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(Acts whose publication is not obligatory)

COUNCIL

**RECOMMENDATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 10 July 2001**

**on mobility within the Community for students, persons undergoing training, volunteers, teachers
and trainers**

(2001/613/EC)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 149(4) and Article 150(4) thereof,

Having regard to the proposal from the Commission,

Having regard to the opinion of the Economic and Social Committee ⁽¹⁾,

Having regard to the opinion of the Committee of the Regions ⁽²⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽³⁾,

Whereas:

- (1) The transnational mobility of people contributes to enriching different national cultures and enables those concerned to enhance their own cultural and professional knowledge and European society as a whole to benefit from those effects. Such experience is proving to be increasingly necessary given the current limited employment prospects and an employment market which requires more flexibility and a greater ability to adapt to change.
- (2) Mobility for students, persons undergoing training, volunteers, teachers and trainers – whether in the context of a Community programme or not – is an integral part of freedom of movement for people. This is one of the fundamental freedoms protected by the Treaty. The right to move and reside freely is moreover recognised for any citizen of the Union under the conditions provided for by Article 18 of the Treaty.
- (3) Council Directive 68/360/EEC of 15 October 1968 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families ⁽⁴⁾, recognises the right of residence for workers and their families. Council Directive 93/96/EEC of 29 October 1993 on the right of residence for students ⁽⁵⁾ obliges Member States to recognise the right of residence for any student who is a national of another Member State and who has been accepted on a vocational training course, and for the student's spouse and their dependent children who do not enjoy this right under other provisions of Community law. Furthermore, Council Directive 90/364/EEC of 28 June 1990 on the right of residence ⁽⁶⁾ recognises the right of residence more generally, in certain conditions, for citizens of the Union.

⁽¹⁾ OJ C 168, 16.6.2000, p. 25.

⁽²⁾ OJ C 317, 6.11.2000, p. 53.

⁽³⁾ Opinion of the European Parliament of 5 October 2001 (not yet published in the Official Journal), Council Common Position of 19 January 2001 (OJ C 70, 2.3.2001, p. 1) and Decision of the European Parliament of 15 May 2001 (not yet published in the Official Journal). Council Decision of 26 June 2001.

⁽⁴⁾ OJ L 257, 19.10.1968, p. 13. Directive as last amended by the 1994 Act of Accession.

⁽⁵⁾ OJ L 317, 18.12.1993, p. 59.

⁽⁶⁾ OJ L 180, 13.7.1990, p. 26.

