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Education, training, research: The obstacles to transnational mobility

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Education, training, research: The obstacles to transnational mobility

Green Paper

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Preface

It is, to say the least, paradoxical that people and ideas circulate less freely within today's Europe than capital and goods. There are many obstacles to such mobility: contradictory administrative rules, little or no harmonization of fiscal systems, a lack of mutual recognition of qualifications, an insufficient knowledge of foreign languages and an absence of reception facilities, to name just a few.

The benefits of mobility for men and women, as well as for enterprises and research, speak for themselves. For the first group, it is an opportunity for invaluable personal and professional experience. For the second group, it leads to qualifications and knowledge which reinforce their competitiveness.

Students, trainees on placements, teachers, researchers and young volunteers are not always aware of the range of possibilities open to them and are often put off by the obstacles they encounter, allowing too few of them to take this useful route.

This Green Paper examines the hindrances, the problems and anomalies which currently act as a brake on mobility. It proposes several lines of action to remedy the situation. The aim is to launch the debate within each Member State, to examine closely the situation and and to add to the range of suggested solutions. In the first instance, this debate will interest all those involved in the fields of education, training and research, at whatever level: Member States, Community institutions, social partners, enterprises, whether public or private, as well as the individual. In this context, it is encouraging to note that this Green Paper has already benefited from many quality contributions from a number of bodies, particularly at a European level, such as the Advisory Committee on Vocational Training.

The ideas and suggestions arising from this debate will, with respect to the principle of subsidiarity, lead to a concrete objective: to ease the mobility of European citizens in the fields of education, training and research.

ÉDITH CRESSON
Member of the European Commission

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Summary

The abolition of obstacles to the free movement of people is one of the basic objectives of a united Europe, included since the Treaty of Rome. Indeed, the freedom to come and go is one of the fundamental conditions for the existence of a true 'citizens' Europe'. Without it, it is not possible to speak of a European social area. Equally, mobility is one of the responses to current economic change — caused by the establishment of the single market and the globalization of trade — and its social consequences, notably in relation to employment creation. It is a requirement of European research, which is disadvantaged by its compartmentalization and the dispersal of effort, and will thus return to the Community the capacity for innovation that it sometimes lacks, notably in high-technology sectors.

Why a Green Paper?

All of this deeply affects an ever-growing number of European citizens. The demand for mobility will grow, as proven by the success of Community programmes promoting transnational exchanges and placements of researchers, students, teachers, workers or the unemployed undergoing training and trainers. In 1987/88, 3 000 students and 745 teachers benefited from such mobility under the Erasmus programme; by 1995/96 these figures had grown to 170 000 and 14 000.

However, it has to be acknowledged that even today there are still too many obstacles to mobility and that capital, goods and services move more freely within the Union than people, which can do no good to the attitude of its citizens towards the construction of the European Community (EC). Such hindrances are encountered every day in the implementation of Community programmes for education, training and research, and act as a brake to the further effective development of such programmes. This is supported by anecdotal evidence, detailing where possibilities of training were not taken up, as well as lost opportunities for exchanges, communication and cooperation between students, teachers and researchers at European level. The obstacles to mobility particularly affect young people from more deprived backgrounds and the unemployed.

According to the Treaty on the European Union, Community action should encourage mobility in the areas of education, training and research. It is with this in mind that the Commission has drawn up a Green Paper on transnational mobility. This document identifies obstacles to mobility and proposes for consideration some possible lines of action to remove such obstacles. It answers an important need, expressed by the Council of 21 July 1991 establishing the PETRA II programme, which related to the obstacles to the mobility of young people undergoing initial vocational training.

What obstacles, what solutions?

After considering these obstacles — which are the object of concrete case studies — the Green Paper proposes several lines of action. These should be considered, in the light of their individual competences, by all those involved (the European Community, its Member States, other responsible organizations and structures).

Five major obstacles have been identified:

1. An obstacle to transnational training for the unemployed

Case study: Somebody looking for work and wanting to undergo training in another Member State loses his rights to unemployment benefit and social security if this training lasts longer than three months. In certain Member States, on his return, he must undergo further training in order to regain his rights to benefits. In some Member States, he automatically loses his rights on leaving the State for more than three months.

Line of action: Extend to the unemployed in training the Community law that allows job searching in another Member State for six months without a loss of rights and ensure the continued right to unemployment benefits for the unemployed undertaking training in another Member State.

2. Statutory problems for trainees and young people doing voluntary work

Case study

(a) A student wishing to take up a traineeship in a company in another Member State is confronted in certain Member States with difficulties in finding a host company, as legislation in certain Member States would consider him as an employee, and the company would therefore have to pay him at least a nominal wage and would be responsible for associated social payments.

(b) A young graduate undergoing an unpaid traineeship (unpaid either in cash or in kind) in another Member State is not covered by Community level coordination or rules relating to social security, in so far as he is neither worker, nor a member of a worker's family, nor student. This lack of specific legal category means that he has no rights in terms of social security, and can also lead to problems with rights of residence if the training takes more than three months.

(c) Volunteers find themselves in a similar situation when doing voluntary work for a period of more than three months, as their position is not recognized. In certain Member States, they are even required to pay tax on their allowances and expenses for maintenance.

Line of action: Give a legal framework to the situation of trainees and volunteers within the European Community.

3. Territorial restriction of student grants

Case study: In most Member States, students entitled to grants or other forms of assistance lose them if they pursue their studies in another Member State: these grants are only paid for studies in the Member State paying them. This situation has a most detrimental effect on young people from less well-off backgrounds whose parents cannot take on the costs of their children going overseas.

Line of action: Remove the 'territoriality' of grants and other assistance.

4. The fiscal arrangements for research grants

Case study: Community research grants are implemented differently across the Community depending on the status given to the researchers by the host country, i.e. that of student, employee or self-employed. This leads to divergent fiscal arrangements, and thus has a direct effect on the possibilities of mobility for researchers. Certain Member States deduct up to 50% of the value of the grant (in taxes and social security contributions).

This situation impacts on Community research policy. The Commission has decided, within the fourth framework programme, to compensate researchers for such losses in income, by adapting the value of their grant. This means that some of the budget intended to finance European research is used to pay this compensation rather than being used for actual research and becomes tax receipts in the Member State. There is also a reduction in the number of researchers receiving a Community grant.

Line of action: Apply the same rules to Community-funded researchers in all Member States of the European Union, either by the exemption of grants, or coordination of the rules applied in all the Member States.

5. Problems of mutual recognition of academic and vocational qualifications

Case study: Employees wanting to undergo training in a country other than their own can face problems due to the lack of mutual recognition of qualifications, training courses and placements. This lack of recognition has a very strong discouraging effect. The development of permanent transnational training is greatly hindered and thus, as a consequence, professional mobility with the European Union.

Line of action: Move towards mutual recognition of placements and vocational training courses, extend the European credit transfer system (ECTS) already established in higher education through Community action, to the vocational training sector.

There are other obstacles to mobility in the area of education, training and research. Some are of a general nature — weakness in foreign language skills or the financial position of the less well-off can have an effect on access to transnational training. Other problems are more specific, such as the access of those resident in third countries (pupils, students and workers) to education and training activities in Member States other than their host country.

The Green Paper emphasizes the necessity of a concerted information campaign on the issue of mobility: information for citizens, so that they are aware of the possibilities on offer; but also information for the different public authorities and their agencies on Community law, the lack of knowledge of the law and the rules applying to transnational mobility, which do in themselves create an obstacle.

These obstacles are the object of suggestions for reflection, discussion and action among all those concerned.

Part A — Transnational mobility and what it means

1. Mobility and European citizenship

Europe has now become an open area where, in principle, it is possible for all citizens of the European Community to move from one country to another, as an integral part of a unified whole. It is therefore essential that freedom of movement should be guaranteed for all without hindrance.

Virtual mobility generated by the access to new information technologies, such as teleworking, complements mobility. However, it is important to observe that the tools of the information society cannot replace actual physical mobility.

With this increasing freedom of movement should come a growing European consciousness instilled through greater awareness of others as a result of exposure to new cultures and societies. Mobility within the Community ought to contribute to the development of solidarity between all Europeans at all levels and in all areas, helping to raise standards throughout Europe and providing opportunities for all, both at present and in the future.

2. The advantages of mobility in terms of education, training and research

Personal mobility is a vital element of the European Community's investment in human resources, which is seen as one of the keys to successfully meeting the economic, social and cultural challenges of the 21st century. This mobility is encouraged by the Commission through a variety of programmes for the transnational mobility of persons who are keen to undergo training, broaden their horizons or contribute to training activities in another Member State of the Community.

Transnational mobility also looks to foster improvement of the understanding of other European societies and cultures; it also enhances the social skills of individuals, who learn how to communicate and live within those societies and to respect diversity; furthermore, it encourages the acquisition of linguistic skills and contributes to the development of 'European citizenship' complementing existing citizenship, of the country of origin.

Transnational mobility also encourages co-operation between education and research institutions and the world of work, thereby helping to improve the quality of education, training and research. It affords greater scope for education, training and research, and opens the door to the transfer of professional skills and knowledge, particularly in innovative areas such as new technologies, new management methods and organization of work. A heightened sense of creativity, initiative and entrepreneurial spirit is thus engendered. Transnational mobility offers a brighter future for all those who avail themselves of the opportunity, helping them to adapt to the changing needs of the labour market within the Community.

In the occupational sphere, mobility paves the way for the creation of an employment and work area on a Community-wide scale. It gives each individual the opportunity to acquire theoretical, practical and behavioural knowledge and, more broadly, skills and qualifications suited to the single market.

In economic terms, mobility is an essential aspect of competitiveness in that it encourages the sharing of the most significant innovative experiences as regards technology, organization and production.

Parliament[1] believes that increased student mobility is vital in order to provide better

[1] Resolution on the Commission memorandum on higher education in the European Community, 15 July 1993, OJ C 255/161 of 20.9.1993.
Resolution on the use of languages in the Community, OJ C 127/139 of 14.5.1984.
European Parliament Resolution of 22 September 1995 on the establishment of European civilian service, OJ C 269/232, 16.10.1995.

qualified people who have experience of studying, living and working in other Member States. It has also, on several occasions, stressed the importance of language learning in the interest of mobility, and called for the creation of a European voluntary service.

The *Council*[1] has, in turn, advocated:

☐ cooperation with the emphasis on fostering the mobility of students and teachers, chiefly through the elimination of administrative and social obstacles, focusing also on improving the teaching of foreign languages;

☐ the promotion of measures to boost contacts between pupils and teachers from different countries.

The *social partners* at European level have, for their part, stressed the importance of promoting geographic and occupational mobility through the acquisition of sufficiently broad-based qualifications which are known and transferable at European level. These qualifications should meet the needs of the labour market and the ongoing process of technological and structural change as well as the aspirations of individual workers.[2]

[1] Resolution of the Ministers for Education of 16 November 1971 on cooperation in the field of education (published in *European educational policy statements*, Council of the European Communities, Secretariat-General, third edition, June 1987, Luxembourg, Office for Official Publications of the European Communities, 1988).
Resolution of the Ministers for Education meeting within the Council of 6 June 1974 on cooperation in the field of education, OJ C 98, 20. 8. 1974.
Conclusions of the Council and the Ministers for Education meeting within the Council of 27 November 1992 on measures for developing the European dimension in higher education, OJ C 336, 19.12.1992.
Conclusions of the Council and the Ministers for Education meeting within the Council of 6 October 1989, on cooperation and Community policy in respect of education (situation in 1993), OJ C 277, 31. 10. 1989.
Resolution of the Council and the Ministers for Education meeting within the Council of 24 May 1988, on the European dimension in education, OJ C 177, 6.7.1988.

[2] Joint opinion on 'the future role and actions of the Community in the field of education and training, including the role of the social partners'. SEC(94) 1758, 24.10.1994.

3. Mobility in the context of Commission initiatives

The proposals contained in the White Paper on growth, competitiveness and employment: the challenges and ways forward into the 21st century (1993) emphasize the importance of mobility. They are based on two premises: human capital, the European Community's greatest resource, gives it a competitive edge over third countries, and the diversity of cultures, traditions, languages, research and training enhances the potential for adaptation and the opportunities for development.

