay VAT himself on the transaction

Total freedom to buy in another Member State a means of transport considered not new for VAT purposes, without having to declare this purchase in the destination Member State

Total freedom to buy used goods from a private individual in another Member State

Possibility for private individuals to buy products subject to excise duty for their own needs and transported by them

Total freedom for private individuals to send to, and receive from, each other goods on a non-commercial basis

Total freedom of movement of personal belongings which cross an internal frontier

1. COMMUNITY CONSUMER POLICY

In 1985, the European Commission decided to give fresh impetus to its consumer protection policy. This resolution was the object of a communication put before and approved by the Council of Ministers (COM(85)314 final).

Three main guidelines emerge:

- ↳ products sold in the Community must conform to acceptable health and safety standards
- ↳ consumers must be able to benefit from the Common Market
- ↳ consumer interests must be taken into account in other Community policies

The 1993 Internal Market is a further reason for dealing with these three aspects. In fact, the free movement of goods, services, capital and people will have a double consequence: on the one hand, sharper competition among producers and, on the other, Community consumers will be offered a larger choice.

However, the economic advantages derived from the Internal Market must not lead to a drop in the quality of products. Consumers would be the first victims of unscrupulous producers not respecting quality and safety standards.

To this end the Council adopted, on November 9 1989, a resolution on future priorities for giving fresh impetus to consumer protection policy (Council resolution of November 9 1989).

Following this Council resolution, the Commission published, in May 1990, its three-year action plan for consumer protection policy in the EC (1990-1992)(COM(90)98 final).

The Commission's action plan foresees four priority areas, namely:

- ↳ consumer representation
- ↳ consumer information
- ↳ consumer safety
- ↳ consumer transactions

These four fields of priority were chosen for the important role they play in consumer participation in setting up the Internal Market and to enable them to benefit from the possibilities offered by it.

Action has already been taken and several Community directives adopted (food products, cosmetics, textiles, dangerous substances, pharmaceuticals, motor vehicles, safety measures for toys, etc).

After adoption by the Commission, other proposals have been transmitted to the Council of Ministers where they are currently the subject of an exchange of views. In particular, they cover:

- ↳ general safety of products
- ↳ the responsibility of a provider of services
- ↳ abusive clauses in contracts made with consumers

The advanced state of work on the proposed Commission directive on abusive clauses contained in contracts concluded with consumers gives reason to hope for its adoption by the Council of Ministers before the end of this year and its transposition by the Member States before the end of 1994.

This proposal aims at providing European consumers with a high level of protection throughout the Community against abusive conditions of contract and helps, therefore, to reinforce consumer confidence in the Single Market and to reduce psychological barriers to making contracts outside the home Member State.

For 31 December 1992 (coincidence of dates) Member States must have transposed a directive on package tours (adopted in June 1990). This directive represents a common foundation of rules protecting the consumer wishing to go on an organized tour. In particular, it establishes the principle, valid throughout the Community, that the tour organizer is also held responsible for the quality of services promised on site, above all accommodation. Organizers must also be able to offer consumers a certain financial guarantee. With the introduction of these new laws, the consumer will find the same basic conditions throughout the Community and so be able to make travel bookings with organizers in other Member States.

2. THE CONSUMER AND THE INTERNAL MARKET

1 January 1993 will be an important date for the consumer. This is because the abolition of internal border controls will bring considerable advantages, of a fiscal or excise nature, for travellers, consumers, the man in the street, everyone.

2.1 New possibilities offered to the consumer in the space without frontiers

(See also "Community citizens and travel" - p. 33)

- ⇒ total intra-Community freedom to buy goods at a distance, without having to make the VAT declaration and payment. In every case, the vendor takes care of this (directive 91/680/EEC of 16.12.91)
- ⇒ total freedom to buy in another Member State a means of transport considered non-new for VAT purposes, without having to declare this purchase in the Member State of destination. Conditions for cars: at the time of purchase they must have travelled more than 3000 kms and have been put into service for the first time more than three months previously (directive 91/680/EEC of 16.12.91)
- ⇒ total freedom to buy used goods from a private individual in another Member State (directive 91/680/EEC of 16.12.91)
- ⇒ possibility for private individuals to buy dutiable goods for their own personal use and transported by them (tobacco products, alcoholic drinks). Excise duties on these purchases are paid in the Member State where the goods are acquired. This type of intra-Community transaction by individuals will not be subject to any sort of formality. All the same, distance buying of goods subject to excise duties by a private individual and which are sent or transported directly or indirectly by the vendor or on his account, must be submitted to excise in the Member state of destination (directive 92/12/EEC of 25.2.92)

- ⇒ total freedom for private individuals to send or receive goods on a totally non-commercial basis (directive 91/680/EEC of 16.12.91)
- ⇒ total freedom of movement of personal belongings which cross a frontier at the time of the many events in the life of any citizen, transfer of principle residence, moving in or out of a principal or second home, studies, marriage, inheritance (directive 91/680/EEC of 16.12.91 and directive 92/12/EEC of 25.2.1992)

CONSUMERS

REMAINS TO BE DONE

The obligation to declare and pay VAT on intra-Community acquisition of a new means of transport, including when the vendor himself is a private individual, still exists
No decision on VAT treatment to be applied to intra-Community transactions of second-hand goods, art objects, antiques, collectors' items, bought from a VAT-registered reseller who obtained them from a person who could not deduct the VAT
Absence of legal framework at Community level for guarantees on products and after-sales service.

1. All intra-Community acquisitions of new means of transport still involve declaration and payment of VAT, even if the vendor is also a private individual. A vehicle is considered new if, at the time of acquisition, it has travelled less than 3000 kms or less than three months have passed since its first entry into service.

