

Order 117 – Study on a possible framework to facilitate  
transnational mobility for placements at enterprises

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#### **Document Control**

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# EXECUTIVE SUMMARY

## 0.1 Focus of the study

The study aimed to provide the European Commission with the necessary information to come forward with proposals to address current legal and regulatory obstacles to the transnational mobility of trainees (covering students and apprentices in initial vocational training, people on the labour market and higher education students). To this end, the study explored possible actions to be taken in view of creating a more conducive framework for transnational mobility of trainees within the EU. Whilst the study refers to 'trainees' in general, it also included 'apprentices' and the more specific concept of 'apprenticeship'.

The methodological approach of the study consisted of a combination of desk research and a wide stakeholder consultation at national and EU level. It covered all EU Member States and the EFTA/ EEA countries Iceland, Liechtenstein, Norway and Turkey, and Croatia and the Former Yugoslav Republic of Macedonia which participate under the preparatory measures phase<sup>1</sup>.

## 0.2 Key findings

Several challenges relate to transnational mobility of trainees. Countries not only differ in terms of their legislative framework, but also with respect to the sending and host organisations' understanding and expectations of the responsibility they should assume for the trainee. In addition, there is currently no existing EU legislation specifically regulating the transnational mobility of trainees and apprentices, meaning that transnational mobility is only addressed by "soft" measures at EU level. This has given rise to several challenges relating to legal status of trainees/ apprentices, conditions for a work placement, access to social benefits and insurance arrangements, in particular:

- A recognised legal status of a trainee does not always exist, leading to lack of recognition of trainees' rights, adoption of ad hoc arrangements, unequal quality of placements and ambiguity over the duty of care for the trainee;
- The conditions of work placements vary widely as some countries have specific regulations in place, while others do not, leading to uncertainty over which law applies, poor alignment of the training agreement to regulations and what conditions a training agreement should cover;
- Social benefits may be transferable for transnational traineeships, often depending on the formality of traineeship and whether it is part of an official programme, but not always, which creates uncertainty over access to these entitlements; and
- Responsibility over health and liability insurance arrangements is ambiguous, and often an ad hoc arrangement, leading to inappropriate or lack of cover for the trainee.

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<sup>1</sup> Switzerland was not included in the study as it was due to join LLP in 2011.

### 0.3 Recommendations

On the basis of study findings and in line with broad stakeholder endorsement towards a common framework to facilitate transnational mobility of trainees, the study put forward suggestions for a “policy package”, which comprised the following four complementary instruments:

- A. Recommendations to the Commission on changes to be made at the level of the current and/or post LLP;
- B. Framework to facilitate transnational mobility for placements at enterprises;
- C. Guidance instrument for beneficiaries in the form of a FAQ (e.g. “Did you know that...”), including an annexed Checklist; and
- D. Recommendation on topics to be included in a formal policy paper from the Commission.

The instruments include proposals for addressing the current challenges identified in the areas of legal and regulatory differences between the countries involved in EU learning mobility programmes, responsibilities between parties involved in organising traineeships, access to information and requirements and criteria for the overall organisation of transnational traineeships.

# 1 INTRODUCTION

This Final Report is the fourth and last deliverable of the *Study on a possible framework to facilitate transnational mobility for placements at enterprises*, commissioned by Directorate-General Education and Culture (EAC) of the European Commission. The assignment has been undertaken by GHK under the Framework Contract EAC 19/06 – Order 117 – EAC – 2010-1007. The assignment began in July 2010.

## 1.1 Objectives and scope of the study

As outlined in the Inception Report, the study aimed to provide the European Commission with the necessary information to undertake possible action in order to address current obstacles to the transnational mobility of trainees (covering students and apprentices in initial vocational training, people on the labour market and higher education students). Whilst the scope of the study referred to ‘trainees’ in general, it also included ‘apprentices’ and the more specific concept of ‘apprenticeship’, which is linked to a particular type of training alternating between school or training centre and enterprise, often of a compulsory nature. For this purpose, the research on the scale of transnational mobility and on the current situation with respect to the organisational, institutional and legal frameworks, the key findings of which are presented in sections 2-4 of this report, make the distinction between the different sub-groups of ‘trainees’, whereas the remainder of the report discusses transnational traineeships in general, focussing on future recommendations covering all types of learning mobility experiences.

The information presented in the report consists of a comprehensive overview of the situation of trainees in LLP countries. The study focussed on the following main elements:

- The definition of ‘trainees’/ ‘apprentices’ across LLP countries;
- The legal framework for trainees/ apprentices across LLP countries;
- The special situation of apprentices, who are generally considered as employed in their country and who move from their enterprise at home to a host enterprise abroad;
- The institutional framework within which trainees/ apprentices are mobile (i.e. type of organisations involved and their roles); and
- The current legal and practical obstacles to mobility both for short and long-term placements.

On the basis of this information and following a workshop with the Commission 3 December 2010, the research team provided the European Commission with a list of concrete and practical recommendations with regard to how to overcome the current obstacles to transnational mobility. The question of which soft instrument (e.g. common framework, guidelines, policy paper etc.) would be most appropriate to improve transnational mobility was addressed, and recommendations provided accordingly.

The study covered the following types of trainees:

- Trainees who are in education (schools, school-based VET, HE), apprentices (alternate VET) and trainees that are unemployed and undertaking training to gain new skills;
- Both remunerated and unremunerated trainees according to the definition given in the Council Directive 2004/114/EC<sup>2</sup>;
- Trainees who are undertaking transnational programmes that last a maximum of 12 months (with a difference between short-term grants and longer term grants);
- Trainees especially between 18 and 25 years old (although it is important to note that there is no official age limit);
- Trainees undertaking a placement under the Leonardo da Vinci (LdV)<sup>3</sup> and Erasmus<sup>4</sup> for placements streams of the LLP. LdV mobility initiatives enable people to train in another country, mainly through placements in enterprises. The latter programme enables students to have a mobility period for study and for placements abroad. Since 2007 traineeships for HE students have been moved from the LdV programme to the Erasmus programme; and
- Trainees from LLP countries i.e. EU 27 Member States, the EFTA/ EEA countries Iceland, Liechtenstein, Switzerland<sup>5</sup>, Norway and Turkey, and Croatia and the Former Yugoslav Republic of Macedonia which participate under the preparatory measures phase.

## 1.2 Methodological approach and tasks of the study

The methodological approach of the study consisted of a combination of desk research and stakeholder consultation at national and EU level. The tasks and steps comprising the study are shown in Figure 1 below.

