

COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 23.9.2005
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2005/0179 (COD)

Proposal for a

RECOMMENDATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

on transnational mobility within the Community for education and training purposes: European Quality Charter for Mobility

(presented by the Commission)

EXPLANATORY MEMORANDUM

1) CONTEXT OF THE PROPOSAL

- **Grounds for and objectives of the proposal**

Mobility is one of the main objectives of the European Union's education and training policy, provided for in Articles 149 and 150 of the Treaty. Not only does it help to develop European citizenship and European awareness, by increasing understanding of cultural and linguistic diversity, it also supports the creation of a European area of education and training, in accordance with the strategic objective of the European Council of Lisbon of March 2000.

The Union's education and training programmes have, since their early days, contributed substantially to this objective. Indeed the Erasmus programme, within which over 1,000,000 young people have studied in another Member State as part of their university studies, is a good example of an iconic action, one of few EU actions to have an identity recognisable to a very large number of its citizens. These programmes, which cover schools, universities, vocational education and training and adult education[1], have contributed to the development of a sense of "European citizenship" both among participants and among all those around them - parents, family, friends, work colleagues.

The objectives of this proposal are, in essence:

 to lay down a common statement of principles whose use will lead to greater efficiency and effectiveness in all types of organised mobility for learning purposes;

 more specifically, to provide a reference point for all stakeholders within the integrated lifelong learning programme proposed by the Commission for the period 2007 to 2013.

Several positive outcomes are expected from the adoption of this proposal:

o Further encouragement of mobility for learning purposes. This is valuable for personal development, but it also enables citizens of the Union to exercise their fundamental right to move and reside freely within the territory of the Member States.

o Mobility enriches the learning experience and encourages knowledge transfer, thereby raising the overall quality levels of European education and training systems. This will help Europe in its efforts to become the most innovative and most competitive knowledge based economy in the world.

o Positive influences are also expected on the job market, on research capacity at European level and (as stated above) on the new generation of education and training programmes proposed by the Commission in 2004.

This proposal does not set out to create a binding European legal framework. Even if

[1] The Socrates programme covers schools (Comenius), higher education (Erasmus) and adult education (Grundtvig); the Leonardo da Vinci programme covers vocational education and training.

the Treaty permitted this - which it does not - it would be wholly inappropriate. Nevertheless, Member States may be inspired to act on the Recommendation as appropriate. The Recommendation, by nature, is intended as a reference point, to encourage transparency and coordination of mobility practices, and to help generate a climate of reciprocal understanding.

- **General context**

The EU institutions have adopted a number of instruments related to mobility over the last five years. The most significant of these are as follows.

Following an informal meeting of Education Ministers in Paris in September 2000, the Nice European Council in December 2000 endorsed a Mobility Action Plan. This includes a "toolbox" of mobility-related measures: its promotion, its funding, types of mobility, and finally, how to make the most of periods of mobility and ensure recognition of the experience acquired.

This was followed, in July 2001, by the adoption of 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[2]. The Recommendation created a framework for promoting political cooperation to increase mobility in education and training. It set out to eliminate obstacles to mobility, ensure better preparation and more effective reception on arrival; and it, too, addressed the issue of recognising the experience gained abroad.

The Recommendation also invited the Commission to set up a group of Member States' experts to coordinate the implementation of the Recommendation. It is on the work of that group, last reported on in its 2004 biennial report, that this draft Recommendation is based.

In February 2002, the Commission adopted an Action Plan for skills and mobility[3], which aims at advancing the principle of freedom of movement of workers, at highlighting the importance of mobility for the EU's employment strategy, and at opening up European labour markets so that they are accessible to all from 2005.

Further to this, the Commission will organise in 2006 a European Year of Worker's Mobility, to raise awareness of a number of legislative issues in this field, such as portability of pension rights; of the benefits of mobility for workers' career development; and of existing European instruments supporting mobility.

In addition, the Commission in its 2001 Communication "A Mobility Strategy for the European Research Area"[4], supported by Council[5], identified concrete actions both at Community and at national level, to exploit mobility as a key instrument for career development and for bringing about the European Research Area, as well as a prerequisite to increase European capacities and performances in research.

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2 OJ L 215, 9.8.2001, p. 30.
3 COM(2002) 72 final.
4 COM(2001) 331 final of 20.6.2001.
5 Council Resolution of 10.12.2001, OJ C 367, 21.12.2001.