Convergence of rates of taxation is necessary prior to elimination of this final obstacle. Indeed, given the different rates which will still be applicable on 1.1.1993, Member States consider it absolutely necessary to tax at destination high-value goods the demand for which is especially sensitive to differences in taxation levels.

A first step towards the approximation of rates of tax, prior condition to a scheme of taxation at origin, was taken on 24 June 1991. Member States decided to apply as from 1.1.93 throughout the Community a single rate of taxation: the standard rate of 15% or more. However, Member States remain free to set their standard rate at a different level from that of their partners.

2. It is not yet decided how VAT will apply to intra-Community acquisitions of second-hand goods, art objects, antiques and collectors' items from a taxable vendor who acquired them from a person who could not previously deduct the VAT.

The Commission presented a proposal for a 7th VAT directive aimed at finding a specific Community solution to the problem of resale of goods described above. The Council is currently negotiating this and has promised to give a ruling in due course.

3. Products subject to excise duty

- a) As regards products purchased by private individuals for their own use and transported by them, Member States may take account of a number of criteria in order to establish that the dutiable products are not held for private but for commercial purposes.

As a form of evidence, Member States may lay down guide levels.

- b) The Kingdom of Denmark will maintain until 31.12.96 the quantitative limits in force on 31.12.92 for cigarettes, pipe tobacco and alcoholic beverages.

4. The absence of a Community legal framework to cover guarantees on products and after-sales service.

Today, most consumer durables are technologically complex items needing efficient after-sales service. The uncertainty of availability of after-sales service or a guarantee outside the country of acquisition, and in the absence of direct contact with the vendor, discourages consumers from making purchases outside their frontiers.

The Commission is considering possible solutions to these problems and will shortly present a communication on this question.

5. The problem of the absence of an effective "European legal space"

Despite the harmonization achieved by means of directives, the jurisdiction and application of law remains a national matter. This creates specific difficulties, particularly when resolving conflicts arising from cross-frontier transactions, which are only partially resolved by the international conventions in force among Member States.

COMMUNITY CITIZENS AND TRAVEL

NEW RIGHTS

Elimination of controls at internal frontiers

Free movement of motorists

No controls on baggage of persons taking an intra-Community flight or making an intra-Community sea crossing

Total freedom to purchase

Liberalization of capital movements

Partial elimination of restrictions on temporary use of a vehicle in another Member State

European passport

Driving licence valid for all Member States

Improved access to medical care throughout the Community

1 January 1993 is a date of capital importance to the European citizen. On that day the Single Market will be completed, abolishing controls at internal frontiers of the Community. From that date, fiscal or excise requirements will no longer give rise to customs formalities and the tourist travelling within the Community will no longer have to submit to border controls.

Certain measures have already been adopted at Community level and others concluded directly between certain Member States in order to facilitate travel from one state to another. All the measures have been taken with a view to total elimination of internal border controls on 31 December 1992.

Therefore, tourism within the Community will benefit. Tourism plays an important role in the European Community. From a human point of view it facilitates contacts between citizens and helps forge a European consciousness and identity. From the economic point of view it employs almost 7.5 million workers, ie 6% of the European working population.

1. ELIMINATION OF CONTROLS AT INTERNAL FRONTIERS

The internal market of the Community must function in the same way as a national market. This means the free movement of goods, services, capital and people, with no controls at frontiers between Member States, just as there are none between regions in a State.

Thus Member States are required to eliminate all cross-frontier controls by 1 January 1993 at the latest.

At airports infrastructure needs adapting to the elimination of controls on passengers taking intra-Community flights. It is, therefore, possible that the deadline of 1 January 1993 may not be met at all airports. The Commission is still examining this problem.

It goes without saying that the elimination of controls applicable to passengers on intra-Community flights does not mean the end of the safety and security checks applicable to aviation. These may be carried out as at present.

2. FREE MOVEMENT OF MOTORISTS

Free movement of motorists within the EEC is ensured through the "green card system" and by the first directive on motor vehicle insurance dated 1972 (72/166/EEC).

The green card is an international motor vehicle insurance issued by the insurer of the motorist in his country of origin. In the event of the motorist causing an accident whilst abroad, this system ensures that victims are compensated and allows claims for damages to be made according to the laws of the country visited.

The first EC directive on motor vehicle insurance abolished verification of the green card in every EC Member State. Thus, with the elimination of border controls on 1 January 1993, all EC nationals will be able to travel in the Community without hindrance.

3. ELIMINATION OF CONTROLS ON THE BAGGAGE OF PERSONS MAKING AN INTRA-COMMUNITY FLIGHT OR SEA CROSSING

The Council of Ministers of the Community adopted a regulation (regulation 3925/91 of 19 December 1991) concerning the elimination, with effect from 1 January 1993, of controls and formalities applicable to the cabin and hold baggage of persons taking an intra-Community flight and the baggage of persons making an intra-Community sea crossing.

4. TOTAL FREEDOM TO PURCHASE

(see also "Consumers" - p 27)

With effect from 1 January 1993, the Community citizen will be completely free to purchase goods in the normal way in another Member State for their own use and transported by them in their baggage, without being subjected to any controls or formalities when crossing a frontier. On that date, the present limit of 600 ECU will cease to exist.

VAT will be paid once and for all in the Member State of origin. The same rule will apply on acquisition of consumer goods for own private use which are subject to excise duty: the duty will be chargeable in the country of acquisition.

For intra-Community trade, the new VAT rules are contained in the Council directive 91/680/EEC. The new rules on excise duty are contained in directive 92/12/EEC.