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<sup>2</sup> [http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l\\_375/l\\_37520041223en00120018.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_375/l_37520041223en00120018.pdf)

<sup>3</sup> **Leonardo IVT (Initial Vocational Training)** sends pupils and apprentices in initial vocational training on training placements in companies. Duration 2-39 weeks;

**Leonardo PLM (People on the Labour Market)** sends workers and job seekers on training placements in companies. Duration 2-26 weeks

<sup>4</sup> **Erasmus Placements** sends higher education students on placements in companies. Duration 3-12 months (2 months minimum if in a short-cycle higher vocational education)

<sup>5</sup> Switzerland will be officially part of the LLP in 2011 hence it has not been included in this study.

**Figure 1 – Outline of Tasks and Steps**

<p><b>Task 0: Inception phase</b></p> <p><i>Step 0.1: Set-up and kick-off meeting</i></p> <p><i>Step 0.2: Initial desk research</i></p> <p><i>Step 0.3: Outline of the methodology and work programme</i></p> <p><b>Task 1: Desk research</b></p> <p><i>Step 1.1: Additional research on the legislative and institutional framework in LLP countries</i></p> <p><i>Step 1.2: Review of relevant EU legislation</i></p> <p><i>Step 1.3: Review of project information</i></p> <p><b>Task 2: Interviews</b></p> <p><i>Step: 2.1: EU level interviews</i></p> <p><i>Step 2.2: National level interviews</i></p> <p><b>Task 3: Analysis and draft final report</b></p> <p><i>Step 3.1: Analysis of the stakeholder consultation</i></p> <p><i>Step 3.2: Preparation and submission of the draft final report</i></p> <p><b>Task 4: Workshop with the Commission staff</b></p> <p><i>Step 4.1: Preparation of the workshop with the Commission</i></p> <p><i>Step 4.2: Workshop with the Commission</i></p> <p><b>Task 5: Final report</b></p> <p><i>Step 5.1: Preparation and submission of the final report</i></p>
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The desk research (Task 1) comprised a review of potentially relevant EU legislation covering the field of trainees and apprentices. In addition, a number of documents and online resources regarding the legislative and institutional framework in the LLP countries have been reviewed. These resources include material such as websites and reports pertaining to the legal aspects of the transnational mobility of trainees/apprentices. The information gathered through the literature review is presented in the relevant sections of the report and in the annexes.

With regard to the stakeholder consultations (Task 2), a wide range of organisations were interviewed including: Commission officials, national LLP agencies, respondents

to the Green Paper on the Learning mobility of young people<sup>6</sup> which took place in 2009 as well as a number of relevant organisations recommended by them, EU umbrella organisations acting in the field of lifelong learning and transnational mobility of trainees/ apprentices, intermediary organisations such as Chambers of Commerce and Chambers of Arts and Crafts at national level.

In addition to these stakeholder consultations, the research team explored in depth a number of projects of interest<sup>7</sup> in order to gain further insight into the existing obstacles relating to the transnational mobility of trainees/ apprentices and the possible solutions to overcoming them.

The analysis of all stakeholder consultations has been completed (Task 3) and synthesised in this report. Response templates were created to facilitate the analysis of vast amount of information and to allow for the comparison of results across the stakeholder groups.

The research team has carried out and analysed sixty interviews with the following stakeholders:

- 34 national LLP agencies<sup>8</sup>;
- 3 Commission officials;
- 10 Green Paper respondents (or organisations recommended by them);
- 7 EU umbrella organisations;
- 3 Chambers of Commerce/ Chambers of Arts and Crafts; and
- 3 Case studies of projects/ organisations in the field.

Annex 1 provides a detailed overview of the stakeholders interviewed. Only one LLP agency – the National LLP Agency of Portugal - was not interviewed<sup>9</sup>.

Three case studies were carried out as part of this study. These case studies served as good practice examples of projects that worked to address barriers to transnational mobility.

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<sup>6</sup> [http://ec.europa.eu/education/lifelong-learning-policy/doc/mobility/com329\\_en.pdf](http://ec.europa.eu/education/lifelong-learning-policy/doc/mobility/com329_en.pdf)

<sup>7</sup> The list of projects was provided by the Commission.

<sup>8</sup> The interviews with national LLP agencies form the largest part of the stakeholder consultation in the study. It should be noted that most of the contact persons recommended by the Commission dealt with the Leonardo da Vinci stream of the LLP.

<sup>9</sup> The Agency was not able to answer the questions put forward in the study. The research team made several attempts to provide assistance to National Agency in order to help them address the questions. These included explaining the content of the questions and providing the opportunity to only answer the questions the Agency might consider pertinent to their organisation. However, the National Agency did not provide a response.

A workshop with Commission officials chaired by GHK took place on 3 December 2010. A document including an outline of a possible common framework for facilitating the transnational mobility for placements at enterprises was discussed in the workshop (Task 4). The results from the workshop and the completed synthesis of all information gathered have been incorporated in this Final Report (Task 5).

### 1.3 Key challenges

This section briefly outlines the key issues which arose in the course of the study in terms of content and issues of practical nature.

The following issues were identified:

- *Availability of written documentation regarding legal obstacles to trainees in LLP countries.* Little systematic information regarding the legal obstacles to the transnational mobility of trainees was available. Therefore, this part of the study relied on stakeholders' contributions through the consultation.
- *Availability of information regarding the legal frameworks for trainees/ apprentices in LLP countries.* Some of the feedback received from LLP agencies and other stakeholders showed that they did not feel entirely confident in answering questions regarding the legal framework for trainees/ apprentices in the LLP countries and often stated that the national Ministries were in charge of issues of legal nature.

Stakeholders found it particularly challenging to elaborate in length the legal obstacles to transnational mobility faced by trainees and apprentices. While most of the stakeholders were knowledgeable about the situation in their country, they had limited knowledge of the situation in other countries, and little written information exists on this topic. This is evidence in its own right that action is required in order to provide clarity for all parties involved.

### 1.4 Structure of the report

The remainder of this report consists of the following sections:

- Section 2:* Overview of transnational mobility of trainees and apprentices in LLP countries
- Section 3:* Institutional and organisational framework for transnational trainees and apprentices in LLP countries
- Section 4:* Legal framework for trainees and apprentices in LLP countries
- Section 5:* Stakeholder suggestions to for EU action to overcome the existing legal and institutional obstacles
- Section 6:* Recommendations on possible future EU action to facilitate transnational mobility

Supporting information is provided in the Annexes.

## 2 OVERVIEW OF TRANSNATIONAL MOBILITY OF TRAINEES IN LLP COUNTRIES

### 2.1 Overview of placements

The following sections provide an overview of a typical EU-funded placement. This is based principally on information relating to the Leonardo da Vinci programme and, where relevant and available, under the Erasmus placements programme. The overview presents the main characteristics of placements undertaken by trainees and apprentices in LLP countries including their duration, the profile of participants and the remuneration arrangements for placements. This section also describes the organisations and sectors offering placements to trainees and apprentices in the LLP countries. In addition, recent statistics on transnational mobility in LLP countries are presented in Annex 2.

