Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision 2000/0021(COD) procedure) Recommendation	Procedure completed
Free movement of persons: mobility for students, persons undergoing training, young volunteers, teachers, trainers	
Subject 2.20 Free movement of persons 4.40.06 Teachers, trainers, pupils, students	

uropean Parliament	Committee responsible	Rapporteur	Appointed
•	CULT Culture, Youth, Education, Media and Sport		22/02/2000
		PSE EVANS Robert	
	Former committee responsible		
	CULT Culture, Youth, Education, Media and Sport		22/02/2000
		PSE EVANS Robert	
	Former committee for opinion		
	BUDG Budgets	The committee decided not to give an opinion.	
	LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	The committee decided not to give an opinion.	
	EMPL Employment and Social Affairs		24/02/2000
		PPE-DE MANTOVANI Mario	
	PETI Petitions		21/06/2000
		PPE-DE FOURTOU Janelly	
2	Council configuration	Mosting	Data
Council of the European Union		Meeting	Date 19/12/2002
	Justice and Home Affairs (JHA) Research	2477 2363	26/06/2001
	Education, Youth, Culture and Sport	2349	28/05/2001
	Economic and Financial Affairs ECOFIN	2326	19/01/2001
	Education, Youth, Culture and Sport	2303	09/11/2000
	Education, Youth, Culture and Sport	2270	08/06/2000
uropean Commission	Commission DG	Commissioner	
	Education, Youth, Sport and Culture		

21/01/2000	Legislative proposal published	COM(1999)0708	Summary
02/02/2000	Committee referral announced in Parliament, 1st reading		
08/06/2000	Debate in Council	2270	
13/09/2000	Vote in committee, 1st reading		Summary
13/09/2000	Committee report tabled for plenary, 1st reading	<u>A5-0255/2000</u>	
04/10/2000	Debate in Parliament	F	
05/10/2000	Decision by Parliament, 1st reading	T5-0435/2000	Summary
09/11/2000	Modified legislative proposal published	COM(2000)0723	Summary
19/01/2001	Council position published	13258/1/2000	Summary
31/01/2001	Committee referral announced in Parliament, 2nd reading		
22/03/2001	Vote in committee, 2nd reading		Summary
22/03/2001	Committee recommendation tabled for plenary, 2nd reading	<u>A5-0115/2001</u>	
14/05/2001	Debate in Parliament	F	
15/05/2001	Decision by Parliament, 2nd reading	T5-0244/2001	Summary
26/06/2001	Act approved by Council, 2nd reading		
10/07/2001	End of procedure in Parliament		
12/07/2001	Final act signed		
09/08/2001	Final act published in Official Journal		
19/12/2002	Resolution/conclusions adopted by Council		Summary

Technical information	
Procedure reference	2000/0021(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Recommendation
Legal basis	EC Treaty (after Amsterdam) EC 150-p4; EC Treaty (after Amsterdam) EC 149-p4; Rules of Procedure EP 050
Stage reached in procedure	Procedure completed
Committee dossier	CULT/5/13835

Documentation gateway				
Legislative proposal	COM(1999)0708	21/01/2000	EC	Summary
Economic and Social Committee: opinion, report	<u>CES0475/2000</u> OJ C 168 16.06.2000, p. 0025	27/04/2000	ESC	

Committee of the Regions: opinion	CDR0020/2000 OJ C 317 06.11.2000, p. 0053	14/06/2000	CofR	
Committee report tabled for plenary, 1st reading/single reading	<u>A5-0255/2000</u> OJ C 178 22.06.2001, p. 0008	13/09/2000	EP	
Text adopted by Parliament, 1st reading/single reading	<u>T5-0435/2000</u> OJ C 178 22.06.2001, p. <u>0182-0221</u>	05/10/2000	EP	Summary
Modified legislative proposal	COM(2000)0723	09/11/2000	EC	Summary
Council position	<u>13258/1/2000</u> OJ C 070 02.02.2001, p. 0001	19/01/2001	CSL	Summary
Commission communication on Council's position	SEC(2001)0130	29/01/2001	EC	Summary
Committee recommendation tabled for plenary, 2nd reading	<u>A5-0115/2001</u>	22/03/2001	EP	
Text adopted by Parliament, 2nd reading	T5-0244/2001 OJ C 034 07.02.2002, p. 0024-0107 E	15/05/2001	EP	Summary
Commission opinion on Parliament's position at 2nd reading	COM(2001)0358	11/07/2001	EC	Summary
Document attached to the procedure	<u>N5-0023/2002</u> OJ C 050 23.02.2002, p. <u>0003-0005</u>	14/02/2002	CSL	Summary
Follow-up document	COM(2004)0021	23/01/2004	EC	Summary