5. LIBERALIZATION OF CAPITAL MOVEMENTS

Liberalization of capital movements in the Community (directive 88/361/EEC) will involve the elimination of exchange controls where these continue to be applied, with effect from 1 January 1993.

Nevertheless, in the case of Greece and Portugal the Council directive on capital movements provides the possibility of an extension, for a maximum of three years, of the transition period accorded to these countries and which normally comes to an end on 31 December 1992 - from now till then certain restrictions may be maintained. Should an extension of this transition period be granted to these two States, or to one of them, the country(ies) concerned will be able to carry out exchange controls at frontiers during that period.

6. PARTIAL ELIMINATION OF RESTRICTIONS ON TEMPORARY USE OF A VEHICLE IN ANOTHER MEMBER STATE

VAT will no longer be chargeable on temporary use of a vehicle in another Member State.

However, restrictions on temporary use of a vehicle such as registration, road tax and any other taxes in force in the Member State concerned, will continue to apply. This means that if the conditions for temporary use in a Member State are not fulfilled, the vehicle will have to be registered there. However, this non-conformity with conditions for temporary use will no longer give rise to a payment of VAT. Only payment of road tax, and possibly other taxes applicable to vehicles in that Member State, may be required (directive 91/680/EEC of 16.12.91).

7. THE EUROPEAN PASSPORT

The European passport became a reality thanks to the decision of Heads of State and Governments of the Member States of the European Communities meeting on 23 June 1981, providing for its issue from 1 January 1985.

Apart from other considerations, it has great symbolic value since it is the first identity document shared by every citizen of all the Member States.

N.B. : For travel within the Community and in several other European countries, a valid national identity card is sufficient.

8. THE DRIVING LICENCE

The national driving licence is valid throughout the Community.

A Community driving licence (ie standardized format and presentation) was introduced by the Member States from 1 January 1986 (directive 80/1263/EEC).

A national of a Member State, holding a driving licence, who acquires a main residence in another Member State may drive in that State with the driving licence of origin for one year. At the end of a year, he must request the exchange of his licence for one issued by the State where the new residence is situated.

9. BETTER ACCESS TO MEDICAL CARE THROUGHOUT THE COMMUNITY

When travelling in a Community Member State other than one's own, it is not necessary to take out special insurance for foreign cover.

Persons covered by social security in one Member State who travel in other Member States can already enjoy the same care as nationals of the States concerned. The only formality consists in obtaining Form E111 from the competent organism before departure.

Thus, a national of a Member State who falls ill during a stay in any other Community Member State has the right, on presentation of Form E111, to the care laid down in the legislation of the Member State being visited. This care (medical and dental) is provided in the same way as for nationals.

The validity period of Form E111 is however limited (for successive visits or stays of a certain duration it is necessary to renew it). A more practical solution may be found in the future, for example a standard European card for care on the spot.

YOUTH

NEW RIGHTS

To take part in exchanges
To participate in voluntary service activities
Various possibilities open to youth workers
To study in an institution in a Member State
To undergo a period of training in an undertaking abroad
To undergo advanced training in an undertaking
To undergo in-company training
Right of residence for students

For young people, Europe is not a far off objective but a reality. Young people realize that barriers of any kind are a hindrance rather than a protection, and that the European continent is too small to remain divided into blocks and entities walled up behind artificial frontiers. Without hesitation, young people embrace the ideas of pooling cultural experiences and free movement of persons within the Community.

Looking at 1992 and beyond to the year 2000, Europe's capacity of innovation, its competitiveness and ability to create wealth and prosperity for its citizens depend largely on investment in human resources, and in particular on young people and researchers.

First and foremost this is a question of education and training.

The ambition of the Community is to contribute to the development of high quality education and training by encouraging cooperation among Member States and, if necessary, by supporting and completing their efforts. Whilst respecting the rich diversity of national educational traditions, the Community aims to improve the quality and mutual recognition of education and training by increasing exchanges of information and experience and by promoting the mobility of students and knowledge.

1. MOBILITY DEPENDS ON INFORMATION

A prior condition to mobility is the provision of adequate information on existing possibilities and improving the European dimension of national information systems. Several tools serve this objective, from specific information (eg the student guide to higher education) to access to relevant information networks. Among them are:

Narics

The network of National Academic Recognition Information Centres (NARIC), in close cooperation with ERASMUS, provides information and advice on conditions of admission to higher education or specialised studies, doctorates, or post-doctoral studies.

Eurydice

The Education Information Network in the European Community was created in 1980 to facilitate exchanges of information on national education systems and policies. A resolution dated December 1990 called for reinforcement of this network.

Vocational guidance centres

Coordination agencies and units

These give information and assistance on various programmes at Community and national level. Increasing decentralization of programmes means national agencies have an important role to play.

Professional associations and organizations

Created at European level, these aim to increase mobility of students, researchers and knowledge.

Action is being taken to develop direct access to information through transeuropean networks.

Community education and training programmes enable young people, graduates, non-graduates and young workers to take advantage of education and training and exchanges in other countries (see annex 4 for the description of these programmes).

2. GENERAL POSSIBILITIES OPEN TO YOUNG PEOPLE

These are mainly covered by the "Youth for Europe" programme, the first and second phases of which were adopted on 16 and 26 June 1991 respectively.