The White Paper on European social policy points out that the challenge to the European Community is to create a genuine European mobility area in which freedom of movement becomes not only a legal entitlement but also a daily reality.[3]

More specifically, the White Paper on education and training 'Teaching and learning: towards the learning society,'[4] which was approved by the Commission on 29 November 1995, points out that broad access to education and training calls for mobility between educational establishments and that such mobility, which is now being actively encouraged among the Member States, has to be reinforced. It considers that mobility ought to enable individuals to exercise responsibility in building up their skills.

A further point made in the White Paper is that mobility has increased markedly throughout Europe, and the Community has made a significant contribution to this process, particularly through action programmes in the field of education, training and research, yet mobility levels remain unsatisfactory.

In the Green Paper on innovation,[5] the Commission's proposed areas of action include measures to encourage the mobility of students, engineers and researchers in the context of the Leonardo da Vinci programme and the programme for training and mobility of researchers.

[3] COM(94) 333 of 27 July 1994.

[4] Published by the Office for Official Publications of the European Communities (ISBN 92-827-5699-8)

[5] Green Paper on innovation, COM(95) 688 final of 20 December 1995.

In its working document 'Towards a European voluntary service for young people',[1] the Commission draws attention to the need to clarify the status of young voluntary workers in Europe. Lack of such clarification is a further hindrance to the free movement of these young people and poses various tax and social security-related problems.

The 'Citizens first' initiative, which will be launched by the Commission at the end of 1996 aims, through guides and national publications, to inform European citizens about their rights and possibilities for, among other things, study, work, travel and residence in the European Community.

Also of note are the activities of the high-level group of experts chaired by Ms Simone Veil, which was set up by the Commission[2] to examine the persisting obstacles to the free movement of workers and individuals. Once the report, due for February 1997, has been completed, the Commission will publish a White Paper proposing ways of removing the obstacles thus identified, be they of a legislative, administrative or practical nature.

Finally, the communication approved by the Commission on 5 June 1996 proposes a 'European confidence pact for employment', the broad outlines of which were taken up by the European Council in Florence on 20 to 21 June 1996. It sets out a certain number of measures to combat unemployment and exclusion more effectively, with increased focus on future growth areas with more potential for job creation. The general strategy, which is designed both to increase company competitiveness and to promote employment, must also take into account qualifications and sectoral and geographical mobility.

4. The state of play

The Community programmes on education, training and research have contributed to developing mobility in the Community by enabling a growing number of young people, students, workers and researchers to undergo training in another Member State (see Annexes 2 and 3).

[1] Commission working document, XXII/24/96.

[2] Communication to the Commission of 24.1.1996 — High-level group of experts on the free movement of persons.

Freedom of movement for persons is one of the fundamental principles of the Treaty of Rome (Article 3(c)) (hereinafter referred to as the EC Treaty). Several provisions of the Treaty deal with mobility. For instance, Article 8a confers on every citizen of the Union the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down by the Treaty and by secondary legislation. Depending on the categories of persons and matters covered, the right to intra-Community mobility is governed by the provisions on freedom of movement for workers, freedom of establishment, provision of services and many other instruments of secondary legislation.[3]

The added value of transnational mobility has been officially recognized by inclusion in the EC Treaty where, for the first time, it is stated in Articles 126, 127 and 130g(d) that transnational mobility should be encouraged and should form an integral part of Community policy in the fields of education, training and research.

With regard to the development of quality education in the Community, Article 126(2) specifies that 'Community action shall be aimed at encouraging mobility of students and teachers, *inter alia* by encouraging the academic recognition of diplomas and periods of study'.

Article 127, under which the Community is to implement a vocational training policy, also stipulates that 'Community action shall aim to encourage mobility of instructors and trainees and particularly young people'.

In the interest of strengthening the scientific and technological bases of the Community's industry, encouraging it to become more competitive at international level and promoting research

[3] Persons targeted by this Green Paper may, for example, fall within the scope of one or other of the following instruments:
Directive 68/360 of 15 October 1968 on the abolition of restrictions on movement and residence within the Community for workers of the Member States and their families: OJ L 257, 19.10.1968; Regulation No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community: OJ L 257, 19.10.1968;
Directive 73/148 of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of the Member States with regard to establishment and the provision of services: OJ L 172, 28.6.1973;
Directive 90/364 of 28 June 1990 on the right of residence: OJ L 180, 13.7.1990;
Directive 93/96 of 29 October 1993 on the right of residence for students: OJ L 317, 18.12.1993.

activities, Article 130g(d) states that 'the Community shall carry out the following activities, complementing the activities carried out in the Member States: stimulation of the training and mobility of researchers in the Community'.

5. The objectives of the Green Paper

In spite of an unquestioned resolve to promote mobility and the numerous legal provisions adopted in connection with the single market, there are still obstacles to genuine freedom of movement for persons undergoing training, including training through research, and those working in training.

Transnational mobility, as considered in this Green Paper, will not therefore be limited solely to the initiatives taken under Community action programmes. Account will be taken also of all transnational mobility-oriented measures designated as 'spontaneous'.

Mobility-oriented activities may be bilateral or multilateral, developed at different levels (regional, local, etc.) and may derive from initiatives in the public sector (regional councils, local authorities), the semi-public or the private sector (Chambers of Commerce, foundations, the social partners, etc.), or may be purely personal. Participants include education establishments, education and training structures, research centres/institutes, the social partners, young people's organizations and voluntary associations.

It should be stressed that the obstacles to mobility are necessarily more difficult to overcome for those who 'spontaneously' seek to undertake training in another Member State.

This Green Paper does not seek merely to describe the difficulties faced nowadays by persons moving from one country to another for training purposes. It highlights certain problems within the competence of the Community and the Member States, in line with the principle of subsidiarity, in the fields of education, training and research. It proposes lines of action intended to stimulate debate both at Community level and within the Member States, putting forward points for consideration with a view to finding solutions to the obstacles which are still encountered by those concerned.

The Commission intends to follow up the consultation launched by the Green Paper with concrete initiatives, appropriate within its field of competence.

6. The target public

This Green Paper takes into consideration nationals of a Member State of the EC or the European Economic Area (EEA),[1] as well as non-nationals who are legally resident in the European Community on a permanent basis.

At a later date, particular attention should be given to nationals of Central and East European countries, Malta and Cyprus, who came to live in a Member State of the Community in the context of their participation in Community programmes from 1997.

It also targets students and young people, including those holding university degrees, as well as language assistants, researchers, teachers and trainers, and voluntary workers.

A number of those falling within the above categories may be regarded as workers within the meaning of Article 48 of the EC Treaty, thereby enjoying the attendant rights (being entitled in particular to equal access to employment and to equal treatment in respect of living and working conditions and the right of residence).[2]

To qualify as an employed person under Community law, the worker concerned must be a Community national and be: engaged in actual activities, working under an employment contract, and receiving pay.

In the case of children of migrant workers, who have often been settled in the host country for a long time, intra-Community mobility does not mean living and studying in the country to which the parents moved for their job, but moving to another Member State, which may in some cases be the family's country of origin.[3]

[1] Iceland, Liechtenstein, Norway.

[2] The concept of 'worker' takes on a Community dimension, as clarified by the Court of Justice of the European Communities, and is distinct from the designation of the person concerned under the national law of the host country as an employee, self-employed person or even student.

[3] On this point, see the judgment of 13.11.1990, Case C-308/89, di Leo.

Part B — The obstacles to mobility

Persons moving from one country to another, whether within the framework of Community programmes or in another context, are normally protected by the principles which underpin Community law.

Community workers and members of their family benefit from the Community rules when they exercise their right to freedom of movement both on an individual basis and in conjunction with a Community programme.

Nationals of the Member States of the European Community are entitled to study and undergo training anywhere within the Community, whether they move to another Member State for that purpose or whether they themselves or their parents are already resident in a Member State as employees or self-employed persons. European citizens therefore have the right to engage in education, although the scope of such entitlement is not the same in all cases.

As the Court of Justice of the European Communities has confirmed on several occasions, access to courses of vocational training and education falls within the scope of the EC Treaty.[1] The concept of 'non-discrimination on grounds of nationality', a fundamental principle of Community law, has thus been given a broad interpretation through development of the concept of 'indirect discrimination' to mean any measure which, while not in itself constituting discrimination between nationals and non-nationals, would in practice result in a specific handicap for the latter category.

However, such obstacles still exist. A distinction can be made between those which actually prevent mobility and those which make it difficult. They may be of a purely legislative nature or may just as easily be caused by such factors as overly stringent or lax application of legislation, erroneous or unduly restrictive interpretation of Community law in the Member States, or even administrative 'difficulties'. There are, however, other barriers of an economic, linguistic, practical or basically psychological nature which somehow hinder transnational mobility.

The diversity of national circumstances, together with insufficient coordination and information in the Member States can equally create obstacles to mobility.

1. Problems concerning the right of residence

Citizens of the European Union engaged in training or research training or working professionally in training in another Member State are unable to benefit from the provisions of Community law.

Students in vocational training are covered by Directive 93/96 on the right of residence for students.[2] They must meet the conditions laid down by this Directive, which are: to be enrolled in a recognized educational establishment for the principal purpose of following a vocational training course, to have sickness insurance cover, and to provide the competent authority, by means of a declaration or by such alternative means as the student may choose that are at least equivalent, with evidence of sufficient resources to avoid becoming a burden on the host Member State.

Students who meet these conditions have a right of residence for the duration of their training course. This right is evidenced by a residence permit, obtained by presenting their identity card or passport and providing the required proof of sufficient resources, sickness insurance and enrolment in a recognized establishment. Where the training course lasts more

[1] This field is now covered by Articles 126 and 127 of the EC Treaty. It should be borne in mind that there is a substantial body of Court of Justice case-law (including the Forcheri and Gravier judgments on the direct applicability of Article 7, which has now become Article 6 of the Treaty).

[2] Directive 93/96 of 29 October 1993 related to the right of residence of students, OJ L 137, 18.12.1993.
Children of migrant workers remain covered, where their right of residence in the parents' host country is concerned, by the provisions on the right of residence of employed and self-employed workers, up to the age of 21 or as long as they are dependent on their parents. They are also covered by the provisions entitling them to equal treatment with nationals of the country concerned.

than one year, the residence permit may be restricted to one year, renewable annually.

Nevertheless, there may well be a number of people engaged in training who are unable to claim any entitlement under Directive 93/96 because their course is not at a 'recognized establishment' within the meaning of the Directive.

For the other citizens of the European Union moving within the Community for the purposes of obtaining or providing training, it is worth considering whether they could be regarded as workers within the meaning of Article 48 of the EC Treaty. Definition as a 'worker' is not, however, a straightforward matter in certain circumstances, and it is up to the national courts to decide, case by case, whether the circumstances present the essential characteristics of an employment relationship, where appropriate basing their decision on a preliminary ruling by the Court of Justice.

Persons on short-term placements and researchers can also be classified as workers under Article 48 if they provide services for a certain time for and under the management of a third party, for which they receive remuneration.[1]

It is also possible for an individual engaged in training to claim the right of residence in connection with the provision of services as covered by Directive 73/148 of 21 May 1973. The persons concerned may be providers of services (e.g. persons providing paid tuition in a training establishment for a limited period) or service recipients (e.g. persons following training courses on a paying basis).

The right of residence of the provider or receiver of services lasts for the duration of the training course. If this extends beyond three months, the right of residence is evidenced by a residence permit for which the person concerned must present his or her identity card or passport along with evidence of the service he or she intends to supply or receive.

Finally, persons not falling within any of the abovementioned categories can claim the right of residence under the terms of Directive 90/364 on the right of residence. Such persons may, on the basis of this Directive, have the right of residence on condition that they have sufficient resources and sickness insurance cover in respect of all risks in the host Member State. These two requirements of resources and sickness insurance have been incorporated into the national legislation of those countries which have transposed the Directive. They may, in many cases, comprise an obstacle, particularly for people in a vulnerable social situation.

In a certain, if limited, number of cases, the person concerned is not covered by any of the situations provided for in secondary legislation. One example is the case of persons who cannot provide evidence of sufficient resources to benefit from Directive 90/364.

For stays of over three months — and many training periods are longer than three months — students must apply to the authorities in the host Member State for a residence permit, for which they must present a certificate of enrolment in an educational or training establishment and a declaration of adequate resources and sickness insurance cover.

(a) Trainees on placements and voluntary workers

Because of their lack of specific legal status, people on industrial placements in another Member State, i.e. young people who are neither students nor workers/officially unemployed (i.e., with no entitlement to unemployment benefit), encounter serious difficulties and in some cases are actually unable to move to another country.