- (4) Mobility for students, persons undergoing training, volunteers, teachers and trainers is also an integral part of the principle of non-discrimination on grounds of nationality as provided for in Article 12 of the Treaty. That principle applies to the areas covered by the Treaty, as has been held in the case law of the Court of Justice. It therefore applies to the fields of education, training and youth.
- (5) The Council and the Representatives of the Governments of the Member States, meeting within the Council, adopted on 14 December 2000 a resolution concerning an Action Plan for mobility ⁽¹⁾, which was also approved at the Nice European Council.
- (6) Council Regulation (EEC) No 1408/71 of 14 June 1971 on the application of social security schemes to employed persons, to self-employed persons and to members of their families moving within the Community ⁽²⁾ has in part become applicable to students under Council Regulation (EC) No 307/1999 ⁽³⁾.
- (7) Council Regulation (EEC) No 1612/68 of 15 October 1968 on freedom of movement for workers within the Community ⁽⁴⁾ provides for equality of treatment as regards access to education and vocational training for workers and their families who have exercised their right to freedom of movement.
- (8) The recognition of professional qualifications for entering and exercising regulated professions, such as teaching, is governed in the Community by the general system established by Council Directives 89/48/EEC ⁽⁵⁾ and 92/51/EEC ⁽⁶⁾.
- (9) Council Resolution of 3 December 1992 on the transparency of qualifications ⁽⁷⁾, and Council Resolution of 15 July 1996 on the transparency of vocational training certificates ⁽⁸⁾, called on the Commission and the Member States to take steps to improve mutual understanding of the qualifications systems of the various Member States and of the qualifications themselves, by making them clearer and more readable, and therefore more transparent. A European Forum in the field of transparency of vocational qualifications has been created to make concrete proposals for implementing those Resolutions. The first proposals were submitted in February 2000.
- (10) Involvement in transnational voluntary activities helps to shape young people's future careers, develop their social skills and smooth their integration into society, thereby fostering the development of an active citizenship. In addition, since voluntary work is an activity which specifically involves solidarity, is non-profit-making and unpaid, it should not be treated, under national legislation, as employment.
- (11) Furthermore, the Council has invited the Commission to study the feasibility of introducing, on a voluntary basis, a European administrative annex to the diploma in order to establish synergies between academic recognition and professional recognition of qualifications ⁽⁹⁾. The work undertaken along those lines by the Commission together with the Council of Europe and UNESCO has been completed and will soon be followed up with a public awareness campaign.
- (12) Despite the provisions quoted above, the Green Paper on 'Education, training, research: the obstacles to transnational mobility', adopted by the Commission in October 1996, noted the existence of obstacles to mobility. The diversity of the status in the Member States of students, persons undergoing training, teachers and trainers, particularly with regard to provisions on the right of residence, employment law, social security and taxation, is an obstacle to mobility. Similarly, not recognising the specific nature of voluntary work is a hindrance to the mobility of volunteers.
- (13) Persons wishing to undertake mobility in the areas of education, training and youth, particularly students, persons in training, volunteers and teachers and trainers, are often discouraged by the many obstacles they encounter, as evidenced by the petitions they address to the European Parliament. In this context, the Community's action should cater for the aspirations of its citizens in terms of mobility in education and training.

⁽¹⁾ OJ C 371, 23.12.2000, p. 4.

⁽²⁾ OJ L 149, 5.7.1971, p. 2. Regulation as last amended by Regulation (EC) No 1399/1999 (OJ L 164, 30.6.1999, p. 1).

⁽³⁾ OJ L 38, 12.2.1999, p. 1.

⁽⁴⁾ OJ L 19, 24.1.1989, p. 16.

⁽⁵⁾ OJ L 19, 24.1.1989, p. 16.

⁽⁶⁾ OJ L 209, 24.7.1992, p. 25. Directive as last amended by Commission Directive 2000/5/EC (OJ L 54, 26.2.2000, p. 42).

⁽⁷⁾ OJ C 49, 19.2.1993, p. 1.

⁽⁸⁾ OJ C 224, 1.8.1996, p. 7.

⁽⁹⁾ OJ C 195, 6.7.1996, p. 6.

- (14) In the context of Article 293 of the Treaty which provides in particular for the Member States, so far as is necessary, to enter into negotiations with each other with a view to securing for the benefit of their nationals the abolition of double taxation within the Community, it should be noted that this network of bilateral agreements is still not complete, with the result that obstacles to mobility still remain.
- (15) The Green Paper proposed a series of actions to eliminate those obstacles. They have been largely approved in the context of the debates which have been organised on this subject in all Member States. It is therefore necessary to remove those obstacles to mobility. Special attention should be paid to the needs of the most disadvantaged and most vulnerable groups, such as the disabled.
- (16) The European Council in Lisbon on 23 and 24 March 2000 declared its support for mobility as an essential feature of the new knowledge society and in promoting lifelong education. It called on the Member States, the Council and the Commission to:
- take the necessary steps within their areas of competence to foster the mobility of students, teachers and training staff, in particular by removing obstacles, through greater transparency in the recognition of qualifications and periods of study and training, and through specific measures for removing obstacles to the mobility of teachers by 2002;
 - develop a common European format for curricula vitae to encourage mobility by helping to improve assessment, by education and training establishments and employers, of knowledge acquired.

The European Council also called on the Council and the Commission to create a European database on jobs and learning opportunities to facilitate mobility, while improving employability and reducing the skills shortage.