The objective of this programme is to add to the number of possibilities for exchanges in existence before 1988, with the aim of :

↳ widening access to youth exchanges (giving priority to young people disadvantaged for socio-economic reasons, or because of some handicap, or because they come from outlying or socio-culturally poor regions)

- ↳ improving the quality of youth exchanges
- ↳ decentralizing exchanges (up to then concentrated in the centre of Europe)
- ↳ developing young people's awareness of belonging to Europe
- ↳ identifying obstacles to exchanges and the means to overcome them

The programme aims to provide direct Community support to bi-, tri- or multi-lateral exchange and mobility projects covering young people resident within the territory of the Community, and to co-finance preparatory or accompanying measures for exchanges, such as:

- ↳ short-stay study visits for youth workers
- ↳ training courses at Community level for youth workers
- ↳ developing certain activities of National Agencies

The management of the programme is largely decentralized through National Agencies designated by the authorities of each Member State.

a) Taking part in exchanges

Groups of young people aged 15 to 25, from at least two Member States of the EC, can benefit from subsidies for exchange projects.

Participants must be involved in every stage of the project, from planning and preparation to evaluation and follow up. Projects must have a theme and be structured to enable all the participants to get the most out of the experience. Priority is given to young people who experience the most difficulties in being included in existing exchange schemes whether for socio-economic reasons, or because they come from outlying regions of the Community (at least a third of the budget for exchanges is dedicated to these disadvantaged cases).

b) Taking part in voluntary service activities

On a trial basis, young people can, through transnational projects, participate in voluntary service activities in another Member State, particularly in the educational, social, cultural or environmental protection sectors.

c) Possibilities open to youth workers

They can take part in study visits of short duration, training projects at European level and a number of pilot projects for perfecting professional knowledge and skill.

The specific aim for youth workers is to:

- ↳ make them more aware of the situation of young people in other Member States
 - ↳ enable them to make the contacts needed for organizing exchanges,
 - ↳ promoting intercultural learning, development, transnational training (methodology and materials).
- d) On 26.6.91 the Council also adopted a resolution on priority action for youth to be launched at Community level. This takes the form of :
- ↳ intensifying the cooperation among organizations in Member States responsible for youth employment
 - ↳ information for young people
 - ↳ developing initiative and creativity of young people
 - ↳ cooperating in the training of youth workers, particularly its European dimension

3. INITIAL TRAINING FOR YOUNG PEOPLE

3.1 Studying in an establishment of a Member State

In theory, young people from the EC may take up studies anywhere in Community territory, provided they demonstrate adequate knowledge of the language. Apart from this condition, the examinations, entry competitions, admission conditions and selection procedures in the case of numerus clausus are the same for all students. This also applies to registration fees.

The programmes put this principle into practice. Students in the initial stages of higher education can follow periods of study abroad under favourable conditions:

- ↳ complete a period of study in a higher education establishment (ERASMUS) in a Member State or (from academic year 1992/93) in an EFTA country, irrespective of the discipline studied and the level (up to and including doctorate and equivalent) through ICP "interuniversity cooperation programme" offered by establishments working together
- ↳ learn and/or develop foreign languages (LINGUA) under the same conditions as ERASMUS students. Above all this concerns students wishing to teach foreign languages, students following studies in a little spoken and taught language, but also students following courses whose main subject is a language combined with another discipline

In both cases, and this is essential with a view to occupational and geographical mobility, the educational establishment of origin gives full academic recognition to examinations passed and qualifications obtained during this period.

Further, a six-year pilot project which began in 1989 is being carried out under ERASMUS (in the fields of management, history, chemistry, medicine and mechanical engineering). Its name is ECTS (European Course Credit Transfer System). 145 establishments in the EC and from academic year 1992/93 in EFTA countries, participate in the scheme.

Each partner establishment draws up a description of the courses offered and attributes credits to the course units. A term counts 20 credits, a full academic year 60 credits. Within this system it is perfectly possible, for example, for a German student of management to take his "Vordiplom" in Germany (2 x 60 credits), a "Bachelor" degree in the UK (60 credits) and a "maîtrise" in France (60 credits).

Numerous establishments have agreed, within the framework of the ICP and ECTS, to award double diplomas or diplomas in common, thereby emphasizing their cooperation and interest in mobility.

Developing the acquisition of key skills and knowledge

The programme EUROTECNET helps young people and workers to acquire skills and qualifications taking account of new technologies, thereby helping them to prepare for new occupational situations (including abroad).

3.2 Following a period of training in an enterprise abroad

Chapter B of the COMETT programme aims at encouraging exchanges among enterprises and universities in different countries. In this way, scientific and technical students in higher education can do their practical training in an organization in another European country. These are "integrated placements" concerning all levels of higher education. The aim of these placements is to allow young people to become familiar with life in an enterprise and for the enterprise to use up-to-date technical skill and knowledge, thereby accomplishing a real transfer of technology.

Further, the PETRA programme gives young people receiving initial occupational training the opportunity to undergo a traineeship in an undertaking in another Member State.

These periods range from three weeks minimum (students in initial occupational training) to three months and more (young people already working, or undergoing advanced occupational training).

3.3 Participating in exchanges

In order to improve their knowledge of foreign languages, under PETRA, those undergoing specialized, technical or professional training can take part in bilateral and multilateral exchanges and meetings among associated establishments.

These exchanges must be based on an educational project forming part of the studies the young person is following.

EUROTECNET, a European network of innovative projects, allows an exchange of knowledge and experience on a European scale for the benefit of young people or anyone participating or involved in any way in training projects.

Observation regarding study grants and loans

In theory these are provided by the students' country of residence. This means that for the period spent abroad they continue to be financed by their country of origin.

Children of migrant workers have the right to all the direct and indirect aids granted to all students in the country where their parents worked or have worked.

Under the ERASMUS programme and for post-secondary education and training, students are totally exempted from paying registration and course fees in the host university.