#### 2.1.1 Description of the main types of placements

In all LLP countries transnational traineeships within the Leonardo da Vinci programme take place mostly during the course of study. Placements are available for different types of trainees: those engaged in initial vocational training (IVT) (students in school-based initial vocational education and training and apprentices) and people on the labour market (PLM). The transnational traineeships primarily concern IVT and PLM. The duration of these Leonardo da Vinci placements varies considerably depending on the type of transnational traineeship.

The majority of traineeships in IVT last from 2-3 weeks to 4-6 weeks depending on the LLP country. An overview is provided in Table 1

<b>Duration of IVT placement</b>	<b>Countries<sup>10, 11</sup></b>
2 - 3 weeks	AT, BE (DE), BE (NL), BG, HR, CY, CZ, MK, IE, LV, NO, SK, SI, UK, GR (LdV)
4 - 6 weeks	EE, FI, DE, DK, HU, IT, LI, PL, RO, SE, TR, FR
7 or more weeks	IS, ES

<sup>10</sup> A key to the country codes is provided in Annex 5. Country codes listed by the International Organization for Standardization (ISO) have been used.

<sup>11</sup> Excluded: BE(FR), LT, LU, MT. Please note that the country codes included in all footnotes represent countries which did not respond to the respective question or did not provide a specific response to the question.

For jobseekers and people on the labour market (PLM) the duration of a placement varies considerably from very short placements (lasting a few weeks) to much longer work experience (lasting several months). This is described in Table 2.

<b>Table 2 – Description of the average duration of PLM placement</b>	
<b>Duration of PLM placement</b>	<b>Countries<sup>12</sup></b>
Up to 1 month	BG, HR, HU, LV, TR, UK
1 to 3 months	AT, DK, EE, GR, IS, RO
3 to 6 months	BE (DE), IT, LI, NO, SK, FR
6 months or more	BE (NL), ES

As for the ERASMUS placements, the typical duration is between 3 and 12 months (2 months minimum if in a short-cycle higher vocational education). According to Commission statistics summarised in Table 3 below,<sup>13</sup> in 2008-2009 the average duration of an Erasmus placement was 4.4 months, with the relative majority of Erasmus placements lasting 3 months (13 weeks).

<b>Table 3 – Description of the average duration of Erasmus placement</b>	
<b>Duration of Erasmus placement</b>	<b>Countries</b>
4,4 months	Average of all LLP countries
3 months (13 weeks)	Relative majority of LLP countries

In most countries, transnational traineeships are undertaken mainly by students. However, in some countries, both students and jobseekers undertake placements abroad. Nonetheless, even in these countries, jobseekers and people in work comprise only a small proportion of transnational trainees. Table 4 shows the profile of participants undertaking transnational placements in the LLP countries.

<b>Table 4 – Description of the profile of participants</b>	
<b>Profile of participant</b>	<b>Countries<sup>14</sup></b>
Mainly students, including apprentices (VET, HE, secondary school)	BE (NL), BG, CY, CZ, DK, EE, FI, GR, HU, HR, IS, IE, LV, MT, NL, PL, RO, SK, SI, UK, FR, LU

<sup>12</sup> Excluded: BE(FR), DE, CY, CZ, FI, IE, LT, LU, MK, MT, NL, PL, SE, SI

<sup>13</sup> [http://ec.europa.eu/education/erasmus/doc920\\_en.htm](http://ec.europa.eu/education/erasmus/doc920_en.htm)

<sup>14</sup> Excluded: BE(FR), LT, SE

<b>Table 4 – Description of the profile of participants</b>	
<b>Profile of participant</b>	<b>Countries<sup>14</sup></b>
Both students and jobseekers	AT, BE (DE), MK, DE, IT, LI, ES, NO, TR

Traineeships within the Leonardo da Vinci and Erasmus programmes are usually supported by the programmes and not paid by the employer, though in some cases this is left at the discretion of the employer. Financial support and other in kind benefits may also be included. These different scenarios are described in Table 5.

<b>Table 5 – Remuneration of placements</b>	
<b>Remuneration</b>	<b>Countries<sup>15</sup></b>
Paid	BE (jobseekers through unemployment benefit), DE (apprentices)
Primarily unpaid	BE (FR), BG, CZ, MK, DE (students), DK, LI, NL, NO, PL, RO, SI, ES, SE, FR, LU
Discretionary (in case of some placements, an employer in the host country may provide offer a salary)	AT, HR, CY, DK, EE, FI, GR, HU, IE, IS, LT, MT, SK, UK
Allowance for living expenses, in kind benefits (e.g. transport, accommodation, sustenance or pocket money) provided by the host organisation	HU, TR, IS, IE, IT, LV

Placements within the Leonardo da Vinci and Erasmus programmes are often part of students and apprentices' course of studies and provide credits towards a qualification or are a mandatory part of the study course. Most LLP countries reported that PLM placements take up a minor part of Leonardo da Vinci mobility and they did not comment on the specific qualification in which these placements result.

### **2.1.2 Main types of organisations and sectors hosting trainees**

There are a range of organisations that host trainees in LLP countries. The two most significant groups are education and training institutions (e.g. placing a trainee in a workshop etc.) and SMEs. A detailed breakdown is presented in Table 6 below.

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<sup>15</sup> Excluded: BE (DE), BE (NL)

<b>Table 6 - Main types of organisations offering placements to trainees</b>	
<b>Type of organisation</b>	<b>Countries<sup>16</sup></b>
VET schools (e.g. secondary technical schools, secondary VET schools)	AT, BE (DE), BE (NL), CZ, HU, IT, LT, LV, NL, NO, PL, RO, SK, SI, SE, UK, FR
Small and medium-sized enterprises (SMEs)	BE(FR), BG, HR, HU, IS, IT, LV, LT, NL, NO, RO, SK, ES, TR, UK
Colleges, schools for higher education offering places for graduates	BE (NL), BG, HU, IS, IT, LV, NO, UK
Universities, public and private higher education providers, private placement organisations that organise placements and take a cut out of the management fees	CY, HU, IT
Intermediary organisations helping enterprises including SMEs	AT, PL, FR
Public institutions at local and regional levels	BE (NL), IT, LT, MT, NO, TR, FR
NGOs, research centres and associations	HU, IT, LV, LT, MT, SK, TR, FR

According to the latest LdV statistics provided by the European Commission<sup>17</sup>, in 2010 the largest proportions of organisations providing placements for trainees and apprentices under the LdV programme were VET centres and organisations (23%), SMEs (20%), and vocational or technical secondary schools (11%).

PLM trainees were mainly hosted by SMEs (34%), followed by university or HE institutions (8%), VET centres and organisations (6%), non-profit associations (7%), and large enterprises (4%).