Under Community law, it is up to the national courts to establish, case by case, whether the circumstances of a placement present the essential characteristics of an employment relationship, i.e. actual performance of activities, employer/employee relationship and remuneration. All citizens of the Union have a three-month right of residence in another Member State as tourists (in the category of receivers of services under Directive 73/148), for which they require only an identity card or passport. If, however, young people wish to prolong their stay abroad beyond three months, which is encouraged in the European Community's action programmes,[2] they must apply to the authorities in the host Member State for a

[1] The right of residence of workers is evidenced by a residence permit obtainable upon presentation of a passport or identity card and evidence of employment.

[2] Industrial placements can last up to 12 months, as is the case under the Community's Leonardo da Vinci programme.

residence permit, for which they must present, as appropriate, a certificate of paid employment or of enrolment in an educational or training establishment, as well as evidence of adequate resources and sickness insurance cover, which may be difficult if they have ceased to be students and are on an unpaid placement.

Such problems can also apply to language assistants participating in the Socrates/Lingua programme.

The problems affecting trainees on placements also apply to voluntary workers, as they have no specific status.

▶ **For trainees and voluntary workers, the Green Paper proposes Line of action 1, page 27**

(b) Nationals of third countries legally resident in a Member State of the European Community

The situation of third country nationals wishing to enter a Member State in order to study is currently governed by national law in the Member States. The latter have, however, been urged to base their approach on the principles set out in the Council resolution of 30 November 1994 on the admission of third country nationals to the territory of the Member States of the European Union for study purposes.

Generally speaking, the right of residence in one Member State does not confer any particular entitlement to apply for the right of residence in another. As a rule, however, residents of a Member State can enter another Member State for a maximum of three months (with or without a visa depending on their nationality), without losing their right of residence in the initial country. They may not engage in any paid activity during the three-month period, but are usually authorized to pursue certain training activities (summer courses, language courses, etc.).

The Schengen Agreement[1] puts a residence permit on an equal footing with a visa. According to this principle, a national of a third country with a residence permit issued by a Schengen country can enter other Schengen countries without first obtaining a visa. Such persons must be in possession of an identity document and residence permit when entering another Schengen country.

This principle of equivalence means that, irrespective of the purpose of the trip to the other Member State, nationals of third countries who are in possession of a residence permit no longer need a visa for short stays. This also applies to short-term training visits. However, the Schengen Agreement is principally concerned with short visits, and does not cover long stays (i.e. over three months), access to employment or engagement in self-employed activities.

The principle of equivalence between residence permit and visa is also contained in the proposal for a Council Directive on the right of third-country nationals to travel in the Community (COM(95) 346 final), for stays of less than three months. This Commission proposal is currently being examined by the Parliament and the Council.

If the proposal is adopted, nationals of third countries in possession of a residence permit who wish to visit another Member State for a period of less than three months, including those visiting the country for study purposes, will have their residence permit recognized as the equivalent of a visa.

▶ **For nationals of third countries, the Green Paper proposes Line of action 6, page 30**

2. Differences among Member States in the treatment of researchers

Research trainees in receipt of the Community Marie Curie mobility grants who move within the Community do not have the same status in all Member States. Each Member State applies its own rules to researchers in respect of social security contributions and direct taxation. While in the majority of cases they are considered as employed workers, they sometimes have the status of students or self-employed workers. These differences in the rules applied to researchers and the grants they receive have an impact on two levels.

[1] For the moment, the Schengen Agreement applies in seven Member States: B, D, F, E, L, NL and P.

Firstly, they affect the amount of Community funds actually directed into research. When the Community allocates a grant, either through an intermediary institution in the host country or directly to the recipient, application of the rules in force in the host country, with the corresponding compulsory contributions, has a direct influence on the final amount of the Community grant going into the research once the recipient has paid the compulsory contributions under the system in the host country.

The second major consequence is that the differences in the national compulsory contribution systems can affect the relative attractiveness of the Community grants available under joint research projects financed by the Community in the different Member States. This then biases the choice of host institution, which is overly influenced by financial considerations when it should be based essentially on scientific criteria. If these differences persist, they may eventually discourage potential candidates from applying for Community grants for the purposes of undertaking research in another Member State and provoke a 'brain drain' to third countries offering better conditions.

For implementation of the programme on training and mobility of researchers, the Commission set up, on the basis of the conclusions of 15 December 1994 of the Research Council, a temporary scheme ensuring that the legal, financial and social conditions applying to grant-aided research trainees are comparable to those applying to researchers of an equivalent level who are nationals of the host country, while allowing the differences in status between Member States to remain.

The conclusions stated that a 'single system should be implemented to standardize conditions for research trainees in receipt of grants in the different Member States, making them comparable with those offered to researchers of the same level in the host country'.

Such a system had been proposed on the basis of Article 130I (adoption of the framework programme) and in accordance with the European Parliament's opinion on the Commission proposal concerning the programme on training and mobility of researchers.[1] The Commission presented an amended version of this proposal,[2] which envisaged setting up a single system of research training grants, with exemption from national income tax for such grants paid directly by the Commission to the researchers concerned. The Council Decision[3] adopting the programme on the training and mobility of researchers did not include either the principle of a single system or that of exemption from national taxation.

It is therefore important to find ways of improving the situation of Community grant-aided researchers, which will probably mean making changes in certain areas such as labour law and taxation systems which, as Community law stands at the moment, are mainly the preserve of national policy.

► **For Community-funded researchers, the Green Paper proposes Line of action 2, page 28**

3. Compulsory contributions

These include both tax and social security contributions. The tax systems applied in the Member States cannot in themselves be considered an obstacle to mobility, except where they fail to respect the fundamental principles of Community law. However, the risk of discrimination should not be underestimated, in circumstances where an individual is subject to the fiscal regime of one country and the social regime of another. The coherence which exists in one country between fiscal and social arrangements cannot be guaranteed when these two different sets of legislation are applied in different countries.

3.1. Direct taxation

Policy on direct taxation is, in principle, the competence of the Member States. The latter must, however, respect the fundamental rules laid down by Community law, particularly in respect of the free movement of persons, such as non-discrimination on grounds of nationality and the principle of equal treatment. Differences can exist in the way grants are treated for tax purposes in different Member States because of the way they are classified.

[1] COM (94) 68 final of 30.4.1994.
[2] COM (94) 243 final of 3.6.1994.
[3] Decision 94/916/EC of 15.12.1994

In many countries, grants and other awards received by persons engaged in training are regarded as income and as such are subject to personal income tax. In others, they are classed as reimbursement of expenses and not as taxable income. There is also a risk of double taxation for employed persons exercising their right to move from one country to another.

In international fiscal law, taxability is based on the criterion of tax domicile. Persons resident in one country, i.e. their domicile for tax purposes, are generally obliged to declare all their income to the authorities of that country, irrespective of whether that income is from internal or external sources. Non-residents, on the other hand, are generally taxed only on income received in that country. These competing demands in the law can lead to double taxation.[1]

It is therefore possible for persons engaged in training to be taxed on their grants by both the country of origin and the host country.

On the whole, of course, double taxation is avoided by application of the rules on precedence in taxation rights set out in the international agreements, most of which follow the model convention drawn up by the OECD.[2] These do not, however, cover all the instances of double taxation which could arise in the event, for example, of conflicting interpretation of certain provisions by the countries concerned. Furthermore, such agreements do not always exist. The existing agreements within the Community do not cover all the 105 possible combinations. Ten or so bilateral agreements are lacking or are not yet in force.

[1] International double taxation exists where a person is subject to tax on the same income by more than one country; economic double taxation exists where two different persons are subject to tax on the same income.

[2] In 1963, the OECD Fiscal Committee drew up a draft convention on double taxation of income and of capital. Commonly known as the 'OECD model', this has been regularly updated and is intended to harmonize fiscal agreements between Member States and give standard principles, definitions, rules and interpretations. In a recommendation, the OECD Council requested the governments of the Member States to follow this model when concluding or revising fiscal agreements. All the Member States of the European Community are members of the OECD.

(a) Students

Students are, without exception, exempt from taxation in the host country on sums received from abroad which are intended to cover their costs. Article 20 of the OECD model, on which other agreements are generally based, contains the principle that sums received by students or business apprentices should be tax-exempt. Such sums must be intended to cover maintenance and study/training costs and be received from sources outside the territory of residence. The exemption applies only to persons who are or were immediately before visiting a contracting State resident in another contracting State and whose visit is solely for the purpose of pursuing their studies or training.

This exemption does not apply to sums received from within the territory in which the person concerned is resident. This is the case where the grant is paid by the host country or by an institution or company established there. In these circumstances, the grant is taxable in the host country under its own national law.[3]

(b) Voluntary workers

Some Member States regard as taxable income allowances, board and lodging and subsistence costs paid to voluntary workers. Volunteers can be subject to deductions at source, and even if they are subsequently able to claim a rebate if their total income is below the minimum tax threshold, this can cause them difficulties in the short term. There is also a possibility of double taxation, depending on the length of time the voluntary worker is resident in the host country and the double taxation agreements in force between the host country and the country of origin. Volunteers may be taxable in the host country on income from sources unconnected with their voluntary service, if they are considered resident for the purposes of national tax law. They may have to deal with a lot of

[3] On this point, the 1992 judgment of the Danish fiscal court of 12 June 1991 (650-8896-00014), ruling that the Ministry of Economic Affairs' attempts to add the Erasmus grant to students' 'salary' (in Denmark, students are normally paid a 'salary') were illegal, is quite illuminating. Those concerned would thus have moved into a higher tax bracket. Following the ruling, Denmark made mobility grants, including the Erasmus grants, tax-exempt, thereby recognizing that the grant is not a salary but intended to cover subsistence and travel costs.

administrative red tape in the host country, such as the formalities for applying for a tax rebate, or providing evidence of domicile in the country in which they are normally resident.

The treatment of the host organisations as employers would mean social security contributions having to be paid in respect of voluntary workers and would also involve complex administrative procedures, such as the obligation to complete annual tax returns.

► **For voluntary workers, the Green Paper proposes Line of action 1, page 27**

(c) Teachers

Teachers encounter certain tax obstacles if moving from one country to another for a long period. Studies by the Liaison Committee of Rectors Conferences in 1993 demonstrated the difficulties created by the substantial differences in net income caused by differences in national legislation.[1]

(d) Researchers in receipt of Community grants

Researchers can also encounter obstacles as a result of the taxation system to which they are subject (see 3.2). The provisional arrangements put into place by the Commission still present the problem of taking funds from the Community research budget.

► **For Community-funded researchers, the Green Paper proposes Line of action 2, page 28**

3.2. Social security contributions

The Community rules enabling the legislation applicable to social security, including contributions, to be determined, were laid down by Council Regulation 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community.[2] Since 1 January 1994, these rules have also been applicable to nationals and to the social security systems of the 18 Member States of the European Economic Area (EEA).

The objective of this Community Regulation is purely one of coordination, and it does not affect in any way the freedom of Member States to determine their own social security systems. Its aim is to make workers moving within the Community subject to the social security system of a single Member State in order to avoid the complications which can ensue when the legislation of more than one country is involved. It also means that no Member State other than that to whose legislation the worker concerned is subject is entitled to require contributions from that worker.

The rules set out in this Regulation are binding, which means that the persons concerned cannot be free to choose the legislative system to which they would prefer to be subject, and the Member States have no power to determine the extent of their own jurisdiction or that of another Member State.

Only the legislation of one country can be applicable at any time. The persons concerned cannot be subject during the same period to different insurance schemes under the legislation of two or more Member States.

The point of departure of Regulation 1408/71 is the principle of *lex loci laboris*, i.e. a person employed in the territory of one Member State is subject to the legislation of that Member State even if resident in another Member State or if the registered office or place of business of the undertaking or individual employing him or her is situated in the territory of another Member State.

There are exceptions to this principle which are expressly provided for in the Regulation. One such exception is the case of persons employed in the territory of a Member State by an undertaking to which they are normally attached who are posted by that undertaking to the territory of another Member State to perform work there for that undertaking. Such persons continue to be subject to the legislation of the first Member State, provided that the anticipated duration of that work does not exceed 12 months. Provision is also made for two or more Member States, or the competent bodies designated by them, to provide for other exceptions by common agreement in the

[1] Rectors Conference, Liaison Committee of Rectors Conferences, Brussels, 1993.
[2] Consolidated version published in OJ C 325, 10.12.1992.

interest of certain categories of persons or of certain persons.