Mobility issues have subsequently been incorporated within the general "Education and Training 2010" work programme which is the education and training strand of the Lisbon Strategy. Under this programme, Member States and the Commission cooperate on policy issues related to education and training. Mobility issues are specifically mentioned as one of the 13 objectives of this programme agreed by the Barcelona European Council in March 2002. And in February 2004, the Council and the Commission submitted to the European Council their first Joint Interim Report[6] on that process. The report underlines the need to increase the level and the quality of mobility in education and training.

As part of the follow-up work under the "Education and Training 2010" work programme, the expert group set up under the first Recommendation drew up a proposal for a "Quality Charter for Mobility in Education and Training", the substance of which was presented to the Ministers for Education at an informal meeting on 12 July 2004 in Rotterdam. The Dutch Presidency concluded from the debate that there was consensus on the principles, and that they could inform qualitative aspects of mobility in the new generation of education programmes[7].

The proposed Recommendation, which builds heavily on the work cited above, presents in a single, readable form the principles set out above, enriched with material from other areas concerned with mobility (such as the youth world). The word "Charter" is used to underline the fundamental character of the principles proposed.

It will be noted that the Recommendation complements existing texts in its field, in particular the European Charter of Researchers[8].

- **Existing provisions in the area of the proposal**

The proposed Recommendation complements Recommendation 2001/613/EC 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.

- **Consistency with other policies and objectives of the Union**

The proposal is perfectly consistent with the declared policies and objectives of the European Union.

2) CONSULTATION OF INTERESTED PARTIES AND IMPACT ASSESSMENT

- **Consultation of interested parties**

Consultation methods, main sectors targeted and general profile of respondents

Section 1 has outlined the way in which the text was prepared, and has set out the role of the working group of Member States experts set up under the 2001 Recommendation. The members of that group, who represent the Member States, have

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6 COM(2003) 685 final, Council 6905/04 EDUC 43.

7 http://eu2004.minocw.nl/docs/nl/presidency_conclusions_rotterdam.pdf

8 OJ L 75, 22.3.2005.

significant expertise, and recourse to further external expertise has not been considered necessary.

Summary of responses and how they have been taken into account

See the first report on the follow-up to the Recommendation 2001/613/EC.

- **Collection and use of expertise**

There was no need for external expertise.

- **Impact assessment**

The need for the proposal, its scope, and its possible economic and social impact have already been discussed and endorsed by the working group with Member States and by the informal meeting of education ministers at Rotterdam, 11-13 July 2004. No further impact analysis is deemed necessary.

3) LEGAL ELEMENTS OF THE PROPOSAL

- **Summary of the proposed action**

The Recommendation consists of ten guidelines, addressed mainly to the sending and receiving organisations responsible for mobility. These may be summarised as follows:

A. Before departure:

Ensure that participants have access to reliable sources of guidance and information on opportunities and conditions for mobility; draw up a learning plan, which will provide a framework for mobility; ensure prior preparation of the participant, in particular linguistic preparation, and ensure that the mobility experience contributes to personal and professional development.

B. During the stay in the host country:

Provide linguistic and logistical support for participants, including information and/or assistance on travel, insurance, residence requirements, social security, social services, tax issues, lodging, etc; appoint a mentor to provide support and advice to help the participant integrate properly.

C. After the period of mobility:

Ensure the recognition or certification of diplomas obtained or periods of studies/training carried out; assist participants back into their social, educational or professional environments, in particular after long-term mobility; assess the outcome of the mobility and advise participants, on return, how best to use the competences acquired abroad.

D. Generally:

Be clear about who is responsible for acting upon the various parts of the Recommendation.

The Charter should be regarded as "universal" in the sense that it covers all the possible types of educational mobility: formal and non-formal learning; short and long periods; school, university and on-the-job learning; young and adult learners, etc. This means that its text is inevitably generic; it is not possible, within such a short text, to cover all possible cases. Its principles will thus have to be adapted to circumstances, and in specific cases, some of its points will be more or less appropriate. The principles contained in the Charter provide a European reference to be tailored to particular cases.

- **Legal basis**

The legal basis of the proposal is Articles 149(4) and 150(4) of the Treaty. The former deals with education, the latter with vocational training. Both enable the Council and the European Parliament, acting in co-decision, to adopt recommendations for the achievement of their objectives, one of which is, indeed, to support mobility (Article 149(2) second indent, Article 150(2) third indent).

- **Subsidiarity principle**

The subsidiarity principle applies insofar as the proposal does not fall under the exclusive competence of the Community.

The objectives of the proposal cannot be sufficiently achieved by the Member States for the following reason.

The transnational nature of mobility means that it is difficult to cover it within any one Member State.

Community action will better achieve the objectives of the proposal for the following reason(s).

The objectives of the proposal cannot be as effectively carried out by the Member States as by the Union. The trans-national nature of mobility means that it is difficult to capture within any one Member State.