Additional information

European Commission EUR-Lex

Final act

EP/Council Recommendation 2001/613 OJ L 215 09.08.2001, p. 0030-0037 Summary

Free movement of persons: mobility for students, persons undergoing training, young volunteers, teachers, trainers

PURPOSE: Proposal for a Recommendation on freedom of movement for students, trainees, young volunteers, teachers and trainers. CONTENT: Freedom of movement is one of the fundamental principles of the EC Treaty. There is, however, some evidence that mobility for the groups of people who are the subject of this measure is difficult, and there are significant obstacles despite the acquis communautaire. The objectives of the proposal are: - to get Member States to abolish these obstacles - to get Member States to adopt measures so that third country nationals who are legally and permanently resident in the Community, benefit from the provisions of the acquis relating to free movement and equality of treatment; to get Member States to treat third country nationals in the same way as Community nationals when they fall into the above groups. - to call on Member States to promote transnational mobility by introducing strategies which apply to these groups. - to contribute to the dissemination of good practice, as developed in particular in the context of Socrates, Leonardo da Vinci and European Voluntary Service Community programmes. - Member States are invited not to penalise people through reducing or withholding social security rights. The proposal gives the reasons for the instrument chosen, and recommends specific measures for each category of persons covered by the proposal.?

Free movement of persons: mobility for students, persons undergoing training, young volunteers, teachers, trainers

The committee adopted the report (codecision procedure, first reading) by Robert EVANS (PES, UK) amending the proposal for a recommendation on mobility within the Community for students, persons undergoing training, young volunteers, teachers and trainers. While considering the proposal a step in the right direction, the committee regretted a number of deficiencies and omissions. It did not understand, for example, why researchers (a category covered in the 1996 Green Paper) were not included in the recommendation. It also stressed the

need to remove legal, administrative, language, cultural and financial barriers to mobility and suggested specific measures to achieve this, e.g. promoting the learning of at least two Community languages, encouraging linguistic and cultural preparation prior to any mobility scheme, promoting wider use of various means of financial assistance and fostering a European qualifications area, including a common European format for Cvs. The committee believed that participants in such schemes must be made more aware of their social security and health cover entitlements when temporarily residing in another Member State and that fees currently charged for the renewal of residence permits should be regarded as a tax on mobility and hence an obstacle to it. Voluntary work should be considered as an activity in its own right, distinct from waged labour, and due account should be taken of this distinction. In addition, experience gained by teachers and trainers in another Member State should be taken into account for promotion purposes. Against the background of enlargement the candidate countries should be involved as early as possible in order to encourage their nationals to take part in mobility schemes. Efforts should therefore be made by Member States to remove obstacles to the mobility of third country nationals under Community programmes. Finally, the report called on the Commission to play an active role in promoting mutual recognition of qualifications and in disseminating information about mobility. More should be done, it said, to improve awareness and understanding of cultural concepts and differences.?

Free movement of persons: mobility for students, persons undergoing training, young volunteers, teachers, trainers

The European Parliament adopted the report by Robert EVANS (PES, UK) on mobility for students within the Community. The proposal is amended to include research workers. Language and cultural barriers need to be reduced, and certain financial constraints should be abolished. The amended proposal makes provision for the reduction of bureaucratic obstacles to receiving rights of residence in the host country. Amendments are also introduced on the mutual recognition of qualifications, and the importance of involving the candidate countries.?