4. YOUNG HOLDERS OF A DIPLOMA OR CERTIFICATE

4.1 Taking advantage of an advanced traineeship in an enterprise

Under COMETT, those just graduating from a university in a EC Member State can apply for a traineeship. The same as for integrated placements, these traineeships are structured periods of training on the job and they familiarize young people with the prospects of a technological career, allow them to take part in an industrial project and fosters personal development within the business enterprise culture.

4.2 Taking advantage of an in-company training period

Young people undergoing final occupational training and those already working (or those looking for work) can, thanks to PETRA, benefit from a training placement or traineeship in an undertaking in another Member State.

This type of placement is aimed at providing them with new occupational training or experience and helping them to discover the world of work in the Community. These periods are spent gaining experience in the occupational field that the participant is studying or is already working in, or in new activities.

Observations

All the programmes mentioned generally provide arrangements for preparatory language training for exchanges, placements, and courses of study.

Community financial support is given in the form of grants to private individuals to training establishments, subsidies, various types of aid and participations, either in the form of a percentage or lump-sum contribution, complementary to the available sources of revenue.

In order to prepare these exchanges officials in charge often hold meetings (ERASMUS, LINGUA, PETRA).

5. RIGHT OF RESIDENCE FOR STUDENTS

(See "Right of residence" - p 3)

YOUTH

REMAINS TO BE DONE

Lack of information
Insufficient recognition of achievements
Certain national legislations lay down that an unemployed person receiving benefit loses this if he leaves to undergo training in another Member State
Resources allocated to education and training in another Member State may turn out to be inadequate
Insufficient knowledge of foreign languages remains the stumbling block to acquiring education and training in another Member State

Despite everything achieved, there are still considerable obstacles, particularly obtaining access to training and its subsequent recognition, and in some cases the lack of financing.

1. Lack of information

There is a lack of information on training arrangements existing in other Member States. In the programme PETRA II, the chapter on occupational guidance and transnational cooperation gradually took shape in the course of 1992.

2. Description of the systems

Recognition of achievements is another obstacle. In the field of higher education, the academic recognition of diplomas is almost problem free. This is far from being the case for continuous training periods spent abroad.

The people who need to be informed are still not receiving sufficient information on the possibilities available despite the efforts of the NARIC networks (higher education) and the various centres of information and communication. Moreover, Community training programmes are not always well known.

The complexity of procedures (whether real or imagined) may be discouraging, particularly for young people undergoing initial training.

3. Financing methods

Financing methods, as well as being diverse and sometimes complicated, never cover all the expenses incurred (particularly because of the principle of subsidiarity). The resources allocated may turn out to be insufficient.

4. The number of citizens concerned by these programmes

This is still limited, but it should be remembered that the programmes came into effect only recently (PETRA, FORCE) and that ERASMUS is an exception: around 40,000 people in 1991/1992.

5. The problem of language

Lack of knowledge of foreign languages remains a major barrier to acquiring education and training in another Member State.

THE ELDERLY

(See also "Retirement" - p. 11)

NEW RIGHTS

European senior citizens card

*Right to remain in the Member State where the workers were occupationally active
Rights of employed and self-employed persons who have ceased their
occupational activity to take up residence in the Member State of their choice*

There are already more than 60 million senior citizens in the Community and their numbers are increasing constantly. People live longer and, at the same time, the birth rate has dropped dramatically. The result is a situation never seen before: at the beginning of the next century Europe will have more elderly people than young people. The traditional "age pyramid" will be upside down.

This development, resulting mainly from longer life expectancy, raises a number of questions for Europe. Will our society be able to provide the assistance needed by the growing number of senior citizens? Can we use the knowledge, skills and experience of these "new" elderly people who, for the most part, are healthy, educated and ready to contribute to society? Can the job market adapt quickly enough?

THE COMMUNITY'S RESPONSE

Within the social dimension of the Internal Market, the Community aims to help the States respond to these problems.

Therefore, it has committed itself to making sure elderly people benefit from the space without frontiers.

a) 1993 - European Year of the Elderly and of Solidarity between Generations

The main objective of this European Year is to focus on "the challenges resulting from present and future demographic developments and the changes needed to facilitate the social integration of the elderly in Europe".

The Community is therefore preparing, inter alia, a publication to inform elderly people about the opportunities already available to them in other Member States.

b) The European Card

As with the "Youth Card", a European Senior Citizens Card will enable them to take greater advantage of reductions within the fields of public transport travel and cultural activities, etc., within the Community.

c) The European Charter of Fundamental Social Rights

The European Charter of fundamental social rights, adopted in December 1989 by all Member States except Great Britain, defines the rights that not only the working population, but also the elderly must enjoy within the Community.

Among these is the right, on retirement, to a minimal revenue and to medical and social assistance to ensure they have a decent standard of living.

SPORTSMEN AND WOMEN

NEW RIGHTS

Recognition of qualifications (trainers, managers, instructors)
Free movement of professional sportsmen and women
Free movement of certain forms of sporting equipment
Free movement of television sports broadcasts
Possibility of temporary importation into another Member State of equipment for use by sportsmen and women or for sporting events

Sport is one of the most important social phenomena. Sport is a leisure activity, but it is also of considerable social and economic importance. Sport and its spin-off accounts for 2.5% of world trade.

The Community, therefore, could not ignore a sector so important for the European citizen and for economic and social activity.