The social security legislation applicable under these rules does not always correspond to tax legislation (see 3.1).

Furthermore, the rules are applicable only to Community nationals insured as employed or self-employed workers and their families as they are within the scope of Regulation 1408/71, which excludes some of the categories targeted by this Green Paper, notably all workers who are nationals of third countries, even those who are legally resident in a Member State.

As the Regulation stands at the moment, students are covered if they are insured under the social security scheme of one of the Member States as workers (e.g. in Germany) or as members of the family of an insured worker. The Commission has presented a proposal to extend the scope of the Regulation to all insured persons, including those insured under special schemes for students.[1]

Sometimes, voluntary workers or trainees on placements are not insured at all under the social security scheme of a Member State. Adoption of the abovementioned Commission proposal of 13 December 1991 would do nothing to change this situation.

Teachers and researchers, if they are civil service employees or treated as such, are covered by the legislation applicable to the public authority employing them (and therefore pay the corresponding contributions). If this is not the case, they are classed as employed or self-employed workers and are therefore, in principle, subject to the social security legislation of the Member State in which they are working.

Such persons will generally have to switch social security schemes if they move to another country to work. In order to avoid excessive red tape where the situation does not justify complex procedures (e.g. where the move is only for a short time), recourse may be made to the abovementioned exception clauses, which provide for the necessary flexibility.

▶ **The Green Paper proposes Lines of action 1 and 3(b), pages 27 and 28**

[1] Proposal of 13 December 1991, OJ C 46, 20.2.1992.

4. Social protection

The deduction of social contributions is the quid pro quo of the right to social protection. For people involved in mobility, this protection may sometimes prove inadequate.

4.1. Loss of benefit entitlement for unemployed persons moving between countries while engaged in training

In some Member States, unemployed persons taking up a transnational training or industrial placement lose the unemployed status which entitles them to social security cover and unemployment benefit.

In all Member States, unemployed status is restricted to persons residing in the country concerned and registered as job seekers there in accordance with national legislation and practice. However, there is Community legislation on social security[2] enabling European Community nationals to continue to draw unemployment benefit for a maximum of three months if they extend their job search to another Member State and register as job seekers there.

Persons moving to another country for training purposes are not considered as meeting this criterion, since they are not looking for a job in the host country. During this period they are therefore not able to keep their unemployed status or the associated social security benefits. Some Member States have, however, made an exception for participants in Community programmes, by putting a flexible interpretation on their own legislation.

In some Member States, a further difficulty can arise for such persons when, upon returning to the country of origin, they are subject to a further qualifying period before they officially regain entitlement to their rights.

Loss of benefit rights is a major obstacle to participation by unemployed persons in transnational training or industrial placements. They are therefore denied the opportunity to gain experience, skills and qualifications which such measures can provide.

[2] Article 69 of Council Regulation (EEC) No 1408/71 of 14 June 1971. A consolidated version was published in OJ C 325, 10.12.1992.

▶ **For an unemployed person undergoing transnational training, the Green Paper proposes Line of action 3(a), page 28**

4.2. Lack of social security cover in the host country

Regulation (EEC) No 1408/71 on the application of social security schemes (see 4.2) does not apply to special schemes for civil servants and persons treated as such. Teachers and researchers with civil servant status are therefore covered as insured persons, but can only benefit from the coordination of social security schemes if they are or have been members of a general social security scheme in their country of origin, which is not always the case, indeed far from it. As a result, teachers and researchers who are members of a special scheme for civil servants are entitled to benefits in the country of the scheme to which they belong, but not in the host country.

As previously stated, students, in their capacity as such, are excluded from the scope of this Regulation. A very recent amendment to Regulation (EEC) No 1408/71 entitles any national of a Member State (and any members of their family residing with them), insured under the legislation of a Member State, to cover for immediate health care requirements, to be covered by a corresponding institution in the place of stay or residence (by means of form E 111).[1] This also applies to trainees on placements and to voluntary workers. The Commission has just presented a proposal that the condition of immediate necessity for students and those in vocational training no longer be a requirement so that such people are covered by the field of application of the regulation.[2]

Third country nationals who are legally resident in a Member State of the European Community or European Economic Area encounter a further practical obstacle when trying to move from one country to another. Current Community legislation on social security[3] applies only to Community nationals.

[1] Regulation (EC) No 3095/95 introduced a new Article 22a into Regulation (EEC) No 1408/71 (see OJ L 335, 30 December 1995).

[2] COM(96) 452 final.

[3] Article 2 of Regulation (EEC) No 1408/71.

In practice, this means that persons in this situation are not covered by the social security arrangements, including those for immediate essential health care (form E 111) during their exchange visit or transnational training or industrial placement.[4]

▶ **The Green Paper proposes Lines of action 3(b) and 6, pages 28 and 30**

5. Recognition, certification, validation

The lack of recognition and of transparency of training diplomas and certificates, and the lack of certification or validation of placement periods in another Member State can be a handicap to people participating in mobility arrangements.[5]

The non-recognition of training periods spent abroad acts as a disincentive because it can mean that the periods concerned have to be repeated, or even a loss of credit on the curriculum. It can also be a barrier to finding work in the host country or to finding another job when returning home.

(a) Students/young people

Under the Community Socrates/Erasmus programme, academic recognition is an essential prerequisite for mobility, and is therefore generally obtained as a matter of course.

[4] In the sole case of immediately essential health care during a stay in the territory of a Member State other than the competent State, following the European Parliament opinion on the 1994 proposal for various amendments (which became Regulation (EEC) No 3095/95), the Commission presented an amended proposal for a regulation containing a provision intended to extend Article 22 (1) (a) and (c) to cover workers from third countries. The proposal was not adopted by the Council in December 1995.

[5] In the debates of the European Parliament, (OJ 4-470/14 of 13.11.1995) several types of recognition were identified:
— recognition of periods of study;
— recognition of academic qualifications for further study abroad;
— recognition of foreign academic qualifications for the purposes of obtaining a national qualification;
— recognition of academic qualifications for employment in a given profession.

The European credit transfer system (ECTS) is of interest in that it is entirely based on cooperation by the universities, who work together of their own free will and on their own responsibility to facilitate the academic recognition of periods of study in establishments in other Member States. However, outside the abovementioned programme, academic recognition, which falls within the competence of the Member States, is far from universal. However some action on information is undertaken through the network of National Academic Recognition Information Centres (NARIC).[1]

The situation is even more difficult in the field of vocational training.[2]

While recognition of training and placement periods in another Member State is still problematic, the European Community has taken several initiatives to promote transparency and transnational recognition of vocational qualifications.

In the case of the non-regulated professions, there is no legal obstacle to mobility, but insufficient familiarity with the qualifications of other countries is a considerable barrier. In view of this, the European Community has, since 1985, with the support of Cedefop, initiated a series of measures to improve the comparability, transparency and recognition of skills and qualifications.[3] These objectives are still being pursued under the Leonardo da Vinci programme.

A Commission Communication has also been published[4] which identifies the areas for cooperation and coordination needed in the field of recognition of diplomas.[5]

(b) Teachers and trainers

The teaching profession, particularly in public educational establishments, is regulated in most

[1] Created on the initiative of the Commission of the European Communities in 1984, the aim of the NARIC network is to improve the recognition of academic qualifications and study periods in the Member States of the European Community and of the European Free Trade Association. The network forms part of the Community's Socrates/Erasmus programme.

[2] A report drawn up in 1994 at the request of the PETRA Advisory Committee, on the recognition of training periods and industrial placements in other Member States was based on national studies in 12 Member States on the recognition of placements in a training structure or company in another Member State undertaken under the PETRA programme by young people in initial vocational training.
The report concluded that the systems in the various Member States were not yet prepared to integrate and recognize such periods spent abroad in their courses. It did, however, acknowledge that requests to the national authorities from individuals wishing to include such mobility in their training could prompt recognition of the need to accord specific status to transnational placements and progressively encourage integration and recognition by the respective systems.

[3] The project to provide a basis for comparison of qualifications has already led to publication in the *Official Journal of the European Communities*, between 1989 and 1993, of comparative tables covering 209 occupations in the skilled worker category, divided into 19 different sectors.
In addition, an individual skills portfolio project to improve the transnational transparency of skills and qualifications has been drawn up and tested at European level (see 'Individual portfolio project: final report', NCVQ, 1995). In 1994, a call for proposals as part of a move to promote initiatives in the field of mutual recognition of qualifications enabled 35 transnational projects promoting comparison, transparency or recognition of qualifications to be supported.

[4] COM(94) 596 final of 13.12.1994. The scope of the Communication is restricted to university-level qualifications, but the subject is dealt with in the broader context of recognition of qualifications in the European Community.

[5] 'The Council of Education Ministers, in its conclusions of 6 May 1996, invites the Member States and the Commission to encourage improved coordination between the national structures concerned with disseminating information in the two areas of recognition (academic and professional), such as the NARIC, the Euro-Info centres, etc., and to reinforce databases such as Ortelius, so as to promote greater transparency of higher education systems; invites the Commission, in cooperation with the Member States, to encourage representatives of the economic and professional world, the social partners and students to participate in all appropriate 'thematic networks' set up under Socrates, to evaluate the possibilities for the introduction on a voluntary basis of a European administrative annex to the diploma. This annex would consist of a description of the studies pursued by the holder of the diploma, the aim being to facilitate transparency and recognition of the studies in States other than that in which they were dispensed; it would take into account the experience that other organizations such as the Council of Europe and Unesco have had in this area, to examine the desirability of identifying and giving wider publicity to procedures at national or Community level which might facilitate amicable settlement of disputes concerning recognition of qualifications, in response to individual request sent directly or preferably through the NARIC network or through the network of coordinators of the various directives.'

of the European Community countries.[1] Since the entry into force of Directive 89/48/EEC on the mutual recognition of diplomas, at the end of 1994, at least 11 000 people, including 5 000 teachers (in primary, secondary and higher education) have had their diplomas recognized in another Member State. Application of the Directive has, however, highlighted certain obstacles. For example, there is a problem with the countries which have not yet transposed it into national legislation, which is the case with Belgium and Greece. In these two countries, applications from teachers from other Member States for recognition of their qualifications have been 'blocked', pending adoption of the national implementing measures. In Germany, there are still three *Länder* (Baden-Württemberg, Brandenburg and Sachsen-Anhalt) which have not yet adopted implementing measures for Directive 89/48/EEC in respect of teachers.

Another obstacle encountered has been the non-recognition in Germany of teaching diplomas obtained in higher education institutions other than universities. For the purposes of recognition, the Directive puts diplomas obtained in universities, higher education establishments and other training establishments of the same level on an equal footing. Despite this, however, holders of teaching diplomas obtained in Austrian teacher training academies, certain British colleges and other similar institutions in the Netherlands and Denmark have been refused recognition of their diplomas in Germany. Non-application of the Directive to teachers has also been registered in France.

Some Member States require secondary-level teachers to have a qualification allowing them to teach two subjects (e.g. mathematics and physics; history and geography).

There have also been certain instances of indirect discrimination. Even where the teacher's duties are such as to justify knowledge of the language of the host country, some national legislation, particularly in Germany and Greece, imposes language requirements which are completely disproportionate, and in practice constitute indirect discrimination. This is particularly obvious in the case of migrants wishing to teach their mother tongue as a foreign language in schools in the host country.

▶ **The Green Paper proposes Lines of action 4 and 8, pages 29 and 30**

6. The territorially restricted nature of national grants

The territorially restricted nature of national grants may constitute a serious obstacle to 'spontaneous' mobility. The fact is that, with the exception of the Socrates/Erasmus programme, which makes full provision for eliminating the territorial aspect, it is difficult for students travelling abroad to transfer their grants. In most Member States, it is impossible to transfer the grant in order to undertake a full course of study abroad. Such transfer is subject to more or less restrictive conditions; greater openness by Member States towards geographically close regions can be observed. This difficulty considerably reduces the possibility of mobility, especially for underprivileged persons who in particular experience socioeconomic and practical disadvantages.

▶ **The Green Paper proposes Line of action 5, page 29**

7. Socioeconomic obstacles

7.1. Job stability

A worker who wants to undertake a period of training/further training in another Member State does not always have a guarantee that he will be able to resume his former employment on his return. Where this guarantee does exist, it is not always applicable to trainees on placement coming back from another Member State.