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A number of amendments have been adopted without change by the Commission. These relate in particular to: - the transparency of qualifications; - clarification of the nature of the transnational voluntary activities; - specification of the measures designed to reduce the language and cultural obstacles; - details concerning students and people in training under mobility arrangements; - unemployment benfits maintained during the training period; - waiting period for unemployment benefits; - tax and social security system for teachers; - definition of trainers. These amendments are in line with the Commission's own approach in the matters concerned. Secondly, the amendments concerning the promotion of mobility, raising awareness in applicant countries, abolition fees for issuing or renewing residence permits, proof of sufficient resources and the principle of non-discrimination have been accepted subject to reformulation. Lastly, the Commission has accepted in part the following amendments: - acceptance of the reference to the right of residence as an obstacle to mobility; - rejection to the reference to the disabled; - rejection of the reference to research workers; - acceptance of the explicit reference to the most disadvantaged and the most vulnerable groups; - acceptance of the reference to legal and administrative obstacles; - acceptance of an approach to third countries targeting the nationals of non-EU countries taking part in a Community programme. The amendments referring to research workers cannot be accepted on account of the legal basis. The needs of this specific group will be the subject of a specific document as part of the follow-up to the Communication on the "European research area". Moreover, the amendment calling on the Commission and the Member States to ensure the recommendation is followed up has been rejected following a decision by the Commission on 4 October on the resources needed to implement new responsibilities.?

Free movement of persons: mobility for students, persons undergoing training, young volunteers, teachers, trainers

In its common position the Council approved the essence of the Commission proposal while introducing amendments which it thought necessary, having regard in particular to the legal basis. The amendments made by the Council to the Commission proposal relate in particular to: 1) measures within the area of education and training policy: the Council has fully taken into account the conclusions of the European Council in Lisbon with regard to mobility and has also referred specific proposal under the common measures and those dealing with volunteers; 2) measures concerning all categories: this section has been restructured to bring out the need for linguistic and cultural initiation and preparation. Greater clarity and emphasis has also been brought to bear on questions concerning qualifications, information, and the range of benefits (other than social security), that might be available to persons in mibility, as well as the arrangement of financial support for mobility; 3) measures concerning students: the principal modifications that the Council has seen fit to introduce concern arrangements for academic recognition and that acknowledgement of the role that mobility can play at pre-university level; 4) measures concerning persons undergoing training: the Council considered that the text should distinguish more clearly between the use of, inter alia, the "Europass-Training" document, and the recent proposals of the European Forum on the transparency of professional qualifications; 5) measures concerning volunteers: the Council was in view that while the European Community Youth Programme is aimed in principle at persons aged between 15 and 25 years, the reference to "young" volunteers throughout the text was too restrictive; 6) measures concerning teachers and trainers: the Council has sought to clarify those measures considered appropriate with regard to the organisational consequences of teachers' and trainers' mobility for the host and sending countries. Other areas in which the Council has made amendments include measures falling outside the area of education and training policy (residence permits, third country nationals, fiscality, social protection). The Council adopted in full, in part or in essence 37 of those of the 56 amendments tabled by the Parliament which were also adopted by the Commission. In addition, the Council adopted in full, in part or in essence, with the required unanimity, 3 of the 14 amendments proposed by the Parliament but rejected by the Commission. In conclusion, the Council considers that its common position constitutes a balanced text, which will serve as a major impetus for Member States to eliminate existing obstacles to mobility in the field of education and training, as well as fostering appropriate cooperation and initiatives at European level.?