THE EUROPEAN COMMUNITY AND SPORT

1. Areas of sporting activity to be covered by Community legislation

Without prejudice to possible future developments, the impact of the internal market and the development of new Community policies on sport will be felt chiefly in the following areas:

- ↪ free movement of professional sportsmen and women
- ↪ recognition of qualifications (trainers, managers, instructors)
- ↪ free movement of certain forms of sporting equipment (guns, racing horses)
- ↪ free movement for television sports broadcasts
- ↪ national subsidies to professional sport
- ↪ the application of the Treaty rules of competition to federations and other sporting organisations
- ↪ VAT applicable to sporting events and equipment

Furthermore, Community legislation and Commission action on standardization, applied research, new technologies, environment, etc., may well have an impact on sport and sporting equipment (sports gear, facilities, safety in stadiums).

2. Community action on sport in the internal market

The internal market will make itself felt in the world of sport and its leaders are now realizing what an impact the new frontier-free area will have on their sphere of interest and what opportunities it represents.

What are the practical changes brought about by Commission action?

2.1 Recognition of qualifications

Based on the Treaty, Member States are already obliged to provide a procedure for the recognition of an equivalent diploma obtained in another Member State, and this applies to sport (see Court of Justice judgment - Heylens case). General recognition of higher-education diplomas (minimum three years of study) is covered by Council directives 89/48/EEC of 21 December 1988 and 92/51/EEC of 18 June 1992.

2.2 Freedom of movement for professional footballers

Professional footballers' right to freedom of movement was affirmed by the Court of Justice in 1976 in the Dona-Montero judgment. In the meantime, the Commission concluded a pragmatic transitional agreement with the sport's governing bodies to increase the mobility of professional footballers. The Commission was guided by the principle of compliance with Community law and at the same time by observance of the specific features of the sporting world.

2.3 Fiscality

The Community had already taken steps to allow, free of VAT, temporary importation into a Member State of equipment for use by sportsmen or women or for sporting events (dir. 83/12/EEC on means of transport, inter alia, pleasure craft, cycles, horses; 17th VAT directive 85/362/EEC covers other equipment; see also regulation no 3/84). Of course, once fiscal controls at frontiers are eliminated, these arrangements will no longer be needed (see also "Community citizens and travel" - p 34).

2.4 Television sports broadcasts

Certain exclusive rights given by sporting authorities to television stations have raised problems in relation to competition law and have had to be modified.

2.5 Equestrian sports

The Commission of the European Communities adopted three directives which have had repercussions in the area of equestrian sport¹.

3. Dialogue

The Commission is represented on the various forums in which sports authorities meet (the Delbecha Group of senior officials with responsibility for sport in the Community, the Council of Europe, the Association of National Olympic Committees in Europe, European non-governmental sports organizations, and others).

The Commission has been attentive to Council of Europe work on sport and is attempting to create synergies between the two institutions.

Since 1988 there has also been a joint committee of the Commission, the National Olympic Committees and sports Confederations in the EC.

This Community presence has helped to foster an awareness among sports authorities of the effects European integration has on sport.

Finally, action is foreseen in areas where sport can give another dimension to Community policies, for example in favour of the handicapped or Community exchange or information programmes.

¹Council directive 90/426/EEC of 26 June 1990 on animal health conditions governing the movement and import from third countries of equidae

Council directive 90/427/EEC of 26 June 1990 on the zootechnical and genealogical conditions governing intra-Community trade in equidae

Council directive 90/428/EEC of 26 June 1990 on trade in equidae intended for competitions and laying down the conditions for participation therein

SPORTSMEN AND WOMEN

REMAINS TO BE DONE

Amateur and professional sportsmen and women sometimes cannot participate in certain competitions in the host State

Amateur and professional sportsmen and women sometimes cannot participate in certain competitions in the host State.

The free movement of sportsmen and women is still hampered by many obstacles. This applies not only to professionals but also to amateurs, who are refused entry to certain competitions in the host State.

This discrimination is all the more shocking when it affects migrant workers' children.

ANNEXES

List of references

COMPARABILITY OF QUALIFICATIONS

- Decision 85/368/EEC of 16.7.85

RIGHT OF RESIDENCE - RIGHT OF FREE MOVEMENT

- Council Directive 64/221 of 25.2.64

Coordination of specific measures applying to movement and residence of foreigners, justified for reasons of public order, public security and public health (the field of application of this directive was extended by directives 72/194 of 18 May 1972 and 75/35 of 17 December 1974).

- Council Regulation 1612/68 of 15.10.68

Free movement of workers within the Community.

- Council Directive 68/360 of 15.10.68

Elimination of restrictions within the Community on movement and residence of Member State workers and members of family.

- Commission Regulation 1251/70 of 29.6.70

Right of workers to remain in the territory of a Member State after having been occupationally active there.

- Council Directive 73/148 of 21.5.73

Elimination of restrictions to movement within the Community and residence of nationals of the Member States concerning establishment and provision of services.

- Council Directive 75/34 of 17.12.74

Right of nationals of a Member State to remain in the territory of another Member State after having exercised a self-employed occupation there

- Council Directive 90/364 of 28.6.90

Right of residence.

- Council Directive 90/365 of 28.6.90

Right of residence of employed and self-employed workers who have ceased their occupational activity.

- Council Directive 90/366 of 28.6.90

Right of residence of students.

FREE MOVEMENT OF EQUIDAE

Directive 90/426/EEC of 26.6.90

Directive 90/427/EEC of 26.6.90

Directive 90/428/EEC of 26.6.90

COMMUNITY EDUCATION AND TRAINING PROGRAMMES

ERASMUS Decision 15.6.87 and 14.12.89

COMETT Decision 24.7.86 and 16.12.88

LINGUA Decision 28.7.89

PETRA Decision 1.12.87 and 22.1.91

EUROTECNET Decision 19.12.89

FORCE Decision 21.8.90

Youth for Europe 16.12.88 and 26.6.91

MUTUAL RECOGNITION OF DIPLOMAS

- Directive 89/48/EEC

First general system for the recognition of higher-education diplomas. In force since 4 January 1991.