With regard to Erasmus placements, in 2008-2009 students were mainly hosted by SMEs: 45.1% of students were hosted by small enterprises, 36.4% by medium, and 18.9% by large companies.<sup>18</sup>

The four main sectors that host trainees and apprentices in LLP countries, as cited by National Agencies, are: tourism, healthcare, social work, and agriculture and forestry. Further details are outlined in Table 7.

<sup>16</sup> Excluded: DE, DK, EE, FI, GR, IE, LI, LU, MK

<sup>17</sup> Statistics obtained from the European Commission, DG EAC, Directorate B - Lifelong Learning, Unit B5 - Leonardo da Vinci

<b>Table 7 - Main types of sectors offering placements to trainees</b>	
<b>Type of sector</b>	<b>Countries<sup>19</sup></b>
Tourism, hotel, catering and other related services	AT, BE (NL), BE(FR), DK, HR, CY, CZ, HU, IS, IE, IT, LV, MT, NO, RO, SK, SI, ES, TR, FR, LU
Health and healthcare (e.g. nursing, medicine, as well as other human health related areas)	AT, BE (DE), BE (NL), CZ, DK, FI, HU, IT, LT, MT, RO, SK, SI, ES, TR, FR, LU
Social work, social care	AT, DK, HU, IE, IT, LV, MT, NO, SK, SI, SE, TR, FR
Agriculture and forestry	CZ, DK, HU, IS, LI, MT, NL, RO, SK, SI, ES, SE, FR
ICT	BE (NL), HU, MT, NO, RO, SK, SI, TR
Scientific, technical and mechanics (e.g. mechanical engineering)	LI, HU, CZ, LT, NO, RO, SI, ES
Crafts (e.g. gardening, carpentry, construction)	BE (DE), HU, IT, LV, LI, NO, PL, FR
Food, gastronomy, culinary	CZ, HU, LV, NO, SK, ES
Education, schools (including academic and vocational)	BE(FR), BG, IS, LT, MT, LU
Business administration/ management	AT, FI, SI, ES, SE, FR
Automobile	CZ, RO, SK, SI
Banking and financial services	BE, RO, SI, FR
Public service	CZ, MT
Culture and art	FI, IT
Environmental protection, recycling	RO, ES
Beauty	MT, SI

<sup>18</sup> <http://ec.europa.eu/education/erasmus/doc/stat/report0809.pdf>

<sup>19</sup> Excluded: DE, EE, GR, MK, UK

<b>Table 7 - Main types of sectors offering placements to trainees</b>	
<b>Type of sector</b>	<b>Countries<sup>19</sup></b>
Airport and aviation; sports	MT
Transport; energy (oil, hydroelectric energy); fishing	NO
R&D; architecture	LT
Textile industry; chemical industry	RO

According to the 2010 LdV statistics<sup>20</sup>, the main sectors hosting trainees and apprentices are the following: education (48%), accommodation and food service activities (12%), wholesale and retail trade, repair of motor vehicles and motorcycles (7%), manufacturing (6%), human health and social work activities (5%), and agriculture, forestry and fishing (5%). The education sector is by far most prominent field according to the LdV statistics. These statistics differ slightly from the viewpoints of national agencies that consider tourism, hotel and the catering industries to offer the most placements to LdV participants.

For PLM, the largest sector hosting trainees is education (31%), followed by professional, scientific and technical activities (18%), administrative and support service activities (10%), manufacturing (7%), arts, entertainment and recreation (7%), information and communication (6%), accommodation and food service activities (4%), and human health and social work activities (3%).

Annex 2 provides an overview of outgoing and, where possible, incoming statistics on transnational mobility of trainees, within the Leonardo da Vinci and Erasmus programme. Annex 2 is based on statistics from the Leonardo da Vinci and Erasmus programmes. The LdV statistics were mainly gathered at the stakeholder consultation while the statistics on Erasmus were based on a Commission report<sup>21</sup> issued in December 2010 which has also been cited earlier.

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<sup>20</sup> Ibid

<sup>21</sup> <http://ec.europa.eu/education/erasmus/doc/stat/table109c.pdf>

### 3 INSTITUTIONAL AND ORGANISATIONAL FRAMEWORK FOR TRAINEES IN LLP COUNTRIES

#### 3.1 National institutional framework for trainees in LLP countries

The following section describes the institutional framework for trainees/ apprentices in LLP countries<sup>22</sup>. It identifies the key characteristics of LLP countries' institutional setup with regards to:

- Public authorities responsible for traineeships, and the role of these authorities; and
- Key differences in the current institutional set up between LLP countries and issues that occur as a result of these differences.

##### 3.1.1 *Public authorities responsible for traineeships from a regulatory and institutional perspective*

In the majority of LLP countries the main public authority which is responsible for (national) traineeships/ apprenticeships from a regulatory and institutional perspective is the Ministry of Education, although in several countries it is the Ministry of Labour who is responsible for placements, especially for apprentices. However, it is important to note that even if there is one public authority which has the main responsibility for trainees and apprentices, part of the responsibility may be shared with other relevant bodies. For example, in practice, the Ministry of Education, Ministry of Labour and Ministry of Interior may all be involved at some level in regulating transnational traineeships/apprenticeships.

Table 8 describes the public authority that has the main responsibility with respect to traineeships.

Table 8 - Main public authority responsible for traineeships	
Type of public body	Countries
Ministry of Education <sup>23</sup>	AT, BE (DE), BE (NL), BG, HR, CZ, DK, EE, FI, MK, DE, GR, IE, IS, IT, LV, LI, LT, MT, NL, NO, PL, RO, SI, SK, ES, SE, TR, FR, UK <sup>24</sup>

<sup>22</sup> The section refers to traineeships in general and not only to transnational traineeships

<sup>23</sup> 'Ministry of Education' has been used to cover all national ministries responsible for education including the Ministry of Education and Science; Ministry of Education, Science and Culture; Ministry of Education, Youth and Science; Ministry of Science, Education and Sports; Ministry of Education and Research; Department for Education and Skills, and other similar ministries.

<b>Table 8 - Main public authority responsible for traineeships</b>	
<b>Type of public body</b>	<b>Countries</b>
Ministry of Labour <sup>25</sup>	BE(FR), BG, CY, FI, GR, IT, FR
Ministry of the Economy/ Ministry of Finance	HR, GR, HU
Ministry of the Interior	HR
Ministry of agriculture	FR
No specific body responsible <sup>26</sup>	LU

Table 9 (below) outlines the main tasks of the relevant authorities responsible for national traineeships. Such tasks include planning and policy development, funding, regulation with respect to rights of trainees and their entitlements, and the implementation and management of traineeships/ apprenticeships. The same authorities are often responsible for both national and transnational traineeships.