Free movement of persons: mobility for students, persons undergoing training, young volunteers,

teachers, trainers

The Commission notes with satisfaction that the common position of the Council is broadly in line with its proposal and that the Council supports the central objective of the proposal, which is to ask the Member States to establish the necessary conditions for the development of mobility in the European Community for the purposes of education and trainig. The text constitutes an improvement over the Commission's initial proposal on several points, including access to mobility for everyone, better recognition of the skills or knowledge acquired during periods of mobility, and broader and better targeted information on mobility opportunities. The Commission notes with satisfaction that the Council respects the general structures of the legal provision as a whole. Moreover, the Commission notes the constructive amendments introduced by the Council with a view to improving clarity or accuracy, particularly with regard to the situation of third-country nationals. However, on a number of specific points, especially social security matters, the Commission regrets that the Council's text is too abstruse. Finally, in conjuction with the Council, the Commission has drawn up a statement designed to meet the Council's concerns regarding social security and taxation measures, recognising the facts that these remain the responsibility of the Member States. On the basis of the common position, the legislation procedure can now move ahead constructively with the second reading at the European Parliament. The Commission fully supports the Council's position, subject to reservations on the aspects referred to above. The Commission considers that there is a solid enough basis for a final decision to be taken.?

Free movement of persons: mobility for students, persons undergoing training, young volunteers, teachers, trainers

The committee adopted the recommendation for second reading (codecision procedure) by Robert EVANS (PES, UK) broadly approving the Council's common position, subject to a small number of amendments. The committee accepted the Commission s view that, unfortunately, researchers could not be included in the recommendation because of the legal basis. It also welcomed an important development since Parliament reading, i.e. the Action Plan on Mobility agreed by the Council in December 2000. The amendments adopted by the committee were intended to clarify what follow-up action was expected of both the Commission and the Member States, to take due account of the Action Plan on Mobility and to remove from the Council stext the potentially harmful restriction whereby a temporary stay in the host state would be restricted to "one year in principle".?

Free movement of persons: mobility for students, persons undergoing training, young volunteers, teachers, trainers

The European Parliament adopted the report by Mr Robert J.E. EVANS (PES, UK) on the Council's common position on proposals to encourage mobility within the EU for students, persons undergoing training, young volunteers, teachers and trainers. The House accepts the Commission's view that researchers cannot be included in the recomendations because of the legal basis. It endorses the Commission's proposals to issue a separate document on researchers as part of the follow-up to its communication on the European research area. It also welcomes the Action Plan on Mobility agreed by the Council in December 2000. A few amendments were adopted that seek to clarify what follow-up action is expected of both the Commission and Member States and to take due account of the Action Plan on Mobility. One amendments seeks to remove from Council's text the potentially harmful restriction whereby a temporary stay in the host state would be limited to 'one year in principle'.?

Free movement of persons: mobility for students, persons undergoing training, young volunteers, teachers, trainers

PURPOSE: to present a recommendation on mobility within the Community for students, persons undergoing training, volunteers, teachers and trainers. COMMUNITY MEASURE: Recommendation (2001/613/EC) of the European Parliament and of the Council on mobility within the Community for students, persons undergoing training, volunteers, teachers and trainers. CONTENT: 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. Moreover, the recommendation is aimed at Member State nationals who would like to experience living in a Member State other than the home Member State. It should be noted however 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. It invites the Member States to take the following measures: - to remove the legal and administrative obstacles to the mobility of persons undertaking a course of studies; - to reduce linguistic and cultural obstacles, for example: to encourage the learning of at least two Community languages and to make young people aware of Union citizenship and respect for cultural and social differences and to encourage linguistic and cultural preparation before any mobility measure; - to promote the development of the various arrangements for financial support for mobility (grants, scholarships, subsidies and loans); - to take the measures they consider appropriate to promote a European qualification area; - to improve the dissemination of information regarding the possibilities and conditions concerning transnational mobility. In the second part of the recommendation, the member States are invited to take specific measures for each category of persons concerned (students, persons undergoing training, volunteers, teachers and trainers). ENTRY INTO FORCE: 10 July 2001.?

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reference to the Nice European Council and the Action Plan for mobility, and to clarify the nature of the reports to be forwarded by the Member states to the Commission and the composition and role of the group of experts. The last two amendments remove the temporal restriction in connection with mobility and volunteers. The Commission accepts these amendments.?