- Council Directive 92/51/EEC of 18.6.1992

Second general system for the recognition of professional education and training to supplement Directive 89/48/EEC.

SOCIAL SECURITY

- Regulation 1408/71/EEC

Coordinating of national social security systems.

SELF-EMPLOYED WORKERS

- Directive 92/50/EEC of 18.6.92

Coordination of procedures for the award of public service contracts.

RETIRED WORKERS

- Directive 90/365/EEC of 28.6.90

Right to request and receive a residence permit to live in the country of their choice. In force since 30.6.92.

- Commission Regulation 1251/70 of 29.6.70

Right of workers to remain in the territory of a Member State in which they have been employed.

- Council Directive 75/34 of 17.12.74

Right of nationals of a Member State to remain in the territory of another Member State after having pursued a self-employed occupation there

INTRA-COMMUNITY TRAVELLERS

- Regulation 3925/91/EEC of 19.12.91

Elimination of controls and formalities applicable to the cabin and hold baggage of persons taking an intra-Community flight and the baggage of persons making an intra-Community sea crossing.

- Directive 91/680/EEC of 16.12.91

Amending Community directives on the elimination of fiscal frontiers.

- Directive 92/12/EEC of 25.2.92

General arrangements on the holding, movement and monitoring of products subject to excise duty.

ANNEX 2

Community citizens residing in another Community Member State

		COUNTRY OF RESIDENCE										
Nationality	B	DK	D	GR	E	F	IRL	I	L	NL	P	UK
	1988	1988	1988	1988	1987	1982	1988	1988	1988	1988	1988	1985-1987
B	-	283	17.854	1.233	9.730	50.200	3.674			22.942	910	
DK	2.094	-	12.519	1.123	5.451	2.440	1.110			1.298	348	
D	24.304	6.320	-	10.693	39.066	43.840	24.517			39.400	4.133	43.000
GR	19.075	461	274.793	-	606	7.860	11.774			3.953	51	13.000
E	50.187	875	126.402	906	-	321.440	6.841			17.578	7.105	30.000
F	92.322	1.853	71.773	6.268	23.599	-	17.118	13.200		7.496	2.803	28.000
IRL	1.318	930	8.360	529	1.684	1.880	1.037			3.103	199	532.000
I	250.209	2.006	508.656	6.418	13.025	333.740	-			15.890	1.060	75.000
L	4.948	16	4.542	43	-	3.180	223			381	26	
NL	60.825	1.763	96.881	2.685	13.821	13.980	4.405	20.450		-	1.546	20.000
P	10.554	272	71.068	336	31.012	764.860	1.936	32.900		7.766	-	13.000
UK	21.000	10.096	63.010	16.093	55.318	34.180	17.209			37.094	7.115	-
Total Member States	536.636	26.875	1.275.858	46.307	193.312	1.577.900	66.400	89.844	156.901	25.296	766.000	
Total Member States and third countries	858.650	136.177	4.489.105	155.187	334.935	3.680.100	83.500	407.023	591.847	94.453	1.785.000	

Source: Eurostat

Forbidden practices

All interdictions and impediments to self-employed activities of nationals from other Member States which take the form of treatment different to that accorded to own nationals, and prescribed by laws, regulations and administrative provisions of a Member State or resulting from the application of such provisions or administrative practices, are absolutely forbidden.

The following are among the provisions and restrictive practices which, when applied to foreigners:

- prohibit taking up or practising a self-employed occupation
- subordinate taking up or practising a self-employed occupation to authorization or the presentation of a document, such as a foreign business, trade or professional card
- subordinate the issue of the authorization to take up or practise a self-employed occupation to further conditions
- subordinate taking up or practising a self-employed occupation to a qualifying or training period in the host country
- limit or hamper access to supplies or markets by making this access more onerous or difficult
- prohibit or hinder access to occupational training required or desirable for exercise of the self-employed occupation
- prohibit or hinder access to occupational training required or desirable for exercise of the self-employed occupation
- prohibit or restrict the right to social security protection and, in particular, sickness, accident, invalidity, old-age pensions and family allowances
- give less favourable treatment in the case of nationalization, expropriation or requisitioning

The same holds true for the provisions and practices which, when applied to foreigners, exclude, limit or subordinate to conditions the capacity to exercise those rights normally associated with a self-employed occupation and in particular the capacity:

- to make contracts and, in particular, contracts for work and hire agreements, labour contracts, commercial or rural leases, and to enjoy all rights deriving from these contracts
- to make tenders or take part as a co-contractor or subcontractor in contracts for the State or other public corporations
- to benefit from concessions or other authorizations granted by the State or other public corporations
- to acquire, to exploit or assign rights or movable property or real estate
- to acquire, to exploit or assign intellectual property and the rights attached thereto
- to borrow and in particular to have access to the various forms of credit
- to take advantage of direct and indirect aid granted by the State
- to be a party to legal proceedings and to have right of recourse before the administrative authorities
- to join a professional organization, insofar as the professional activities of the person concerned give him that right

Finally, the said provisions and practices also include those which limit or hinder the entry of personnel from the mother organization situated in a Member State, into the management or supervisory organs of agencies, branches or subsidiaries in another Member State.

The following are also included, concerning provision of services: any prohibition or hindrance or displacement of the object or medium, or of the instrument, machines, apparatus or other accessories used to provide the services.