<b>Table 9 – Main responsibilities of public authority<sup>27</sup></b>	
<b>Responsibility</b>	<b>Countries</b>
Planning and setting framework for placements (e.g. setting framework for training within enterprises, setting quality framework for placements), policy development (e.g. national higher or vocational education policy)	BE (DE), EE, FI, DE, HU, IS, IE, NO, ES
Regulation/ legislation (e.g. with respect to the rights of trainees, learning/ training element of placements, employment, payment and tax issues etc.)	CZ, MK, GR, LV, LI, MT, PL, SK, SI, TR, FR
Funding (e.g. national co-funding of EU programmes and agencies administering them, allocation of EU funding)	AT, BE (NL), DK, IT, LV, LI, NL, NO, PL, SK
Implementation, management of traineeships/ apprenticeships (e.g. management of apprenticeship system)	CY, IT, LV, LI, LT, SI, UK, FR

<sup>24</sup> In England, apprenticeships are managed under the Department for Business Innovation and Skills (BIS).

<sup>25</sup> 'Ministry of Labour' has been used to cover all the national ministries responsible for Labour including the Ministry of Labour; Ministry of Labour and Social Affairs; Ministry of Labour, Social Affairs and Family; and other similar ministries.

<sup>26</sup> However, the Ministry of Education is in charge of appointing a "traineeship bureau" within secondary education institutions. These offices are responsible for the organisation of traineeships.

<sup>27</sup> Excluded: BE(FR), BG, HR, LU, RO, SE

Other public authorities which have full or part responsibility for traineeships and apprenticeships include Chambers of Commerce, educational and training institutions and local and regional authorities. These, and other examples, are indicated in Table 10.

<b>Table 10 - Other public bodies responsible for traineeships</b>	
<b>Type of public body</b>	<b>Countries<sup>28</sup></b>
Educational, training and research institutions, Europass centres	BE (DE), DK, FI, NL, PL, RO, LU
Regional and local authorities	IT, NO, PL, RO, ES, FR
Chambers of Commerce, Chambers of Industry, Chamber of Arts and Crafts etc.	HR, DE, IS, RO, SI, TR
Cooperation agencies, intermediaries	BE(FR), FI, MK, MT
Ministry of Education	CY, HU
Ministry of Science and Research	AT
Social partners	CZ
Non-departmental public organisation	GR (Erasmus)

The other public bodies are responsible for the following aspects of traineeships:

- Educational institutions and local and regional public bodies are responsible for the management of the resources allocated by the central national public institution such as funding (e.g. in BE (DE), IT, NO, ES) or other institutional organisation and implementation of national policy (e.g. in FI, IT, NL, NO, PL, RO, ES).
- Chambers of Commerce/ Arts and Crafts are involved in the traineeship programmes at national level in some LLP countries (e.g. in HR, DE, IS, RO, SI, TR). They have similar roles and contributions in these countries: they organise traineeships and exams for the potential candidates, set quality standards, draw the scope of the traineeship programmes, and grant certificates. They also organise events to inform potential candidates about traineeship and apprenticeship opportunities.

Overall, the nature of the involvement of the secondary organisations engaged with transnational traineeship programmes varies among LLP countries. In most cases the organisations undertake activities to promote specific types of mobility such as mobility through Erasmus (e.g. in CY, GR) or mobility of VETs (e.g. in HU, IS). The regional and local authorities and schools which are involved in transnational traineeships are

<sup>28</sup> Excluded: BE (NL), BG, EE, IE, LI, LT, LV, NO, SE, SK, UK

usually responsible for setting their own policy objectives, meaning they have full responsibility for the traineeships with transnational elements (e.g. NO, PL, ES, FR).

### **3.1.2 Key differences and related obstacles within the current institutional setup**

There are notable differences between LLP countries' institutional arrangements for transnational mobility of trainees/ apprentices.

The three key differences in LLP countries' institutional set up, as highlighted by a Green Paper representative from the UK, and emphasised by other stakeholders are as follows:

- Firstly, countries' differ with regard to institutions' expectations of the responsibility they should assume for the student. For example, in the UK, institutions are expected to have a duty of care for the students; and prospective employers in another country are expected to have certain processes in place.
- Secondly, countries differ with regard to the support institutions offer to students in their visa applications. This is because visa regimes vary between LLP countries and levels of institutional support are different. Some institutions are prepared to support applications, whereas other institutions less so. This is a matter of resource and experience – some institutions have been running placements for years, others only very recently.
- Lastly, nearly half the LLP countries, but not all, have national consortia (specifically in aid of facilitating Erasmus exchanges) – groups of institutions and other organisations (enterprises, associations, chambers of commerce, etc.) working together to facilitate placements for higher education students. They provide a focal point and central administration for the organisation of mobility for placements. They might also include active support for the identification of placements.

In consultation with representatives from EU umbrella organisations it was stated that there is a lack of an effective and efficient intermediary structure for the transnational mobility of VET students and apprentices, unlike those structures relating to the mobility of HE students within the Erasmus exchanges. It was suggested that such a structure could be initiated and led by regional actors. In addition, some of these representatives stated that one of the major obstacles to transnational mobility at institutional level is the lack of mechanisms for providing information to young people about the possibilities of mobility. It was suggested that such a mechanism be established to raise awareness and to create a 'culture' of mobility in education and training.

On the other hand, representatives from Chambers of Commerce and Chambers of Arts and Crafts emphasised the importance of institutional awareness about the different types of trainees: school-age pupils, higher education (HE) students, and apprentices. Problems occur due to the lack of such understanding which leads to problems with status granted to these trainees and apprentices. The related issue is that where mobility is not integrated into the curriculum this leads to different practices and setting in educational institutions, as noted by the EU Umbrella organisations. According to these organisations there is also evidence of varied quality of traineeships. Due to the lack of formal agreements between academic institutions and

enterprises, problems can occur with regard to the protection and social security of trainees.

The challenges within the institutional set up are also related to the challenges that organisations, both sending and hosting, face. These are discussed in the following section.

### **3.2 Organisational framework for trainees in LLP countries**

Similarly to the section above, the following section maps out the organisational framework for trainees and apprentices in LLP countries. It identifies:

- The main types of sending and host organisations, including their roles
- The main challenges faced by sending and host organisations; and
- The role of intermediary organisations.

#### **3.2.1 Overview of organisational arrangements**

The following main types of organisations were identified by National Agencies as the sending organisations of trainees and apprentices in LdV:

- Educational and training institutions, for example secondary schools, secondary VET schools, other VET/ professional training providers; public and private HE institutions (mainly involved in PLM mobilities)
- Enterprises, mostly SMEs;
- Intermediary organisations including Chambers of Commerce, Chambers of Arts and Crafts, private intermediary organisations; and
- Other organisations such as NGOs, regional/ local authorities, employment services.

In the Erasmus programme, sending institutions are always HE institutions, holding an extended Erasmus University Charter (EUC) with or without the support of an Erasmus placement consortium. This charter provides the general framework for the European cooperation activities a HEI may carry out within the Erasmus programme.