Free movement of persons: mobility for students, persons undergoing training, young volunteers, teachers, trainers

The Council adopted a resolution on the added value of voluntary activity for young people in the context of the development of Community action on youth. In this context, the Council invites the Member States: - to take the measures they deem appropriate to remove legal and administrative obstacles so as to provide every opportunity for youth voluntary activity in a national and international context; - to prevent voluntary activity for young people from restricting or being used as a substitute for potential or existing paid employment. The Council also invites the Commission and the Member States, within their respective spheres of competence: 1) To take measures to strengthen and to further develop the role of voluntary activity for young people, and in so doing to take as their guide, where appropriate, the strategic objectives formulated by the United Nations in the framework of the International Year of Volunteers. 2) To develop policy on voluntary activity for young people and strengthen European cooperation in this area, using the following elements which result from the strategic objectives of the UN Resolution proclaiming 2001 the International Year of Volunteers: the accessibility and promotion of information provision on voluntary activity, with a view to reinforcing a positive image; recognition and support for voluntary activity, inter alia by authorities at all levels, public opinion, media, commerce, employers and civil society; support for voluntary activity through incentives and the training of volunteers, their mentors and their associations; networking between all parties involved, with special attention to the perspective of young people themselves; quality care with regard to youth voluntary activity, including health and safety aspects; to recognise the importance of experience gained in the context of youth voluntary activity and to collate and exchange good practice with regard to youth voluntary activity; to support all the parties involved in the implementation of voluntary activity for young people; to make voluntary activity more easily accessible to young people and to avoid all forms of social exclusion or discrimination; to promote and support research into voluntary activity for young people via regular monitoring of developments in the field and by appropriate policy decisions; to involve non-governmental organisations, youth organisations and all other organisations active in the area of voluntary activity for young people, as well as young volunteers themselves, in drawing up and implementing policy for supporting youth voluntary activity, in an atmosphere of participation and making use of the experience of volunteers and their associations; to incorporate these policy objectives or measures in the follow-up which may result from the European White Paper on "Youth" (please refer to summary COS/2002/2050). In addition, the Council invites the Commission to develop synergies between the initiatives of the European Community, the Council of Europe and initiatives of other international organisations, at both strategic and operational levels and to take account of the important contribution of young volunteers to the activities of the "Youth" programme. Lastly, the Council expresses the wish that this resolution contribute to the development of the policy of cooperation in the youth field, in line with the principle of subsidiarity, particularly through recognition of the added value of voluntary activity with and by young people.?

Free movement of persons: mobility for students, persons undergoing training, young volunteers, teachers, trainers

The Council has reaffirmed its commitment to enhance cooperation in vocational education and training in order to remove obstacles to occupational and geographic mobility and promote access to lifelong learning. The Council acknowledges that priority should be given to the following: - the European dimension: it is necessary to strengthen the European dimension in vocational education and training with the aim of improving closer cooperation in order to facilitate and promote mobility and the development of inter-institutional cooperation, partnerships and other transnational initiatives, all in order to raise the profile of the European education and training area in an international context so that Europe will be recognised as a world-wide reference for learners; - transparency, information and guidance: it is necessary to rationalise information tools and networks, including the integration of existing instruments such as the European CV, certificate and diploma supplements, the Common European framework of reference for languages and the EUROPASS into one single framework; - strengthening policies, systems and practices that support information, guidance and counselling in the Member States, at all levels of education, training and employment, particularly on issues concerning access to learning, vocational education and training, and the transferability and recognition of competences and qualifications, in order to support occupational and geographical mobility of citizens in Europe; - recognition of competences and qualifications: investigating how transparency, comparability, transferability and recognition of competences and/or qualifications, between different countries and at different levels, could be promoted by developing reference levels, common principles for certification, and common measures, including a credit transfer system for vocational education and training; - increasing support to the development of competences and qualifications at sectoral level, by reinforcing cooperation and co-ordination especially involving the social partners. Several initiatives on a Community, bilateral and multilateral basis, including those already identified in various sectors aiming at mutually recognised qualifications, illustrate this approach; - developing a set of common principles regarding validation of non-formal and informal learning with the aim of ensuring greater compatibility between approaches in different countries and at different levels; - quality assurance : promoting cooperation in quality assurance with particular focus on exchange of models and methods, as well as common criteria and principles for quality in vocational education and training; - giving attention to the learning needs of teachers and trainers within all forms of vocational education and training. The Council invites the Member States and the Commission within the framework of their responsibilities: to take the appropriate steps to initiate the implementation of the priorities set out in this resolution; - to build on and adapt existing structures and instruments in Europe relevant to the above priorities, and establish, where appropriate, links with work in the context of the Bolognadeclaration; - fully to involve the key players, particularly the social partners, and the Advisory Committee on Vocational Training; - to involve, in accordance with existing objectives and agreements, the candidate and EFTA-EEA countries in this process; - to enhance cooperation, where appropriate, with relevant international organisations in particular, the OECD, UNESCO, ILO and the Council of Europe in the development of vocational education and training policies and concrete actions; - to submit a progress report as part of the report on the follow-up of the future objectives of education and training systems as requested by the European Council for its Spring meeting of 2004.?