The use of a non-constraining Community instrument provides an efficient means to adopt a recognised European point of reference to support organisations in all Member States.

The text itself is limited to those elements which can usefully be adopted at European level; for example, issues of the make-up and provenance of funding, and practical organisational issues, are left to those competent within Member States or mobility organisations.

The proposal therefore complies with the subsidiarity principle.

- **Proportionality principle**

The proposal complies with the proportionality principle for the following reason(s).

It does not go beyond what is necessary to achieve the objectives.

It imposes no financial or administrative burdens or expenses.

It will be noted that Member States, through their representatives on the expert group established under the 2001 Recommendation, have shared this work and support the proposal.

- **Choice of instruments**

Proposed instruments: recommendation.

Other means would not be adequate for the following reason(s).

This proposal is a follow-up to the first Recommendation (2001/613/EC) in this matter and the Community chose that form of instrument at that time. See also Article 149(4).

4) BUDGETARY IMPLICATION

The proposal has no implication for the Community budget.

5) ADDITIONAL INFORMATION

- **European Economic Area**

The proposed act concerns an EEA matter and should therefore extend to the European Economic Area.

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(Text with EEA relevance)

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 ([9]),

Having regard to the opinion of the European Economic and Social Committee ([10]),

Having regard to the opinion of the Committee of the Regions ([11]),

Acting in accordance with the procedure laid down in Article 251 of the Treaty ([12]),

Whereas:

(1) Mobility in education and training is an integral part of the freedom of movement of persons – a fundamental freedom protected by the Treaty – and one of the main objectives of the European Union's action in the field of education and vocational training; indeed, it is an essential tool for creating a European area of education and training and for developing European awareness.

(2) Intensifying European mobility and exchanges for education and training purposes is an objective of the work programme to make Europe the most innovative and most competitive knowledge based economy[13] between now and 2010. The organisation in 2006 of a European Year of Workers' Mobility will also contribute to it.

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9 OJ C […], […], p. […].
10 OJ C […], […], p. […].
11 OJ C […], […], p. […].
12 OJ C […], […], p. […].
13 Lisbon strategy, Presidency conclusions http://www.kbn.gov.pl/is2000/pdf/word5.PDF.

(3) A first Recommendation of the European Parliament and of the Council[14] was adopted in 2001 with the aim of facilitating Community action to encourage mobility.

(4) The work of the group of experts set up by the Commission in accordance with point III.a) of the above Recommendation, and the first follow-up report, while showing the progress made both at national and at European level as regards mobility for education and training purposes, demonstrate the need to focus not only on increasing mobility but above all on improving its quality.

(5) This objective can be achieved by adopting, in the form of a Recommendation, a Quality Charter for mobility, laying down a set of principles in this field, to be implemented on a voluntary basis.

(6) Because the Charter incorporates the underlying principles of educational mobility, it constitutes a reference framework which will help increase exchanges, develop recognition of study periods and help to establish mutual trust between the authorities, the organisations and all the stakeholders in mobility.

(7) The advantages of mobility strongly depend on the quality of the practical provisions: preparation, support and recognition. The people and organisations involved can considerably improve its value by careful planning and suitable evaluation.

(8) It is desirable that the principles in question cover not only the period of mobility itself but also the period preceding and following it.

(9) A learning plan should be drawn up in advance. General preparation of the participants is also necessary.

(10) For the period spent abroad, the quality of mobility can be enhanced by the designation of a mentor for the participant. A detailed and clear description of the courses and/or training which have been followed in the host country and their duration, help to ensure that they are recognised on return.

(11) All questions related to finance, in particular what financial support is available and who bears the costs, should be solved before departure.

(12) Transparency and good administration call for a clear definition of the organisations and people responsible for each stage and action of the mobility programme.

(13) In order to ensure the overall quality of mobility, it is desirable to apply the principles and recommendations above mentioned to all types of mobility for learning or professional development purposes: education or training; formal and non-formal learning including youth volunteering; short and long mobility periods; for school, university or job-based learning; for young and adult learners, etc.

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[14] Recommendation 2001/613/EC 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, OJ L 215, 9.8.2001, p. 30.

(14) Member States may adjust the implementation of the Charter according to circumstances, i.e. to adapt it to specific situations and programmes; to make some of the points compulsory and to consider others as optional.

(15) As the objectives of the present Recommendation, extending to all Member States, can be better achieved at Community level, the Community can take measures, in accordance with the principle of subsidiarity provided for in Article 5 of the Treaty. To also respect the principle of proportionality, such as stated in the same Article, the present Recommendation does not exceed what is necessary to achieve these goals.