Represented proportionally<sup>29</sup>, IVT applicants in 2010 are from the following types of sending organisations: VET centres or organisations (38%), vocational or technical secondary schools (28%), general secondary schools (4%), and SMEs (1%). In 2010 PLM trainees usually come from university or HE institutions (21%), VET centres or organisations (10%), non-profit associations (14%), and SMEs (9%).

With regard to host organisations, the most common types of organisations identified by National LLP Agencies were the following:

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<sup>29</sup> Statistics obtained from, European Commission, DG EAC, Directorate B - Lifelong Learning, Unit B5 - Leonardo da Vinci

- Enterprises including SMEs and larger, multinational companies;
- Educational and training institutions, mainly VET schools;
- Intermediary organisations including Chambers of Commerce; and
- Other organisations such as regional/ local authorities, NGOs etc.

Represented proportionally, in 2010 the largest share of organisations hosting IVT trainees and apprentices were SMEs (20%), followed by VET centres and organisations (23%), and vocational or technical secondary schools (11%). PLM trainees were mainly hosted by SMEs (34%), university or HE institutions (8%), and VET centres and organisations (6%).

As can be seen, similar types of organisations act both as sending and host organisations. Many of them may resume activities akin to both sending and host organisations. This means that their responsibilities cover a wide variety of activities.

The responsibilities of both sending and host organisations are clearly defined in the Leonardo da Vinci Mobility Quality Commitment Training Placements.<sup>30</sup> According to the document, sending organisations are responsible for the following:

- Defining placement objectives in terms of the skills and competences to be developed;
- Choosing the appropriate target country, host organisation, project duration and placement content to achieve these objectives;
- Selecting participants on the basis of clearly defined and transparent criteria;
- Preparing participants in collaboration with partner organisations for the practical, professional and cultural life of the host country, in particular through language training tailored to meet their occupational needs;
- Establishing a contract including a training agreement whose contents are transparent for all parties involved;
- Managing transport, accommodation, visa/work permit arrangements and social security cover and insurance; and
- Evaluating with each participant the personal and professional development achieved through participation in the Leonardo programme.

Host organisations are mainly responsible for:

- Fostering understanding of the culture and mentality of the host country;
- Assigning to participants tasks and responsibilities to match their knowledge, skills, competences and training objectives and ensure that appropriate equipment and support is available;

- Identifying a tutor to monitor the participant's training progress;
- Providing practical support if required;
- Checking appropriate insurance cover for each participant; and
- Validating the placements by signing the Europass Mobility certificate.

In addition, the quality commitment defines specific tasks which sending and host organisations should undertake jointly such as negotiating a tailor-made training programme for each participant and making monitoring and mentoring arrangements.

The role of intermediary organisations, which is also elaborated in the quality commitment, is to select suitable host organisations ensuring the achievement of the placement objectives. Intermediaries should also provide contact details of all parties involved and ensure that final arrangements are in place in the pre-departure of participants.

With regard to Erasmus placements, the responsibilities of both sending and hosting institutions/ organisations are defined in the Training Agreement signed by all parties (home institution, host enterprises, student) which is a **personalised document** that includes information such as the work programme to be carried out, the expected competences and skills to be gained, the mentoring arrangements and the recognition to be awarded on completion, etc. and in the Quality Commitment, which is a standard document that is part of the training agreement. It replicates the principles of the European Quality Charter for Mobility and is therefore very similar to the Leonardo da Vinci one described above.

### 3.2.2 **Main challenges and obstacles faced by sending and host organisations**

The main challenges to implementing transnational mobility for **sending organisations** include issues related to organisational aspects, such as limited funding for management of the programme, identifying suitable transnational partners, and ensuring good quality placements. These are listed in Table 11<sup>31</sup> below, as identified by the LLP agencies.

<b>Table 11 – Main challenges for sending organisations</b>	
<b>Type of challenge</b>	<b>Countries<sup>32</sup></b>
Limited funding for management of programme and sending participants abroad	BE (DE), BE (NL), CZ, DE, FI, HU, MK, IE, NO, ES, SE
Identifying transnational partners suitable to the participants needs	DE, LI, NL, NO, RO, SI, ES, LV, IT, FR

<sup>30</sup> [http://ec.europa.eu/education/leonardo-da-vinci/doc/quality\\_en.pdf](http://ec.europa.eu/education/leonardo-da-vinci/doc/quality_en.pdf)

<sup>31</sup> No predefined list of categories was used; these are extrapolated from answers to an open ended question.

<sup>32</sup> Excluded: BG, EE, MT

<b>Table 11 – Main challenges for sending organisations</b>	
<b>Type of challenge</b>	<b>Countries<sup>32</sup></b>
Ensuring quality placements	HR, DK, FI, IT, NO, PL, ES, LU
Encouraging accompanying teachers due to lack of allowance	AT, CZ, DK, IE, SK, SE, UK
Lack of 'mobility windows' in national curricula	CY, CZ, DE, LT, NO, ES
Obstacles related to recognition of placements	ES, IT, PL, SK, FR
Lack of basic competences and language skills of trainees	BE(FR), FI, IS, ES
Difficulties with visa and residence procedures	IE, IT, TR
Non-transferability of unemployment benefits	AT, SE, UK
Issues related to social and health insurance	GR (Erasmus), SK

Stakeholders commented that a limited financial capacity for the management and operational effectiveness of the programme and lack of available financial resources to fund the participants was the most common challenge. Participants' lack of financing in order to undertake the placement was also identified as one of the main obstacles to transnational mobility by the interviewed EU umbrella organisations.

Stakeholders also elaborated on the other main challenges:

- The process for identifying international partners suitable to the participants' needs is complex and time-consuming;
- The national education system and the curricula do not usually enable year-abroad programmes, since such opportunities are not embedded in national systems.
- The level of basic competencies vary between trainees/apprentices and some of them have inadequate language skills<sup>33</sup>;
- A significant learning element corresponding to participants' needs and abilities is not always included in placements. Mentoring should also be a part of a quality placement, although providing accompanying persons may not be feasible as there is no financial allowance for those who use their spare time to contribute to student mobility<sup>34</sup>;
- VET schools often lack a clear policy on transnational mobility or it is not considered a priority in their overall policy. Furthermore, VET schools may

<sup>33</sup> Primarily identified by LLP agencies and EU Umbrella organisations

<sup>34</sup> This information was primarily identified by LLP agencies and EU Umbrella organisations

not have sufficient capacity to manage mobility projects, and, as such, their activities may be occasional rather than institutionalised<sup>35</sup>; and

- There is a lack of legal framework for trainee/apprentice mobility and the administrative burden associated with organising the mobility of trainees and apprentices is considerable. The related key issues are the establishment of agreements / networking between organisations, a common declaration on the applicants' and host institutions' needs, and institutional support for the standardisation of eligibility criteria<sup>36</sup>.