Free movement of persons: mobility for students, persons undergoing training, young volunteers, teachers, trainers

The European Commission was asked to prepare this document as a follow up to the Recommendations of the European Parliament and the Council on EU student mobility as well as the mobility of persons undergoing training, volunteers, teachers and trainers. The aim is to examine how the Recommendation's "Action Plan for Mobility" is being implemented and what, if any, improvements need to be made. In preparing this Report the Commission has taken into account national studies as well as Reports submitted to it by Norway, Iceland, Poland and Hungary. Enhanced and improved European mobility for students and teacher's is recognised as a vital component for the fulfilment of the EU's pledge to make Europe the most competitive knowledge-based economy by 2010. Cross-border academic and vocational training undoubtedly adds to a greater understanding and appreciation of European training potential. In many respects and in recent years progress has been made. Funding for the Erasmus programme, for example, has increased from EUR 70 million in 1995 to EUR 102 in 2002, whilst Leonardo da Vinci funding has increased from EUR 44 million in 1995 to EUR 65 million in 2002. This increase in funding has meant that over one million students have benefited from the Erasmus programme. Nevertheless, these figures, disguise the fact that EU approved targets for increased mobility are not being met. For instance, the Erasmus programme in 2002 supported the mobility of some 115 000 students - about 1% of the total yearly population of higher education students in Europe. Over a five-year period this rate means that approximately 5% of students benefited from a trans-national mobility period. However, in order to reach the rate of 10% participation as specified in the Socrates decision, Erasmus mobility would have to more than double. Similarly, the Leonardo da Vinci programme in 2002 supported the mobility of some 45 000 trainees, which falls well short of 1% of persons participating in vocational education and training in Europe. Further, a remarkably low number of school teachers (40 000 in 2003) and university teachers (16 000 in 2002) have undertaken any mobility activity. Where mobility does occur it is typically for a very short duration only with the great majority of mobile school teachers taking part in meetings at a partner school for a few days only. Thus, nurturing further mobility, (although improving), is yet to reach the targets set by both the EU institutions and the EU Member States. This leads the Commission to conclude that comprehensive strategies to facilitate and actively promote mobility are the exception rather than the norm and results in many fields, including the removal of administrative and legal obstacles falling short of what is actually needed. It therefore proposes much stronger and co-ordinated efforts in order to contribute to the objectives set for education and training systems. To address the shortcomings in European mobility the Commission suggests the following improvements could be made: - Member States should set ambitious targets for outgoing and incoming mobility. Where appropriate, quantitive targets could be set expressed as a percentage. - Member States and the Commission could co-operate in the development of compatible statistical information on mobility including data on flows and trends. - Member States should review systematically overall andsector-wise national legislation to eliminate any obstacles to mobility. - "Volunteers" should be given a clearer status. - The creation of an operational European framework for qualifications in order to improve their visibility abroad. - Offering more financing for mobility policies. And, - Offering mobile students and/or teachers linguistic preparation.?