- (17) Mobility fosters the discovery of new cultural and social environments. There is therefore a need to facilitate the cultural preparation and initiation of the persons concerned into living, learning and working practices in different European countries, as well as their return under appropriate conditions, namely by training relevant contact persons of the target groups (university teachers and administrators, vocational teachers and trainers, teachers and head teachers, staff of sending and hosting organisations) interculturally, and to encourage educational and training establishments to appoint staff to coordinate and facilitate their intercultural training.
- (18) This Recommendation conforms to the principle of subsidiarity referred to in Article 5 of the Treaty insofar as Community action, complementing action by the Member States, is necessary for the obstacles to mobility to be removed. It is important to that end to emphasise that mobility requires Community intervention because by its nature it entails transnational aspects. This Recommendation also conforms to the principle of proportionality referred to in that Article because it does not go beyond what is necessary to achieve the objectives pursued.
- (19) This Recommendation seeks to encourage cooperation between Member States on the subject of mobility by supporting their activities and fully respecting their responsibilities within the framework of their national legislation in particular as regards the implementation of the invitations which it contains.
- (20) This Recommendation is aimed at Member State nationals who would like to experience living in a Member State other than the home Member State. Nevertheless, it should also be noted that the European Council stated at Tampere on 15 and 16 October 1999 that the European Union must ensure 'equal treatment for third country nationals who are legally resident in a Member State' and that a more vigorous integration policy should aim at granting them rights and imposing on them obligations comparable to those citizens of the Union. Third country nationals who are legally resident in a Member State should be granted a number of rights in that Member State which come as close as possible to those enjoyed by the citizens of the Union.

- (21) Community education, training and youth programmes are open to the countries of the European Free Trade Association participating in the European Economic Area and the associated countries of Central and Eastern Europe (CCEE), in accordance with the conditions set out in the Europe Agreements, in their additional protocols and in the decisions of the relevant Association Councils, and to Cyprus, Malta and Turkey. This Recommendation should accordingly be brought to the attention of these countries and mobility should be facilitated for any nationals from those countries who pursue studies or training, take part in voluntary activities, or provide teaching or training within the European Union under a Community programme.
- (22) The Community programmes, including those mentioned above, have enabled the development at Community level of good practice and of important tools which aim to facilitate mobility for students, persons undergoing training, volunteers, teachers and trainers. The widest possible application of those good practices and tools should be envisaged,

I. HEREBY RECOMMEND that Member States:

1. Measures which concern all categories of people covered by this Recommendation:

- (a) take the measures they consider appropriate to remove the legal and administrative obstacles to the mobility of persons undertaking a course of studies, a period of training or a voluntary activity, or providing teaching or training in another Member State, particularly in the context of Community programmes (including Socrates, Leonardo da Vinci and Youth) but also outside them; to cooperate with the Commission in the promotion of the exchange of experience and good practice relating to the transnational mobility of the persons concerned and the various aspects of this Recommendation;
- (b) take the measures they consider appropriate to reduce linguistic and cultural obstacles, for example:
- to encourage the learning of at least two Community languages, and to make young people aware, in particular, of Union citizenship and respect for cultural and social differences;
 - to encourage linguistic and cultural preparation before any mobility measure;
- (c) promote the development of various arrangements for financial support for mobility (grants, scholarships, subsidies, loans, etc.) and in particular:
- facilitate the portability of scholarships and national aids;
 - take the measures they consider appropriate so that the procedures for transferring and paying grants and other assistance abroad are facilitated and simplified;
- (d) take the measures they consider appropriate to promote a European qualification area, i.e. to enable those concerned to report on the qualifications obtained and the experience acquired in the host State to the relevant authorities, particularly the academic and professional authorities in their home State; that might be carried out by promoting the objectives of the 1992 and 1996 Resolutions on the transparency of qualifications and training certificates, by encouraging the use of the Europass Training document as provided for in Council Decision 1999/51/EC of 21 December 1998 on the promotion of European pathways in work-linked training, including apprenticeship ⁽¹⁾ and of the European diploma supplement, and by implementing the conclusions of the Lisbon European Council of 23 and 24 March 2000, in particular by establishing a European framework of basic skills and a common European format for curricula vitae;
- (e) consider to what extent the persons covered by this Recommendation can benefit from the arrangements for support available to the same categories of persons in the host State, such as for example reductions for public transport, financial assistance with accommodation and meals, as well as access to libraries and museums, with the exception of benefits available under social security. In this context discussions on introducing a 'mobility card' should be initiated;

⁽¹⁾ OJ L 17, 22.1.1999, p. 45.