[1] Considerable progress has been made in the field of the 'regulated' professions on the basis of Articles 49, 57 and 66 of the EC Treaty, by virtue of which the European Community is able to adopt 'directives for the mutual recognition of diplomas, certificates and other evidence of formal qualifications'. Directives 89/48/EEC and 92/51/EEC, for example, have set up a general system for recognition of diplomas, enabling persons wishing to move within Europe to have their qualifications recognized in Member States other than that in which they were acquired.

7.2. Inadequate financial support

The remarkable development of mobility under Erasmus demonstrates that the enthusiasm for such exchanges has not diminished. The generally limited amounts of grants have so far resulted in some students selected to take part in an exchange being unable to benefit from mobility because of a lack of resources.

The above also applies to a large extent to teachers, who all too often receive inadequate financial support. Given that most of them continue to reside in their country of origin, the cost of their mobility is often very high. Outside Community programmes, the teacher's situation depends of course on national legislation and on any agreements which might have been concluded which, for example, make provision for the payment of salary during mobility.

The situation is particularly precarious for the unemployed who lose their rights to unemployment benefit in their Member State. The situation of young graduates of all levels entering the labour market for the first time is even more difficult.

▶ **The Green Paper proposes Line of action 7, page 30**

8. Administrative obstacles associated with the organization of schools and universities

8.1. Structure of the school/academic year

The structure of the academic year depends to some extent on measures adopted at national level and to some extent on the structure of the education system itself. This structure may pose problems if it is not the same in the Member State of origin and the host Member State.[1]

The Council of Ministers has already stated in one of its conclusions[2] that 'a further step should be to harmonize the start of the academic year for higher education establishments, which might also facilitate the synchronization of examinations during the academic year.'

8.2. Examinations

Students benefiting from mobility are sometimes no longer in the host country when the examinations are held or cannot, due to their absence, take examinations in their home institution. This can have repercussions for the awarding of their qualification. Also, examinations taken in the host country may not always be recognized in the home country. In some Member States the possibility to sit examinations in an institution is dependent on the number of hours of classes taken in that institution within the academic year. Moreover, in some Member States, students are not allowed to be absent prior to and during examinations, which reduces the possibilities of mobility, particularly for long periods.

8.3. Periods of training not incorporated in the course curriculum

Some Member States do not recognize the work placements of students undergoing vocational training as an integral part of the course curriculum; periods of mobility must be combined with holidays or, at the end of the year, the year's study and the final diploma may not be officially accredited.

8.4. Non-replacement of absent teachers

In most cases teachers/instructors are not replaced during their absence. This means that they must 'catch up' with the subject matter on their return. This places an additional burden on themselves and on the persons being taught.

▶ **The Green Paper proposes Line of action 9, page 31**

[1] A student in northern Europe, for example, usually begins the new university academic year in August. A student in western or southern Europe, however, usually does not start university until October. Rectors Conference on the organization of the academic year, Liaison Committee of Rectors Conferences, Brussels, May 1993.

[2] OJ C 321, 12.12.1991.

9. Linguistic and cultural obstacles

The lack of knowledge of a foreign language remains one of the main obstacles to mobility. This is equally true for certain cultural aspects which need to be acknowledged in order to be able to encourage mobility and gain the maximum advantage from periods spent abroad. Most mobility is concentrated in the Germany/France/United Kingdom triangle. Learning of less widely used languages is the key to a diversification of the flows of students and hence to a greater variety of exchanges.[1]

▶ **The Green Paper proposes Line of action 8, page 30**

10. Practical obstacles

These obstacles often prevent the achievement of high quality mobility, and sometimes present such barriers that the discouraged participants do not leave to take part in the project or return to their country of origin without having benefited from the opportunities of mobility which were offered to them. Students face difficulties before, during and after their stay:

(a) For example, they may have problems due to a lack of information prior to going abroad (lack of knowledge of training opportunities, administrative requirements, living conditions in the host country). This is a particularly sensitive aspect in the case of disabled students, especially with regard to adapted facilities and accommodation.[2]

(b) The lack of host companies remains a crucial problem for those undergoing training and/or on a placement. Companies are not yet accustomed, or are still unable for operational reasons or because of the working language, to accept trainees who have to be supervised.

Community research grant-holders undergoing a period of training in industry are confronted with a restricted choice of RTD projects offered by companies and also experience difficulties in publishing results, which are often confidential.

(c) Lack of suitable or affordable accommodation (level of rents, deposit) is a problem in some cases. There is often only limited accommodation available in university halls of residence or education centres. Some students or teachers who leave for short/medium-term periods often cannot give up their accommodation in their country of origin for fear of not finding anything when they return, or at least nothing at a reasonable price.

(d) In numerous cases, students benefiting from mobility must take out additional insurance (repatriation in the event of illness/accident, third-party insurance, etc.).

(e) Family commitment can also have a negative effect on mobility: the need to find crèches, nurseries or schools, or different employment for the spouse, etc.

(f) Bank and exchange charges can consume up to 20% of an individual grant, not to mention the cost associated with procedural delays.

All these practical obstacles are rendered more acute for the economically disadvantaged and to those with severe disabilities.

▶ **The Green Paper proposes Line of action 9, page 31**

[1] A series of pilot projects in intensive preparatory language training for Socrates/Erasmus students heading for Portugal, Greece, Italy, Denmark and Finland has been launched with this in mind for the 1996/97 academic year.

[2] It should be noted that establishments which have set up an Erasmus office often find it easier to manage the programme and to provide full information to those interested. The grouping of several educational establishments and local and regional bodies into a 'European centre' may lead to considerable economies of scale.

Part C — Lines of action

Initiatives can be taken at various levels. An attempt should be made to 'fill in the grey areas' of Community legislation; i.e., verify the extent to which Community legislation has been transposed by the Member States and examine the measures to be taken to encourage Member States to do this.

It is, moreover, vital, in accordance with the principle of subsidiarity, for the Member States, the Commission, other Community bodies, and all the parties involved in education, training and research, to consider other measures which might be taken at the appropriate level to encourage and facilitate the transnational mobility of the greatest possible number of people in their education, training and research activities.

The Commission would like to receive opinions from people and organizations concerned (public authorities, social partners, other organizations, educational, training, and research institutions. The impact of a wide distribution of this Green Paper will be reinforced by a series of events (seminars, conferences, meetings) organized at all levels.

You are invited to send your views, observations and suggestions to:

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The nine lines of action proposed are not exhaustive, but should help to open a debate which will no doubt bring other problems and obstacles to light, illustrated by concrete examples.

Following the six-month consultation period, the Commission will draw up a summary report with recommendations.

Line of action 1 — According specific status to trainees on placements and to voluntary workers in the European Community

(See analysis of the situation under B.1(a) and (b), 3.1(b) and 3.2, pages 16, 17, 19 and 20)

- Similar legal recognition in their home and host countries would guarantee to trainees on placement and voluntary workers, conditions of mobility equal to those of other European citizens.

- In taking a number of steps in respect of rights of residence, social security and tax arrangements, Member States would enable a greater number of trainees and volunteers to participate more easily in such activities on a transnational basis for periods of over three months. Such measures would assist the implementation of, for example, the pilot action of a European voluntary service, presented by the Commission in 1996.

- Information on their rights and obligations should be given to trainees and voluntary workers and this at all levels.

- To allow the full development of combined work/training courses at European level, a 'European apprentice/trainee' status should be envisaged.

- To promote employment for young people, a mobility programme for apprentices which aims to develop links between schools and companies, i.e. an 'Erasmus for apprentices', would be of great benefit.

Line of action 2 — Equal treatment for all Community grant-aided research trainees

(See the analysis of the situation under B.2 and 3.1, pages 17 and 18)

To eliminate discriminatory treatment among Member States which harms Community grants, a solution must be found:

(i) by exemption of grants under the legal system providing for their financing;

(ii) by coordination of the systems applied to employed researchers in the various Member States in respect of both direct taxation and social security contributions.

Line of action 3 — Ensuring social protection for everyone benefiting from mobility as part of his or her training

(See the analysis of obstacles under B.4.1 and 4.2, pages 21 and 22)

(a) Ensuring benefit entitlement for unemployed persons undergoing training in another Member State

■ In order to maintain the right to unemployment benefits for unemployed people in training, the Commission's proposal[1] should be adopted without delay. This proposal allows benefits to be continued after an initial period of three months, without the total duration of the benefit period or the amount of the benefits exceeding the period or amount provided for by the legislation of the Member State in which the unemployed person is looking for work or the period or amount provided for by the legislation of the Member State which pays the benefits.

(b) Guaranteeing social protection in the host country

■ To guarantee social protection in the host country, current regimes relating to trainees, especially students, should be brought into line with those of salaried and non-salaried workers and their families. The Commission proposal to the Council seeking to extend the scope of the Regulation to all persons insured under the legislation of a Member State should be adopted.[2]

■ The Commission has also proposed to the Council[3] that the condition of 'immediate necessity' for health care for persons referred to in this Green Paper who currently fall within the scope of Regulation (EEC) No 1408/71 and who, on account of their studies, are residing in a Member State other than the competent Member State be removed.

[1] COM (95) 734 final of 10 January 1996.
[2] OJ C 46, 20.2.1992.
[3] COM (96) 452 of 20 September 1996.

Line of action 4 — Creating a European area of qualifications

(See the analysis of obstacles under point B.5, pages 22 to 24)

■ Mutual academic recognition should be developed through general use of the system of transfer of educational 'credits'.[1]

■ Similar arrangements should be applied to vocational training, with the objective of the mutual recognition of training courses. This approach could give preference to agreements among education and training establishments and among different professional sectors.[2]

■ It is important to establish a system of mutual recognition of placements in the Member States, as well as their incorporation in the curricula.

■ The recognition and validation of skills acquisition, as well as lifelong access at European level should be encouraged.

■ It is important that those concerned continue to consider the most effective methods to increase the transparency of competences and qualifications, in order to give everyone the possibility to exercise his chosen profession anywhere in the European Union.

■ Specific action should be taken to facilitate the recognition of qualifications among the various Member States, to encourage workers to take part in training programmes outside their own national system.

■ Consideration should also be given to the possibility of incorporating into the Directive on the regulated professions (Directive 89/48/EEC) the obligation for the host Member State to take into consideration experience acquired after obtaining a diploma.

■ As suggested by the Council of Education Ministers,[3] the Commission and the Member States should jointly assess the value of identifying procedures at national and Community levels with the aim of facilitating the search for amicable solutions to disputes concerning the recognition of qualifications, in response to individual requests.

■ One of the proposals of the Green Paper on innovation[4] should be promoted: namely, to apply the designation 'European researcher' to researchers who have participated, to a significant extent, in Community programmes.

Line of action 5 — Removing territorial restrictions on grants and national financing

(See the analysis of obstacles under B.6, page 24)

■ As in the Community programmes, where entitlement to grants is maintained in the event of study periods spent abroad, there is still room for greater transferability of grants awarded by national authorities or other bodies.

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[1] Along the lines of the ECTS — European Credit Transfer System.

[2] White Paper of the Commission 'Teaching and learning: towards the learning society', page 55, Office for Official Publications of the European Communities.

[3] Taken from the conclusions of the Council of Education Ministers, Brussels, 6 May 1996.

[4] Green Paper on innovation — Communication adopted by the Commission on 20 December 1995, COM (95) 688 final.

Line of action 6 — Improving the situation of nationals of third countries legally resident in the European Union with regard to training

(See the analysis of obstacles under points B.1(b) and 4.2, pages 17 and 22)

■ The need to improve the situation of nationals of third countries legally settled in a Member State was emphasized by the Commission in the communication of February 1994 on immigration and asylum. The Commission indicated the importance of having a common set of rules concerning the admission of third-country nationals, including after completion of studies and vocational training, while bearing in mind the rights of long-term residents. The rules should be grouped into a single binding legal instrument.

Line of action 7 — Reducing the socioecionomic obstacles

(See the analysis of the obstacles under B.7, page 24)

■ To promote mobility, various measures offering financial aid and support (allowances, grants, subsidies, loans, etc.) should be encouraged, at all levels (national, regional, local, private, etc.), taking account of budgetary constraints.

■ It is essential to have a proper national policy for the distribution of Socrates/Erasmus grants, above all in order to take into account specific problems at national level. By linking up internal aid systems for students with the Socrates/Erasmus grant, the optimum adjustment of the total amount received by the student during his/her mobility will be ensured and a dissipated effort, detrimental to mobility, will be avoided.

■ With regard to young people receiving assistance under the Community programmes for vocational training, co-financing from the educational establishment, host companies, associations, trade unions, regional authorities or banks should be encouraged.