With regard to the main challenges for **host organisations**, problems with the status of the trainee and the related procedures for traineeships (including work permit, residence card and visa procedures, remuneration, taxation, the scope of the national legislation (e.g. labour law)) were stated as the primary obstacles for these organisations. These as well as the rest of the most common challenges host organisations encounter are listed in Table 12<sup>37</sup> below.

<b>Table 12 – Main challenges for host organisations</b>	
<b>Type of challenge</b>	<b>Countries<sup>38</sup></b>
Problems with trainee' status and related procedures (e.g. work permit, visa/ residence card, remuneration, taxation etc.)	AT, BE (NL), HR, CY, LI, MK, MT, PL, SK, TR, LU
Funding available for participants and financial capacity of host organisation	NL, PL, RO
Administrative costs, costs related to the training, supervising and monitoring of trainees, lack of incentives for SMEs	CZ, IT, SI, ES
Difficulties in finding SMEs who are willing to accept foreign trainees	BE (DE), SI, FR
Businesses' lack of awareness on the benefits of transnational mobility in general and on the relevant legislative framework	GR (Erasmus), ES
Trainees' lack of language skills	FI, HU, SI
Practical issues such as housing, finding right host families etc.	NO, SI
Issues defining the role and the tasks of a trainee in a very short period	DE

<sup>35</sup> Primarily identified by EU Umbrella organisations

<sup>36</sup> Primarily identified by the Green Paper respondents

<sup>37</sup> No predefined list of categories was used; these are extrapolated from answers to an open ended question.

<sup>38</sup> Excluded: BE(FR), BG, DK, EE, IE, IS, LT, LV, NL, SE, UK

Stakeholders also elaborated on challenges related to the following:

- *Level of available funding* There is a low level of grants available to participants and that host organisations do not have sufficient financial capacity to support them. In addition, there is a lack of clarity regarding the distribution of funding by intermediary bodies.
- *Cost to business*: Businesses, in particular SMEs, find the administrative and practical costs of training, supervising and monitoring trainees to great, and they do not see the benefits of training programmes. Because of this they are not sufficiently incentivised to take part transnational mobility activities<sup>39</sup>;
- *Practical issues*: There are often challenges in housing trainees and finding right host families or defining the role and the tasks of a trainee in a very short period of time<sup>40</sup>;
- *Lack of awareness of benefits*: A few stakeholders on the business side identified lack of awareness on the benefits of transnational mobility in general and on the relevant legislative framework. Similarly, a few stakeholders commented on that it is hard to find SMEs who are willing to accept trainees from abroad<sup>41</sup>; and
- *Timing of placements*: Very short-term placements can make it difficult for host organisations to make the mobility period interesting and use the additional labour efficiently. In general, host organisations should mentor and assist young trainees but may not have the time or inclination to do this within a short time span. Employers also describe concerns about the lack of legal status of trainees in some countries and are concerned that because of this they will be 'exploiting' the trainee<sup>42</sup>.

### **3.2.3 Role of intermediary organisations in transnational mobility**

Intermediary organisations can have an important role in helping to organise the mobility period abroad for trainees and apprentices. These organisations can assist with activities such as administration of placements, finding suitable host organisations and providing essential information for trainees and apprentices. On the other hand, some intermediary organisations are driven by financial incentives, and may exploit participants or offer poor quality of support.

All interviewed stakeholder groups recognised the importance of intermediary organisations in organising the transnational mobility of trainees and apprentices. Furthermore, it was suggested that an effective intermediary system could help

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<sup>39</sup> Primarily identified by national LLP agencies and Green Paper respondents

<sup>40</sup> Primarily identified by national LLP agencies.

<sup>41</sup> Primarily identified by Chambers of Commerce/Chambers of Arts and Crafts and national LLP agencies.

<sup>42</sup> Primarily identified by Green Paper respondents.

address some of the challenges faced by sending and host organisations. For example:

- Intermediary organisations not only take some of the administrative burden away from sending and host organisations but also help to establish relationships and contacts between different mobility agencies;
- Intermediary organisations may often have first-hand knowledge of the obstacles that beneficiaries encounter and therefore be aware of how to overcome them. Such obstacles include: prior language training, beneficiary profiles, accommodation, social security issues or freedom of movement and establishment; and
- Intermediary organisations may have in-depth knowledge of types of traineeship and apprenticeship agreements offered by host organisations, and can help to break down regulatory barriers.

However, it was also suggested that intermediary organisations should be regulated so that their interest is not purely in profit-making but also in the educational value of the placement for the young person and the quality of the experience as a whole. As it currently stands, the quality of intermediary organisations can vary widely.

Interviewed stakeholders (especially EU umbrella organisations) also emphasised the importance of involving intermediary organisations in setting up placements of trainees and apprentices. The Euroapprenticeship<sup>43</sup> project launched in November 2010 was cited as an example where intermediary organisations at both regional and sectoral level are involved and working in a complementary way. Intermediary organisations at these levels are key partners to mobility given the proximity of regions to all actors in their area and the know-how that sectoral organisations have in a particular area.

The European Training services (ETS) described below provides a good example of a successful intermediary organisation. The example below is based on consultation with a representative from the organisation.

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<sup>43</sup> <http://www.euroapprenticeship.eu/en/network-seminars.html>

<b>Case study: European Training Services (ETS) – <a href="http://www.europeantrainingservices.co.uk">www.europeantrainingservices.co.uk</a></b>	
<b>Objectives</b>	<i>ETS</i> is a private intermediary organisation in the UK seeking to improve the employability and mobility of recent graduates throughout the EU. Many recent graduates have problems in gaining meaningful and high quality employment because there is a gap between their graduate skills and knowledge and their readiness for work. The programme believes that by organising and facilitating a twelve-week work placement in another European country, graduates' employability will be enhanced.
<b>Geographical coverage</b>	Every year the organisation arranges placements for over 200 UK graduates in European destinations such as Slovakia, Czech Republic, Italy, Spain, Estonia, Germany, and France. A number of foreign graduates are hosted in the UK as well.
<b>Target groups</b>	Graduates and employers
<b>Outcomes</b>	Young people with international experience are more employable. Forty-one percent of participants end up having a permanent job as a consequence of the work placement. Through the work placement, graduates gain the experience of working in another country. This helps to improve their language skills and to develop an understanding of different business practices. In addition, the transition to another country which is a formative process helps graduates to mature and develop quickly.
<b>Role in helping to overcome institutional and legal challenges to transnational mobility of trainees/apprentices</b>	The organisation has links with other intermediary organisations (and some employers) in host countries. This helps to overcome any obstacles because these organisations will identify the necessary legal or institutional arrangements that are crucial for smooth organisation of placements. The UK-based service manages all the communication with graduates before and during the placement. This helps to ensure efficient communication and organisation of the placement abroad.
<b>Promotion of partnerships in facilitating transnational mobility of trainees/apprentices</b>	The links with organisations in host countries are the main conduit for communicating with employers. Having such links is key to success in identifying any problems at an early stage and overcoming them before the actual placement takes place. .
<b>Elements of good practice for facilitating transnational mobility of trainees/apprentices</b>	Intermediary organisations such as <i>ETS</i> function effectively, because they have worked in the area for many years and have good knowledge of the obstacles to mobility. They know that to meet the expectations of employers they need to match the needs of employers to the needs of graduates. They prepare participating graduates well and overcome any personal barriers by sending out relevant information beforehand so that graduates know what to expect of the experience abroad.