- (f) help to enable people interested in mobility to have easy access to any useful information concerning opportunities for studying, training, volunteering, or providing teaching or training in the other Member States, by extending the work of the National Academic Recognition Information Centres, the European Network of Information Centres and Europe Direct, in particular by:
- improving the dissemination of information regarding the possibilities and conditions (especially the arrangements for financial support) concerning transnational mobility;
 - ensuring that their citizens are aware of their entitlements under Regulation (EEC) No 1408/71 and under existing reciprocal arrangements concerning social security cover while they are temporarily resident in another Member State;
 - encouraging the training of, and regular provision of information to, those at all administrative levels regarding the Community *acquis* on mobility;
 - taking part in the work on the creation of a database on jobs and learning opportunities, in the context of decentralised procedures and taking full advantage of existing structures and mechanisms such as the European Employment Services (EURES);
- (g) take the measures they consider appropriate so that the categories of persons concerned by this Recommendation are not subjected to discrimination in their home Member State in relation to the same categories of persons who do not undertake a transnational mobility experience;
- (h) take measures they consider appropriate to remove obstacles to the mobility of third country nationals who, when participating in Community programmes, including Socrates, Leonardo da Vinci and Youth, pursue study or training, do voluntary work or provide teaching or training.

2. Measures which specifically concern students:

- (a) facilitate the recognition, for academic purposes, in the home Member State of the period of study undertaken in the host Member State; for this purpose the use of the European Credit Transfer System (ECTS) throughout the Community should be encouraged which, based on the transparency of curricula, guarantees the recognition of academic experience as a result of a contract drawn up in advance between the student and the home and host establishments;
- (b) take, furthermore, appropriate measures so that the decisions of the authorities responsible for academic recognition are adopted within reasonable timescales, are justified and can be subject to administrative and/or legal appeal;
- (c) encourage educational establishments to issue a European supplement as an administrative annex to the diploma, the aim of which is to describe the studies undertaken in order to facilitate their recognition;
- (d) encourage students and pupils to complete a part of their studies in another Member State and to facilitate the recognition of periods of study completed in this context in another Member State;
- (e) take or to encourage appropriate measures to enable students more easily to prove that they have health cover or insurance in order to obtain their residence permits;
- (f) facilitate the integration (academic guidance, educational psychology, etc.), of students undergoing mobility into the education system of the host Member State, as well as their reintegration into the education system of the home Member State, following the example of the Socrates programme.

3. Measures which specifically concern persons undergoing training:

- (a) promote the consideration in the home Member State of attested training undertaken in the host Member State; to this end, the use of the 'Europass Training' document, amongst others, should be encouraged;