■ Tax incentives granted to companies by the competent authorities could encourage them to welcome trainees or persons receiving training.

■ Organizations involved in exchanges should have specific resources enabling them to set up the necessary structures for reception, monitoring and evaluation to ensure that mobility projects have the best possible chances of success, particularly for young people.

Line of action 8 — Reducing linguistic and cultural obstacles

(See the analysis of the obstacles under B.9, page 26)

■ Learning at least two Community languages has become a precondition if citizens of the European Union are to benefit from occupational and personal opportunities open to them in the single market.

■ All mobility actions should be preceded by a period of linguistic preparation.

■ Any training should be accompanied by cultural preparation and an initiation to living and working practices in the host country.

■ Pilot actions should be developed in Member States to make young people in particular aware of 'European citizenship' and to increase their respect for cultural and social differences.

■ The national bodies in charge of activities under Community programmes should provide still more help for people wishing to undertake transnational training in a Member State whose language is 'less widely used and taught'.

Line of action 9 — Improving the information available and administrative practices

(See analysis of the obstacles under point B.10, page 26)

■ The quality and amount of information available within the Community on education, training and research requires better coordination of the national structures responsible.

■ Information on the possibilities and conditions for achieving transnational mobility should be more widely disseminated and should take more account of differences in the potential audience.

■ All useful information for people in mobility should be available over the Internet as well as through European databases such as Eures,[1] Ortelius, Eurodesc, Cordis, NARIC and Eurydice.

■ There should be a wider use of tools provided by the information society.

■ National guides and information leaflets explaining citizens' rights and obligations under the 'Citizens First' initiative should be widely distributed.

■ A sound training in Community law and its implementation for decision-makers and administrators within each Member State, applying experience of relevant Community programmes, should be encouraged.

■ Educational institutions should be encouraged to improve knowledge at European level of the quality and nature of the education they provide.

■ Students undertaking mobility in another Member State should have the possibility to take some exams by correspondence, if necessary, subject to the necessary controls.

■ University-enterprise partnerships should be stimulated.[2]

[1] Use of tools such as the EURES database, which can be consulted by the Euroadvisers, can also help promote mobility by supplying useful information on job possibilities in the various Member States.

[2] In this context, the recommendation of the IRDAC report: 'Quality and relevance' of 25.3.1994, should be noted. (Industrial Research and Development Advisory Committee (IRDAC) — set up by the Commission in 1984).

Annexes

Annex 1

Definition of the target categories

The exact definitions for the different categories of person outlined below are difficult to establish and there is sometimes an overlap, as they are subject to certain legal instruments which are not mutually exclusive. The definitions proposed here are as set out in the Council Decision establishing the various Community programmes.

A. Pupils/Students

Pupils

All persons enrolled in that capacity at a school.[1]

Students

In the European Parliament and Council decision establishing the Socrates programme,[2] the term 'students' covers 'persons registered at universities, whatever their field of study, in order to follow higher education studies leading to a degree or diploma (or equivalent), up to and including the level of a doctorate'.

It should, however, be borne in mind that there is a wider definition in the context of social security for migrant workers, where the term 'students'[3] refers to any person, other than an employed or self-employed worker or member of the latter's family, who is officially enrolled on a course of study or vocational training in an establishment recognized or approved by the national authorities of a Member State, and who is insured under a special social security scheme for students.

B. Young people

The Youth for Europe programme is aimed at all young people between the ages of 15 and 25 who are permanently resident in the European Union or Iceland, Liechtenstein or Norway. This age group is traditionally used by the Commission to refer to 'young people' and 'youth' (Eurostat statistics).

However, in the Leonardo da Vinci programme,[4] 'young people' is taken to mean any person undergoing training, in employment or looking for work under the age of 28. The programme targets both young people undergoing initial vocational training and young workers.

In the context of support for placement programmes within companies, it may also refer to

[1] This definition is found in the European Parliament and Council Decision establishing the 'Socrates' Community action programme (Article 2), as is the definition of school: all types of institutions whether providing general, vocational or technical education and, exceptionally, non-school institutions providing apprenticeship training for the purpose of promoting measures in the framework of language training, particularly exchanges of pupils; OJ L 87, 20.4.1995.
Article 1 of Directive 93/96 on the right of residence for students provides as follows: 'In order to lay down conditions to facilitate the exercise of the right of residence and with a view to guaranteeing access to vocational training in a non-discriminatory manner for a national of a Member State who has been accepted to attend a vocational training course in another Member State, the Member States shall recognize the right of residence for any student who is a national of a Member State and who does not enjoy that right under other provisions of Community law, and for the student's spouse and their dependent children, where the student assures the relevant national authority, by means of a declaration or by such alternative means as the student may choose that are at least equivalent, that he has sufficient resources to avoid becoming a burden on the social assistance system of the host Member State during their period of residence, provided that the student is enrolled in a recognized educational establishment for the principal purpose of following a vocational training course there and that he is covered by sickness insurance in respect of all risks in the host Member State'; OJ L 317, 18.12.1993.

[2] Socrates Decision 819/95/EC of the European Parliament and the Council of 14 March 1995: OJ L 87, 20.4.1995.
'University': all types of higher education institutions which, in accordance with national laws and/or practices, offer qualifications or diplomas at that level, whatever such establishments may be called in the Member States.

[3] This definition was agreed by the Administrative Commission on Social Security for Migrant Workers (CASSTM) in 1988.

[4] Leonardo da Vinci Council Decision 94/819/EC of 6 December 1994: OJ L 340, 29.12.1994; age limit specified in the Promoters' Guide, 1995 edition.

'people undergoing university training and graduates prior to obtaining their first job'.

Such programmes are incorporated in cooperation agreements between universities and companies.

The student, pupil or young person may be a member of the family of a citizen of the Union who exercises his or her right to freedom of movement, thereby being entitled to treatment on the same basis as nationals of the host country (in particular as regards the award of grants and other social benefits).

C. Voluntary workers

Voluntary or unpaid service is a *sui generis* activity which must be distinguished from paid work and conventional systems of vocational training. It affords opportunities for gaining formative experience through voluntary participation in activities of benefit to the community or to individuals.

While voluntary work attracts participants of all ages, it is voluntary service for young people which has been recognized in several Member States. For the most part, such schemes are of limited duration and do not lead on to multilateral activities. There has, however, been some expansion of transnational voluntary service activities in recent years.[1]

D. Language assistants

Socrates/Lingua assistants are future language teachers (students or young graduates) who teach in the host establishment of another Member State for a period of between three and eight months, thereby acquiring training and professional experience which will help them become better language teachers.[2]

E. Researchers

This Green Paper takes account only of researchers who are undergoing training and who wish to move abroad for that purpose. In particular, under the Community's RTD programmes, these researchers, known as 'Marie Curie fellows', are classified in one of the following categories in accordance with the Council Decision concerning the programme for the training and mobility of researchers:[3]

☐ postgraduate level: young researcher holding a degree obtained from a university or equivalent higher education establishment, which qualifies the holder directly to embark on a doctorate or equivalent degree;

☐ post-doctoral level: young researcher with a doctoral degree or equivalent level of education or, alternatively, having at least four years' full-time research experience at postgraduate level;

☐ experienced researcher: researcher with at least eight years' full-time research experience at postgraduate level.

In addition to the grant-award mechanism, organized and structured within the framework of the programme for training and mobility of researchers, a large number of researchers, especially young people, take part in Community-level training and mobility schemes involving consortia or networks of specific RTD programmes.

F. Teachers and trainers

The term teacher/teaching staff[4] covers persons who, through their duties, are involved directly in the educational process of a Member State, in accordance with the organization of its educational system.

[1] At Community level, the Youth for Europe programme has allowed some experimentation in this field since 1992. On the basis of this experience, the Commission has, in 1996, launched a European voluntary service scheme for young people, which is designed to enable some 2 500 young people living in a European Union Member State to carry out a community service activity with a local project in another Member State for a period of between six months and one year. The Commission is planning to extend this scheme and set up a multi-annual European voluntary service programme for young people.

[2] See the Parliament and Council Decision establishing the Socrates Community action programme.

[3] Programme in the field of training and mobility of researchers — Council Decision 94/916/EC of 15 December 1994: OJ L 361, 31.12.1994.

[4] Socrates programme — European Parliament and Council Decision 819/95/EC of 14 March 1995: OJ L 87, 20.4.1995.

The term trainer/instructor[1] refers both to those providing vocational and technical training or secondary and other forms of higher education, and to instructors at apprenticeship centres or within companies.

[1] Leonardo da Vinci programme — Council Decision 94/819/EC of 6 December 1994: OJ L 340, 29.12.1994.

Annex 2(a)

Transnational mobility within the framework of Community programmes

The sample figures below speak for themselves. They show the growing number of beneficiaries of transnational mobility under Community programmes.

Erasmus

Council Decision:	1987	
Numbers involved:	1987/88	3 000 grant-aided students
	1988/89	745 teachers
	1995/96	170 000 students
	1995/96	14 000 teachers

Lingua
(teachers/students)

Council Decision:	1989	
Continuing training of teachers:	1990/91 (pilot phase)	516
	1994/95	7 450
Young people participating in joint educational projects (CEC):	1990/91	4 018
	1994/95	32 109
Teachers participating in joint educational projects:	1990/91	317
	1994/95	3 580

Socrates

In 1996/97, 150 482 applications for student mobility and 12 775 applications for teaching staff mobility were approved.

From 1997/98 onwards, these activities will take on another dimension in that they will be guided by the policy of each university, with cooperation following the guidelines of an 'institutional contract' between the higher education establishment and the European Commission.

A new measure to promote language teaching and learning has been introduced into the Socrates programme. This system of assistantships enables future language teachers to work as language assistants in host establishments abroad for a fixed period as part of their training.

During the pilot year, 1995/96, over 200 language assistants took part in this scheme. In the 1996/97 academic year, this number is expected to increase to 600.

In 1995/96, as part of the partnership scheme involving educational establishments under the Socrates/Comenius programme, 689 teacher exchanges took place, and 215 teachers undertook industrial placements. From summer 1996, teachers from the EC and the three EEA countries will be able to participate in continuing training courses in other EC and EEA countries given by teams of European training staff.

Youth for Europe III

European Parliament and Council Decision:	1995	
Exchanges:	1995	50 000 participants*
Young people's initiatives:	1995	930 participants
Voluntary service:	1995	75 participants
Exchanges with third countries:	1995	2 805 participants

* provisional figure

European voluntary service for young people
(Pilot project)

Young voluntary workers:	1996/97	approximately 2 500 participants

Comett II
(University/industry cooperation and student traineeships)

Council Decision:	1988	
Numbers involved:	1990	4 400 students in transnational traineeships
	1994	8 700 students in transnational traineeships

In all, 75% of companies participating in Comett projects were SMEs.

PETRA II
(Young people undergoing initial vocational training and young workers)

Council Decision:	1991	
Numbers involved:	1992-94	23 566 young people undergoing initial vocational training
		13 053 young workers

Leonardo da Vinci

Established by the Council Decision of 6 December 1994, the Leonardo da Vinci programme provides for three types of action, which include the transnational placement and exchange programmes. The call for proposals issued in 1995 showed young people to be the group taking most advantage of the mobility projects.

Numbers involved:	1995	11 564	young people in initial vocational training
		4 826	young workers
		5 175	young people in higher education (students and graduates)
		2 300	trainers
Numbers involved:	1996 (forecast)	11 564	young people in initial vocational training
		4 826	young workers
		5 175	young people in higher education (students and graduates)
		2 369	trainers

Training and mobility of researchers

■ Second framework programme 1987-91:	2 300	grants in connection with specific RTD programmes
■ Third framework programme 1990-94:		
— human capital and mobility programme:	1 800	
	760	individual grants and institutional grants (corresponding to some 2 000 research trainees)
— other specific RTD programmes:	700	grants
■ Fourth framework programme 1994-98 Marie Curie grants:		
— programme for training and mobility of researchers:	1 300	grants already awarded
— other specific RTD programmes:	200	grants already awarded

Annex 2(b)

Achievements and description of Community programmes in the field of education and training

A. Education

After the 'joint study programmes' of 1976, which paved the way for Community cooperation, the Commission moved on to the Erasmus and Lingua programmes, based on the physical mobility of students and teaching staff. Mobility has since become an integral part of the European dimension of education and is therefore a prominent feature of the Community's current Socrates programme.