HEREBY RECOMMEND: that Member States adopt the attached European Quality Charter for mobility as a means to enhance personal and professional development.

HEREBY INVITE Member States to include general information and assessment on the actions taken in response to the recommendations set out above in their reporting for the Education and Training 2010 work programme, as from the second year following the adoption of this Recommendation.

HEREBY INVITE the Commission:

– to continue to cooperate with the Member States and the social partners, so that useful information and experience concerning the implementation of the measures advocated in this Recommendation may be exchanged;

– to consider the present Recommendation as forming a whole with the Recommendation 2001/613/EC of the European Parliament and of the Council and therefore to include its requested biennial reports in the general reports of the Education and Training 2010 work programme.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

ANNEX

1. EUROPEAN MOBILITY QUALITY CHARTER

Strengthened by the Mobility Action Plan of 2000[15] *and the Recommendation of the European Parliament and the Council of 10 July 2001*[16]*, mobility has always been of considerable interest to stakeholders. That Recommendation was broad in scope, addressed a whole range of important questions associated with mobility and was targeted at anyone who might benefit from a period of learning abroad (formal and non-formal); including students, teachers, trainers, volunteers and people undergoing training. The second Recommendation, of which this Charter constitutes an integral part, has the same scope but focuses on the quality aspects of mobility, as proposed by an expert group established following the first Recommendation*[17]*. It will help ensure that participants have a positive experience, both in the host country and in the country of origin once they return.*

This Charter outlines a set of guidelines applicable to mobility undertaken by individual young people or adults, for the purposes of formal and non-formal learning and for their personal and professional development. It has been designed as a basic reference document; its content may be adapted to suit the duration of the mobility and the particularities of the various educational, training and youth activities as well as the needs of the participants. Although primarily addressing mobility for learning purposes, it is felt that these quality guidelines will also be useful for other types of mobility, such as mobility for work.

1. Guidance and information

Potential candidates for mobility should have access to reliable sources of guidance and information on opportunities for mobility and the conditions in which it can be taken up.

2. Learning plan

Before undertaking any kind of mobility for education or training purposes, a learning plan should be drawn up and agreed by everyone involved, including the sending and hosting organisations and the participants. The plan should outline the objectives and expected outcomes, as well as how these would be achieved.

3. Personalisation

Mobility undertaken for education or training purposes should fit in as much as possible with the personal learning pathways, skills and motivation of the participants, and be designed to develop or supplement them.

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15 Resolution of the Council and the Representatives of the Governments of the Member States, meeting within the Council, of 14 December 2000, concerning an action plan for mobility, OJ C 371, 23.12.2000.

16 OJ L 215, 8.8.2001, p. 30.

17 COM(2004) 21.

4. General preparation

Prior preparation of the participants is essential, and should be tailored to their specific needs. It should include linguistic, pedagogical, practical, administrative, legal, personal, cultural and financial aspects, as necessary.

5. Linguistic aspects

Language skills are essential for effective learning. Participants, and their sending and host institutions, should pay special attention to linguistic preparation. Mobility arrangements should include:

- before departure, language assessment and the opportunity to follow courses in the language of the host country and in the language of instruction, if different;
- in the host country, linguistic support and advice.

6. Logistical support

Adequate logistical support should be provided to the participants. This could include information and assistance with travel arrangements, insurance, residence or work permits, social security, accommodation, and any other practical aspects, including safety issues relevant to their stay.

7. Mentoring

The hosting organisation (educational establishment, youth organisation, company, etc.) should provide a mentor who will be responsible for helping the participants with their effective integration into the host environment and will act as a contact person for obtaining further assistance.

8. Recognition

If a study or placement period abroad is an integral part of a formal study or training programme, this fact should be stated in the learning plan, and participants should be provided with assistance to ensure its adequate recognition and certification. The way in which the recognition will work should be set out in the learning plan. For other types of mobility, and particularly those in the context of non-formal education and training, a certificate should be issued so that the participant is able to demonstrate his or her active participation and learning outcomes in a satisfactory and credible way.

9. Reintegration and evaluation

On return to their home country, participants should be given guidance on how to make use of competences and skills acquired during the stay. Appropriate help with reintegration into the social, educational or professional environment of the home country should be available to people returning after long-term mobility. The experience gained should be properly evaluated by participants, together with the organisations responsible, to assess whether the aims of the learning plan have been met.

10. Commitments and responsibilities

The responsibilities arising from these quality criteria should be clearly defined and communicated to everyone involved, including participants. They should be confirmed in writing, so that responsibilities are clear to all concerned.