- (b) encourage the use of more transparent models for vocational training certificates, as provided for in the 1996 Resolution on the transparency of vocational training certificates and in the proposals submitted by the European Forum on the transparency of vocational qualifications. These proposals aim in particular at:
- issuing, with official national certificates, a translation of such certificates and/or a European certificate supplement;
 - designating national reference points responsible for providing information on national vocational qualifications;
- (c) take the measures they consider appropriate, in accordance with Community law and in the framework of their national law, so that persons travelling to another Member State for the purpose of undergoing recognised training there are not subject, because of their mobility to discrimination with respect to relevant social protection, including the administrative formalities for this protection, such as in the area of health care and other relevant areas;
- (d) take the measures they consider appropriate from the administrative point of view to make it easier to obtain proof that a person undergoing training in another Member State has sufficient resources, as provided for in Directive 90/364/EEC.
4. Measures which specifically concern volunteers:
- (a) ensure that the specific nature of voluntary activity is taken into account in national legal and administrative measures;
- (b) promote the consideration, in the home Member State, of voluntary activity undertaken in the host Member State by means of a certificate that persons have taken part in voluntary activity projects, describing the experience gained, within the framework of the objective of bringing about a common European format for curricula vitae;
- (c) take the measures they consider appropriate, in accordance with Community law and in the framework of their national law, so that volunteers and their families are not discriminated against because of their mobility with respect to relevant social protection, such as health care and social welfare policies;
- (d) take the measures they consider appropriate, under national legislation, to ensure that recognised voluntary activities are not treated as employment.
5. Measures which specifically concern teachers and trainers:
- (a) take into account as far as possible the problems facing teachers and trainers on short-term mobility covered by the legislation of several Member States and encourage cooperation in this respect;
- (b) take the measures they consider appropriate to facilitate teachers' and trainers' mobility to other Member States, for example:
- by making arrangements for the temporary replacement of teachers and trainers on European mobility;
 - by ensuring that arrangements are made to facilitate their integration in the host establishment;
 - by considering the introduction, in accordance with procedures established at national level, of European training periods to make mobility easier.
- (c) encourage the introduction of a European dimension into the professional environments of teachers and trainers, in particular:
- in the content of the programmes for the training of teachers and trainers;
 - by encouraging contacts between establishments for the training of teachers and trainers in different Member States, including exchanges and courses in other Member States;
- (d) promote consideration of European mobility experience as a component of the careers of teachers and trainers.

II. HEREBY INVITE Member States:

- to draw up and forward to the Commission, within two years of the adoption of this Recommendation and thereafter every two years, an evaluative report on the action they have taken in response to the recommendations set out above and in the Action Plan for mobility.

III. HEREBY INVITE the Commission:

- (a) to set up a group of experts who represent all Member States and comprise the officials responsible for coordinating, at national level, the implementation of these recommendations and of the measures in the Action Plan for mobility, in order to enable the exchange of information and experience on these;
- (b) to continue to cooperate with the Member States and the social partners, within *inter alia* the European Forum on the transparency of professional qualifications, so that useful information and experience concerning the implementation of the measures advocated in this Recommendation may be exchanged;
- (c) to submit to the European Parliament, the Council, the Economic and Social Committee and the Committee of the Regions, at the latest two years and six months after the adoption of this Recommendation and thereafter every two years, an analytical summary of the reports from the Member States referred to in II above; and to include in such a summary an indication of the areas of activity in which Community action may be needed to complement measures which have been taken by Member States;
- (d) to study the procedures for introducing a pass for schoolchildren/students/trainees/volunteers within the Community giving holders entitlement to different concessions during their period of mobility;
- (e) to draw up proposals for improved cooperation in promoting the transparency of qualifications, in particular for making the EUROPASS available to third countries participating in Community programmes, and with regard to certificates of completion of vocational training;
- (f) to study appropriate procedures for the adoption of measures, in cooperation with the Member States, for the exchange of information on opportunities for education, training or voluntary work, or providing teaching or training in the other Member States.

Done at Brussels, 10 July 2001.

For the European Parliament

The President

N. FONTAINE

For the Council

The President

D. REYNDEERS

ANNEX

CATEGORIES OF PEOPLE COVERED BY THIS RECOMMENDATION

The people mentioned below are covered by this Recommendation only if they move from one State (the home State) to another (the host State) for a temporary stay and return to the home State at the end of their stay. Such persons keep their legal residence, as defined by the law of each Member State, in the home State.

I. Students

People who study in educational establishments such as those covered by the third indent of Article 149(2) of the Treaty.

II. Persons undergoing training

People who, regardless of their age and professional conditions, attend vocational training at any level including higher education.

III. Volunteers

People, especially young people, who, in the context of the 'European Voluntary Service' section of the Community 'Youth' programme or of transnational voluntary projects similar to the 'European Voluntary Service', undertake an activity which specifically involves solidarity, is nonprofit making and unpaid and helps them acquire social and personal skills.

IV. Teachers

People who provide teaching in educational establishments such as those covered by the third indent of Article 149(2) of the Treaty.

V. Trainers

People who provide training in educational or vocational training centres such as those referred to in the fourth indent of Article 150(2) of the Treaty and/or in training centres or undertakings.