I. Erasmus (1987-94)

Council Decision of 15 June 1987, OJ L 166, 25.6.1987

Council Decision of 14 December 1989, OJ L 395, 30.12.1989

Council Decision of 28 October 1991, OJ L 322, 3.12.1991

Erasmus, the Community action programme for the mobility of university students and teaching staff, made it possible to promote cooperation between universities and thereby improve mutual recognition of qualifications and encourage greater mobility of students[1] and teaching staff within the European Community. In 1992, the programme was extended to cover the European Free Trade Association (EFTA) countries.

The programme was structured as follows:

Action 1: creation of a European network of university cooperation through the co-financing of inter-university cooperation programmes (ICPs) covering student mobility (3 to 12 months) and the organization of mobility schemes for teaching staff (from one week to one year).

Action 2: direct financial support for students by means of Erasmus grants intended to cover the cost of mobility (language courses, travel costs, differences in the cost of living).

Action 3: the ECTS pilot project (European Community course credit transfer system) was set up to facilitate recognition for academic purposes of periods of study completed abroad.

Phase 1:
Budget 1987-89: ECU 93.7 million

Phase 2:
Budget 1990-94: ECU 426.1 million

II. Lingua

Council Decision of 28 July 1989, OJ L 239, 16.8.1989

Lingua, the Community action programme to promote foreign-language competence in the European Community, included the following actions:

Action 1: assistance with in-service training courses for teachers of foreign languages and their trainers.

Action 2: assistance with foreign-language learning in universities, in particular in connection with initial training of foreign-language teachers.

Action 3: the promotion of foreign languages used at work and in economic life.

Action 4: assistance with the preparation of exchanges between young people who are undergoing specialized, vocational or technical education. These exchanges are organized through projects involving several establishments.

Budget 1990-94: ECU 153 893 million

III. Socrates (1995-99)

Decision of the European Parliament and of the Council of 14 March 1995, OJ L 87, 20.4.1995.

[1] For disabled students, Erasmus has paid particular attention to guidance, reception, physical accessibility, pedagogical and technical support services, and financing of the associated extra costs. (See the Erasmus guide to good practice). These aspects have also been included in the Socrates programme to ensure that disabled students are genuinely in a position to take advantage of the European mobility arrangements.

The Socrates action programme encourages cooperation between the Member States in school education (Comenius/school partnerships), higher education (Erasmus/promoting student mobility), the promotion of language skills (Lingua) and upgrading of teaching skills. The programme is intended for pupils, students, teaching staff, administrative staff of universities, trainers and the children of migrant workers, travellers and gypsies.

Budget 1995-99: ECU 850 million

IV. Youth for Europe (1988-99)

Council Decision of 16 June 1988, OJ L 158, 26.6.1988

Council Decision of 29 July 1991, OJ L 217, 6.8.1991

Decision of the European Parliament and of the Council of 14 March 1995, OJ L 87, 20.4.1995

The main objective of the Youth for Europe programme is, through increased cooperation between Member States, to contribute to young people's development by promoting exchanges and complementary activities outside formal education and vocational training structures. It therefore provides for exchanges for young people permanently resident in the European Community (or Iceland, Liechtenstein or Norway) and those from eligible third countries (activities may take place in Member States or third countries, including those of Central and Eastern Europe, the Commonwealth of Independent States, the Mediterranean, Central and Latin America and the ACP), young people's initiatives, voluntary service activities (which will now concentrate on the short term to avoid confusion with European Voluntary Service) and training for youth leaders.

Special attention is being paid to improving access to the programme for disadvantaged young people, i.e. those who have most difficulty in participating in Community, national, regional or local programmes for cultural, socioeconomic, physical or geographical reasons.

The programme is intended for youth leaders, people running youth organizations and trainers and researchers in the youth field.

Budget 1994: ECU 11 million

Budget 1995: ECU 24.4 million

Budget 1995-99: ECU 126 million

V. Tempus (1990-95)

The main objective of Tempus is to generate and promote international cooperation in higher education between the European Union and the countries of Central and Eastern Europe (CEEC), the newly independent States of the former Soviet Union and Mongolia.

Tempus participates in the restructuring of higher education systems and the establishment of national and institutional policy in the CEEC and newly independent States. It is a flexible programme adapting, on the one hand, to new needs such as ensuring the quality, training and management of university staff and project management, and, on the other, to the recent inclusion of countries such as Bosnia-Herzegovina, Macedonia and Turkmenistan.

Since 1990, around 12 000 projects and 500 institutions and university departments have received aid under Tempus. Tempus has also enabled around 15 000 courses and almost 6 000 teaching documents to be created or adapted.

Tempus/PHARE budget (1990-96): ECU 601.8 million

Tempus/TACIS budget (1993-95): ECU 52 million

B. Vocational training

I. PETRA (1988-94)

Council Decision of 1 December 1987, OJ L 346, 10.12.1987

Council Decision of 21 July 1991, OJ L 214, 2.8.1991

PETRA, the Community action programme for the vocational training of young people and their preparation for adult and working life, was intended to supplement and support the policies of the Member States aimed at raising the standard and quality of initial vocational training.

The programme was structured as follows:

Action 1a: placements for young people in initial vocational training.

For young people in initial vocational training, placements were intended to provide a European dimension to their training, enabling them to come into contact with new training methods, equipment and content and differing forms of training.

Action 1b: placements for workers, young job seekers and young people in vocational training in an enterprise or training institute in another Member State.

These placements were intended to provide a new vocational or training experience in order to acquire a clearer idea of the world of work.

Action 2: financial and technical assistance for transnational projects developed by training services, enterprises and the social partners in order to establish a European network of partnerships, making it possible to set up joint training modules for young people and for instructors.

Action 3: establishment of working links between national systems for vocational guidance and for the training of vocational guidance counsellors.

II. Comett (1987-94)

Council Decision of 24 July 1986, OJ L 222, 8.8.1996

Council Decision of 16 December 1988, OJ L 13, 17.1.1989

Comett, the cooperation programme between universities and enterprises for education and training for technology, was intended to improve training in advanced technology, develop highly qualified human resources and thereby enhance the competitiveness of European industry through joint university-enterprise training initiatives.

Action 1: European network.
The establishment of university-enterprise consortia was on a regional or sectoral basis. The structures were, above all, to establish a training consortium, a partnership between universities and industry.

Action 2: transnational exchanges and placements.
Introduction of a programme of student placements in enterprises, placements in advanced training for young graduates and exchanges of university staff and company employees.

Action 3: joint transnational continuing vocational training programmes.
The development of joint transnational training programmes, which could take the form of short training seminars or training materials, made use of various existing media and technologies.

Budget 1987-92: ECU 206.6 million

Budget 1990-94: ECU 230 million

III. Eurotecnet (1990-94)

Council Decision of 18 December 1989, OJ L 393, 30.12.1989

The objective of the Eurotecnet programme was to promote innovation in the fields of initial and continuing training to take account of current and future technological change and its impact on employment, work and the qualifications and skills needed. The programme comprised two types of (complementary) measures:

(a) launching and implementation by the Member States of a series of innovative projects intended to develop and improve vocational training policies and systems;

(b) European Commission support for these projects in the form of a European network linking them to promote exchange, knowledge transfer and coordination between projects.

IV. FORCE (1991-94)

Council Decision of 29 May 1990, OJ L 156, 21.6.1990

FORCE, the action programme for the development of continuing vocational training in the European Community, was intended to improve the availability and quality of continuing vocational training for workers in undertakings through innovation and the exchange of experience.

The programme comprised two complementary parts:

(a) a common framework of guidelines designed to support and complement the policies and measures adopted by the

Member States with a view to promoting the coherent development of vocational training between the Member States.

(b) a number of transnational measures implemented at Community level and designed to support and complement activities developed by and in the Member States.

Budget: ECU 83.4 million

V. Leonardo da Vinci (1995-99)

Council Decision of 6 December 1994, OJ L 340, 29.12.1994

Leonardo da Vinci, the Community action programme for vocational training, is intended to improve vocational training systems and arrangements in the European Community and improve vocational training measures by means such as cooperation between universities and undertakings. The programme also supports the development of linguistic skills, knowledge and the dissemination of innovation in the field of vocational training. The programme is aimed at any person, whether employed or not, and those responsible for initial and continuing vocational training.

Strand 1: support for the improvement of vocational training systems and arrangements in the Member States.

Transnational pilot projects cover cooperation for the improvement of initial and continuing vocational training. They also support vocational information and guidance, the promotion of equal opportunities for men and women and improvement of the quality of vocational training facilities for persons at a disadvantage on the labour market. Community support is granted for transnational placement programmes for young people in initial vocational training and for young workers as well as for transnational exchange programmes for instructors.

Strand 2: support for the improvement of vocational training measures including university/industry cooperation, concerning undertakings and workers.

Transnational pilot projects cover innovation in vocational training, with a view to taking into account technological change and its impact on work and the necessary qualifications and skills. Leonardo da Vinci also supports transnational cooperation in investment in continuing vocational training for workers, the transfer of technological innovation in the context of cooperation between undertakings and universities, and the promotion of equal opportunities in vocational training for men and women.

Community support is granted for transnational placement and exchange programmes between undertakings and universities and/or training bodies and for transnational exchanges of people in charge of training.

Strand 3: support for the development of language skills, knowledge and the dissemination of innovation in the field of vocational training.

This strand supports cooperation with a view to improving language skills through the design and implementation of transnational pilot projects and exchange programmes, the development of knowledge by means of surveys and analyses and through the exchange of comparable data in the field of vocational training. This strand also intends to disseminate innovation in the field of vocational training by means of multiplier-effect projects and transnational exchange programmes. The latter exchange programmes are implemented under the study visit programme administered by Cedefop.

Strand 4: support measures.

This strand concerns the coordination and monitoring of the programme through the establishment of a cooperation network between the participating countries and the implementation of information, monitoring and evaluation measures.

Budget 1995-99: ECU 620 million

Annex 3

The context of, and Community programmes relating to, training and mobility grants for researchers (Marie Curie grants)

A. Community measures for training through research and the mobility of researchers

1. Summary of the development of measures

The European Community has a long tradition of training and mobility for researchers which goes back to its origins, particularly within the context of Euratom. Activities relating to the training and mobility of researchers have developed in three phases, which are characterized by different political and administrative guidelines and by increasingly significant budget allocations.

☐ **The first phase** covers the period from the launching of Euratom RTD activities up until 1985. During this period, approximately 50 grants a year were awarded, funded under a specific budget heading. Research projects covered the thematic fields of Community RTD programmes.

☐ **The second phase** gave effect to the decision by the budgetary authority to 'sectoralize' training through research, and led to the implementation in 1986 of a single system applicable to all RTD programmes. This phase basically covers the period of the second framework programme (1987-91) which enabled the funding of approximately 2 300 grant holders, corresponding to a commitment of approximately ECU 100 million, allocated to different programmes. During this phase, the number of grants awarded reached approximately 460 per year.

☐ **The third phase** began with the implementation of the third framework programme in 1992. A specific programme, human capital and mobility (HCM) was adopted for the training and mobility of researchers. This programme enabled the funding of:

— approximately 1 800 individual grants;

— approximately 760 institutional grants (corresponding to financial support for approximately 2 000 researchers).

In addition to this programme, other specific RTD programmes, including the JRC, may allocate a percentage of their budget to training and mobility measures for researchers. Since 1992, these programmes have funded approximately 700 grants. In all, the third framework programme has made it possible to fund nearly 1 500 researchers per year for an average period of nearly two years.

During the last five years, Community activities relating to training and mobility for researchers have undergone rapid growth in terms of budget and of grants awarded. It is estimated that Community efforts in this field represent a significant proportion (approximately 10%) of the financial resources devoted to this end by the Member States.

2. Training and mobility activities for researchers under the fourth framework programme (1994-98)

All specific RTD programmes under the fourth framework programme provide for the funding of training through research and the mobility of researchers:

☐ either as an accompanying measure for programmes under the first, second and third activities,

☐ or as the main measure for the programme under the fourth activity (training and mobility for researchers — TMR).

This latter programme, which is the reference programme in this field, defines the operational procedures for the single system applicable to other RTD programmes, particularly under the first activity.[1]

[1] European Parliament and Council Decision concerning the fourth framework programme of the European Community activities in the field of research, technological development and demonstration (1994-98), OJ L 126/32, 18.5.1994.