Community programmes for education and training

Description of the programmes

(1) FORCE

The objectives of the FORCE programme are to encourage greater and more effective investment in continuing vocational training, to develop exchange and spread of experience and information in this field, to support innovations in training management and methods, and to support transnational and transfrontier partnerships.

(2) EUROTECNET

The main objective of EUROTECNET is to develop innovative approaches to training to take account of technological changes and their impact on employment, the organization of work and qualifications.

(3) PETRA

This is a Community action programme for the training and preparation of young people for adult and working life. It is aimed at non-graduates up to age 28, to enable all categories of young people to benefit from preparation with a European dimension for working life. It aims to enable those school leavers wishing to do so to undergo occupational training of one year or more and certified by a recognized qualification.

Other objectives of the programme are to enable young people to undergo occupational training or in-company training in other Member States and to encourage cooperation in the field of occupational information and guidance.

(4) ERASMUS

This programme aims to increase student mobility and promote European cooperation in education and training.

In operation since 1988, this programme has already enabled more than 150,000 young people to follow a period of study in another Member State. This mobility is encouraged by grants as well as the "interuniversity cooperation programme" (ICP).

(5) COMETT

The COMETT programme aims to strengthen education and training for technology, particularly advanced technologies, to develop highly-qualified human resources and thereby sharpen the competitiveness of European industry. COMETT, on the one hand, gives a European dimension to cooperation between universities and enterprises through the creation of a University-Enterprise Training Partnership (UETP) and, on the other hand, subsidizes a series of projects: exchanges of students and staff from universities or enterprises, joint training courses and projects (development of materials). Since 1990, the COMETT programme has been open to the EFTA countries (European Free Trade Association).

(6) JEAN MONNET ACTION PROGRAMME

In 1990 the Commission launched this programme which gives aid to universities wishing to develop rapidly courses on Europe (European professorships, courses, modules and research on European integration).

(7) HUMAN CAPITAL AND MOBILITY

This programme aims to help increase human resources in TRD. Its main objective is to train researchers through research and mobility and to set up ST cooperation networks.

Its application has four dimensions:

- ↳ research grants,
- ↳ ST cooperation networks,
- ↳ access to large ST installations,
- ↳ Euroconferences,

These are of particular application to young post-doctoral researchers.

(8) LINGUA

This programme contributes to financing of grants, exchanges and educational materials in order to improve language training quantitatively and qualitatively for the citizens of the Twelve.

Young people who are undergoing specialized, technical or professional training, and who wish to improve their knowledge of foreign languages under LINGUA, can take part in bi- and multi-lateral exchanges and meetings between partner institutions.

These exchanges must be based on a project forming an integral part of the young person's studies.

(9) YOUTH FOR EUROPE

This action programme is for the promotion of youth exchanges organized around common projects of a cultural, social or other nature. Emphasis is given to the transnational nature of these projects which should lead to young people from 15 to 25 years of age developing a European awareness and solidarity.

It is a decentralized programme, managed by National Agencies in each Member State.

COMMUNITY PROGRAMMES AND BUDGETS - CONTACT ADDRESSES

Note : the programmes are carried out under the responsibility and supervision of the *Human Resources Task Force*, with technical support from the Technical Assistance Offices.

Programme or action	Public	Budget (ECU '000.000)	Addresses
Lingua	Pupils and teachers from secondary vocational education: staff from industry	200	Equipe d'Assistance Lingua Place du Luxembourg 2-3, B - 1040 Brussels
Erasmus	Higher-education students	192 (1991-1993)	Bureau Erasmus rue d'Arlon 15, B - 1050 Brussels
COMETT	Industry, higher-education institutions, private individuals : students, young graduates and employees	200 (1990-1994)	Bureau d'Assistance Technique COMETT rue Montoyer 14, B - 1040 Brussels
PETRA	Young people undergoing initial training and persons responsible for training	15 (1991)	Ifapian Square Ambiorix 32, B - 1040 Brussels
Tempus	Young people from central and eastern Europe		rue de Trèves 45 B - 1040 Brussels
Force	People responsible for continuing vocational training of employees	13 (1991)	Bureau d'Assistance Technique rue du Nord 34, B - 1000 Brussels
Eurotecte	Young people or staff from industry	2,2 (1991)	rue des Deux Eglises 37 B - 1040 Brussels
Youth for Europe	Young people from 15 to 25	6,5 (1991)	Youth for Europe Place du Luxembourg 2-3, B - 1040 Brussels
ARION	Educational directors and specialists		Equipe d'assistance ARION Pädagogischer Austauschdienst Nassestraße 8, D - 5300 Bonn
Cedefop	Vocational training specialists		Cedefop Bundesallee 22, D - 1000 Berlin 15
Human Capital and Mobility	Young post doctoral researchers	488 (1992-1994)	Commission of the EC, DG XII/H.1 (MO75) rue de la Loi 200, B - 1049 Brussels
Eurydice	Persons responsible for education		Eurydice rue Archimède 17, B - 1040 Brussels

1 ECU (European Currency Unit) = approximately 7 French francs or 42.4 Belgian francs based on rates end May 1991

ANNEX 5

Chapters	Directorates-General and Services concerned	
Right of residence	DG III DG V HRTF Legal Service	
Employed and self-employed workers	DG III DG V DG XII DG XXI Legal Service	HRTF Task Force for obligatory contributions
Consumers	DG XXI Consumer policy service Legal Service	
Community citizens and travel	DG II DG V DG XV	Secretariat general Legal Service DG XXI
Youth	DG V HRTF Legal Service	
The Elderly	DG V Legal Service	
Sportsmen and women	DG III DG X DG XXI	HRTF Legal Service