3. The specific programme 'training and mobility for researchers' (TMR) (1994-98)[1]

Budget: ECU 792 million

Objectives:

☐ To develop human resources in Europe in terms of quality and quantity;

☐ To provide the Community with highly-qualified scientific staff;

☐ To encourage participation by young researchers (aged under 35) in the various activities under the programme.

The main activities are as follows:

Networks for training through research

Objectives:

☐ to enable European research bodies to exchange or recruit young post-doctoral researchers on high-level projects;

☐ to encourage cooperation between European laboratories.

Number of projects:

Previous programme (human capital and mobility): 700 networks funded, representing 6 000 researchers.

Current programme (training and mobility for researchers): the objective is 200 networks representing 1 200 researchers.

Research grants (Marie Curie grants)

Main objective: to enable young researchers (aged under 35), preferably at post-doctoral level, to undertake a research project in another Member State.

[1] Council Decision concerning the adoption of the programme on training and mobility of researchers for the period 1994-98, OJ L 361, 31.12.1994.

4. The interim system for the TMR programme

The interim system in force lays down the net and gross amounts of the grants received, so that grant holders benefit from terms and conditions comparable to those of national researchers at an equivalent level. These amounts were determined by the national delegations on the TMR programme committee. They differ significantly from one Member State to another according to the legal status of grant holders (particularly concerning the gross amount) and national policy relating to researchers' salaries (particularly concerning the net amount).

Depending on the national legislation of the host country and the level of the researchers, Community grant holders may be treated as one of the following:

☐ students;

☐ employees;

☐ self-employed.

The total Community grant paid to the host institution under a training through research contract includes:

(a) an amount allocated to the grant holder including:
   - ☐ a gross sum to cover subsistence expenses, including compulsory taxation and social security contributions;
   - ☐ a mobility allowance (ECU 400 per month for post-doctoral researchers and ECU 300 per month for doctoral candidates);
   - ☐ a single flat-rate allowance for travel expenses;

(b) a flat-rate contribution of ECU 830 per month to the host institution to cover research and administrative costs.

In some countries, mobility and travel allowances may be treated as income and subject to statutory contributions.

This system, adopted by the Commission on 31 October 1992, applies to all measures for training researchers through research and mobility as set out in the fourth framework programme.

Schedule on ECU per month

Country	CAT. 20 (pre-doctoral grant)		Status	CAT. 30 (post-doctoral grant)		Status
	Gross	Net (indicative)		Gross	Net (indicative)	
Austria	2 547	1 450	E	3 057	1 700	E
Belgium	3 797	1 400	E	4 947	1 700	E
Denmark	3 439	1 500	E	4 251	1 700	E
Finland	2 748	1 200	E	3 765	1 550	E
France	2 397	1 200	E	3 390	1 600	E
Germany	2 194	1 050	E	4 388	2 100	E
Greece	1 622	950	E	2 206	1 300	E
Iceland	2 158	1 200	E	3 150	1 800	E
Ireland	1 523	900	E	2 944	1 500	E
Italy	1 505	1 050	S	2 468	1 800	S
Luxembourg	2 781	1 800	E	3 951	2 300	E
Netherlands	2 584	1 500	E	3 336	1 800	E
Norway	2 540	1 450	E	3 245	1 750	E
Portugal	2 258	1 150	E	3 377	1 700	E
Spain	1 301	1 100	G	3 111	1 600	E
Sweden	1 236	1 200	G	1 905	1 900	G
Switzerland	2 956	1 900	E	4 714	2 900	E
United Kingdom	1 071	1 050	G	2 546	1 400	E

E = employee; G = grant holder, S = self-employed.

In the context of this system, the following definitions are used: Grant for training through research (Marie Curie grants): a flat-rate allocation raised from the Community research and technological development (RTD) programme budgets, paid to an institution under the terms of a contract setting out arrangements for the reception and training through research and mobility of a researcher (the grant holder).

Grant holder: the researcher accepted by the institution to carry out a project under the terms of an agreement concluded between participants, and for whose benefit a part of the grant is allocated.

Contract: the contract between the Commission and the institution covering the funding and execution of the project.

Associated country: a non-member country with a financial stake in a specific RTD programme under the terms of an agreement with the Community.

Host institution: an entity with legal personality with the particular objective of carrying out research, especially a university, research centre or undertaking, acting as host to the grant holder and meeting eligibility criteria.

Host laboratory: a research unit legally dependent on the institution, situated either within the establishment or within its State of establishment, another Member State or an associated country. The research unit will offer the necessary conditions for carrying out the project.

Participants: the grant holder and the institution taking part in the execution of the project.

Host country: the Member State or associated country in which the project is to be carried out.

Project: the RTD project for training the grant holder through research.

B. Report by the group of experts on Community research training and mobility grants

1. In October 1994 the European Commission set up a group of experts nominated by the Member States (CREST delegates, chaired by Dr H. Pfeiffert and comprising representatives of the Ministries of Research and Finance of the Member States) in order to define a single scheme in accordance with the declarations

made in the minutes of the Research Council of 1 December 1994. The report and recommendations of the group of experts were approved by the experts on 4 May 1995. Its conclusions are listed below.

2. Summary:

This report to the Commission was prepared by a group of experts (GE) composed of representatives of the Ministries of Finance and Science and Technology of the 15 Member States (MS) and Norway (Associated State — AS). The GE was set up to examine possibilities for a new fellowship scheme for use in the third activity training through research of the TMR programme.

The GE noted that the final scheme to implement this activity should be based on the following principle as defined by the Council, namely:

'a new single scheme or equivalent measures shall be adopted for implementation with a view to providing overall conditions for the fellow which are comparable as between themselves and with those for researchers at the same level in the host country'.

The GE met in plenary session four times. Information on national fiscal and social regimes was provided by the MS/AS representatives. Several possible schemes were discussed, which broadly divided into those which took account of existing national legislation and those requiring Community legislative initiative.

The GE concluded that:

☐ In general, differences in tax treatment between MS/AS were barriers to mobility, and posed problems necessitating Community action;

☐ the 'interim scheme', based on national legislation, is, after possible improvements, the most viable scheme for TMR at the moment.

However, it was acknowledged by most of the members of the GE that Community action could bring benefits both by providing a common regime guaranteeing comparability between EC fellows and by simplifying the administration of the fellowships activity. Such a scheme should be considered for the fifth framework programme.

The GE recommended the following:

☐ the final scheme for the TMR programme should take account of national fiscal and social security systems and be based on the 1995 'interim scheme':

☐ this 'interim scheme' should be reviewed in 1996, providing an opportunity to revise the 1995 financial provisions and to re-examine the management mechanism;

☐ the Commission should urgently make every attempt to propose a common solution to the problem of Community status for EC fellows which would be applicable from the start of the fifth framework programme. Strong opposition to a Community legislative initiative for equivalent legal EC status for EC fellows was expressed by Germany, Denmark and France;

☐ measures to improve the visibility and identity of the EC fellowship programme should be undertaken.

Annex 4

Reference documents

Residence

Council Directive 68/360 of 15 October 1968 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families, OJ L 257, 19.10.1968 (FR version).
English special edition: Series-I 68(II) p. 485.

Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community, OJ L 257, 19.10.1968 (FR version).
English special edition: Series-I 68(ii) p. 475.

Council Directive 73/148 of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services, OJ L 172, 28.6.1973.

Council Directive 90/364 of 28 June 1990 on the right of residence, OJ L 180, 13.7.1990.

Council Directive 93/96 of 29 October 1993 on the right of residence for students, OJ L 317, 18.12.1993.

Social security for migrant workers

Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons and their families moving within the Community, amended and updated by Regulation (EEC) No 2001/83 of 2 June 1983 (OJ L 230, 22.8.1983) and subsequently amended from 1985 to 1992 by 11 Council Regulations.

Council Regulation (EEC) No 574/72 of 21 March 1972 fixing the procedure for the application of social security schemes to employed persons and their families moving within the Community.

Annex 5

Joint opinions of the social partners

Joint opinion on the creation of a European occupational and geographical mobility area and improving the operation of the labour market in Europe, 13 February 1990:

'The social partners emphasize that the establishment of a Community mobility area constitutes a factor of dynamism in the European economy from the point of view of both its occupational and geographical dimensions, each of which has its own mechanisms and determining factors... In a European territory with no internal frontiers, a genuine European mobility area within which every worker has the right freely to choose his place of activity, many obstacles limiting the range of choices nonetheless remain. These obstacles are of the following types:

(a) regulatory: disparities relating to free movement and social protection systems (non-transferability of supplementary pensions, and certain other social benefits); absence of comparability and reciprocal recognition of qualifications; limitations as regards access to the public sector; disparity of tax systems;

(b) economic and cultural: costs connected with removal and resettlement; language difficulties.

As regards the measures to be promoted concerning aids to geographical and occupational mobility, the non-transferability of supplementary pensions, the non-comparability of occupational qualifications, the teaching of languages, ... the two sides of industry declare their readiness to contribute to the search for solutions in their respective fields of competence. They consider that all persons wishing to move must have at their disposal all practical information concerning mobility and living and working conditions in the host country.'

* * *

Joint opinion on education and training of 19 June 1990:

'Increased efforts should be made to encourage teachers and instructors to take part in exchange schemes and practical training, to familiarize teachers with the latest developments put into effect in firms, new technologies,...'

* * *

Joint opinion on ways of facilitating the broadest possible effective access to training opportunities of 20 December 1991:

'The success of the internal market will depend to a large extent on the skills of workers and the competitiveness of the firms which employ them. This means that it is essential for the Community workforce to have the broadest possible access to training opportunities in order to upgrade existing skills and acquire new ones.'

Annex 6

Obstacles encountered in the European Community and countries of the European Economic Area by recipients of Community grants coming from Central and East European countries

Ten Central and East European countries (Poland, Hungary, Czech Republic, Slovak Republic, Bulgaria, Romania, Latvia, Lithuania, Estonia and Slovenia) have signed, or are about to sign association agreements with the European Union. In the context of this pre-accession strategy, these States are going to be confronted with problems of the transposition of measures relating to the single market.

Between 1990 and 1996, about 23 000 students and 30 000 teachers from these countries have undertaken periods of mobility in European Union countries. This number is significant enough to justify the inclusion of obstacles to this mobility in this Green Paper. These issues are equally relevant to those countries which are progressively becoming involved in the Socrates and Leonardo da Vinci programmes.

I. Visas

There are a large number of instances that can be cited under this heading. Nationals of certain Central European countries are issued with visas allowing them to enter those countries, though they often encounter significant delays, thus jeopardizing the mobility action in question. The lack of an embassy in Community countries, to assist in the reception of mobility candidates, will sometimes lead them to go to a third country.

II. Social security

In the absence of bilateral agreements between some of the participating countries and Member States, it has been necessary, within a particular programme to resort to individual health insurance for the duration of the stay.

National contact points and relevant services in universities are generally able to give advice about the best value options in this area.

III. Problems with students' grants

The value of grants for students is generally considered to be adequate, but can be stretched to the limit in countries with a high cost of living (D, NL, UK).

IV. Recognition of periods of study

Too often, students coming from Central European countries do not receive complete recognition of periods of study and are often obliged to prolong their studies in their home country in order to be able to obtain their qualification. This is a regrettable situation. It is true that the problem is solved when mobility takes place in the fifth year (given over to the writing of a dissertation or thesis), though this solution is not satisfactory, as mobility should be applicable to all levels of study.

In the first place, institutions sending students should be more flexibile in the organization of their courses. After that, the systematic introduction of the ECTS should give students a more concrete guarantee of recognition.

V. Language skills

Linguistic problems do not appear to have caused major problems in the organization of mobility actions from Central European countries to the European Community, as foreign languages are widely spoken among the student population of these countries and constitute one of the criteria for awarding grants to students and teachers. However two problems should be highlighted:

☐ the low number of Central European students who speak foreign languages other than English, French or German makes mobility towards other Member States difficult;

□ on the other hand, development of the hitherto limited character of Tempus within the Socrates programme is hindered by linguistic barriers for students travelling from the European Community to Central European countries.

Annex 7

Glossary

Cedefop	— European Centre for the Development of Vocational Training
EC	— European Community
ECTS	— European Credit Transfer System
EEA	— European Economic Area
EU	— European Union
EURES	— European Employment Service
IRDAC	— Industrial Research and Development Advisory Committee
NARIC	— Network of National Academic Recognition Information Centres
OECD	— Organization for Economic Cooperation and Development
RTD	— Research and Technological Development
TMR	— Training and mobility for researchers programme

European Commission

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