## 4 LEGAL FRAMEWORK FOR TRAINEES AND APPRENTICES IN LLP COUNTRIES

This section discusses the legal and regulatory framework that is applicable to trainees and apprentices in the LLP countries. Both the regulatory context at EU and national level is described. With respect to the national regulatory context, the following are elaborated upon:

- The legal status of trainees and apprentices in the LLP countries;
- The set of conditions included in work placements; and
- Trainees and apprentices entitlement to social benefits and insurance.

This section also assesses the differences in conditions and entitlements for trainees and apprentices in the LLP countries and the challenges that arise with transnational mobility.

### 4.1 EU regulatory context

There is currently no existing EU legislation specifically regarding the transnational mobility of trainees and apprentices. Transnational mobility is only partially regulated at EU level and this is mainly in accordance with LLP countries' national legislation, although not all countries have such legislation. In general, the lack of specific EU-level legislation on mobility means that there is a lack of common standards for trainees and apprentices across the EU. The issues relating to this are described further in this section.

In order to identify EU legislation which is relevant to the subject of the study, sixteen pieces of legislation were reviewed. Following the detailed review, the research team identified seven EU legal documents as the most significant to the subject matter of the current study. Each of them is briefly presented below:

- Regulation (EEC) No 1612/68 of the Council of 15 October 1968 on **freedom of movement for workers within the Community**<sup>44</sup>

This regulation secures the freedom of movement for workers within the EU. It abolishes any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment. It stipulates that equality of treatment should be ensured and that obstacles to the mobility of workers should be eliminated. It also states that workers wishing to move should be regularly informed of the living and working conditions in other Member States. The legislation refers to remunerated workers in general.

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<sup>44</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31968R1612:EN:HTML>

It is important to note that the principle of free movement of workers in the EU upheld by this regulation explains the absence of specific EU regulatory framework addressing the transnational mobility of trainees and apprentices.

- *Council Directive 93/96/EEC of 29 October 1993 on **the right of residence for students***<sup>45</sup>

This Directive aims to facilitate the exercise of the right of residence for non-nationals. Its aim is to guarantee access to vocational training in a non-discriminatory manner. The Directive states that the right of residence is restricted to the duration of the programme/ course undertaken by the participants.

- *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***<sup>46</sup>

This Recommendation suggests that Member States should take necessary and appropriate measures to remove legal and administrative obstacles for the mobility of students, trainees, volunteers or persons providing teaching or training in another Member State, both within and outside the context of Community programmes. The document also recommends further cooperation among EU institutions in the promotion of the exchange of experience and good practice relating to the transnational mobility of the persons concerned.

The Recommendation covers issues in seven major areas including linguistic obstacles, financial support for mobility and the transferability of the financial instruments, EU qualification and recognition issues, the recognition of the participants' status in host country for practical facilities (e.g. student discounts), increasing awareness among students and organisations, non-discrimination of the participants to transnational mobility programme upon returning home, obstacles to the mobility of third country nationals.

- *Council Directive 2004/114/EC of 13 December 2004 on **the conditions of admission of third country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service***<sup>47</sup>

This Council Directive sets both general and status specific conditions for admission of third-country nationals in the Member States for a period exceeding three months for the purposes of studies, pupil exchange, unremunerated training or voluntary service. However, the Directive does not make it compulsory for Member States to include trainees in the scope of their national legislation and, as a result, only 14 Member States have opted to also cover trainees with this legislation.

The Directive provides definitions of the following major concepts: third country national, student, school pupil, unremunerated trainee, establishment, voluntary service scheme, and residence permit. In particular, the definition of an unremunerated trainee is the following: *a third-country*

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<sup>45</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31993L0096:EN:HTML>

<sup>46</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001H0613:EN:HTML>

<sup>47</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:375:0012:0018:EN:PDF>

*national who has been admitted to the territory of a Member State for a training period without remuneration in accordance with its national legislation.* The legislation then presents each general and specific criteria for the above categories such as: age criteria (e.g. for school pupils and volunteers), official documents to be held/ presented to the national authorities (e.g. letters from host educational institution or organisation, health insurance documents), language proficiency (e.g. students, trainees, volunteers), the proof of financial capacity (e.g. for students). The Directive also sets the conditions for the residence permit and mobility of the third country nationals under these categories.

- *Recommendation (EC) No 2006/961 of the European Parliament and of the Council of 18 December 2006 on **transnational mobility within the Community for education and training purposes: European Quality Charter for Mobility***<sup>48</sup>

This Recommendation complements and has the same scope as the 2001 [Recommendation on mobility for students, persons undergoing training, volunteers, teachers and trainers](#)<sup>49</sup> described above. The European Quality Charter for Mobility is a reference document for organisations responsible for young people's stays abroad during learning mobility or mobility for other purposes. The document was designed to ensure that mobility participants have a positive learning or other experience both in the host country and their country of origin upon return. Guidance is provided to organisations with regard to the following ten areas: information and guidance, learning plan, personalisation of the mobility experience to participants' learning pathway, skills and motivation, general pre-departure preparation, language learning, logistical support (e.g. insurance, residence or work permits, social security etc.), mentoring during mobility abroad, recognition of the study or training abroad, reintegration and evaluation upon participants' return, commitments and responsibilities of sending and host organisations, and participants.

The document suggests that insurance cover, residence or work permits, social security, accommodation and any other practical aspects of mobility including safety issues should be resolved before participants' departure on mobility period abroad.

- *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions of 15 September 2010 – **Youth on the Move** – An initiative to unleash the potential of young people to achieve smart, sustainable and inclusive growth in the European Union [COM(2010) 477 final]*<sup>50</sup>

This Communication is part of the Youth on the Move initiative which aims to enhance the performance and international attractiveness of Europe's higher education institutions and raise the overall quality of all levels of education and training in the EU, combining both excellence and equity, by promoting student mobility and trainees' mobility, and improve the employment situation

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<sup>48</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:394:0005:0009:EN:PDF>

<sup>49</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32001H0613:EN:HTML>

<sup>50</sup> [http://ec.europa.eu/education/yom/com\\_en.pdf](http://ec.europa.eu/education/yom/com_en.pdf)

of young people.<sup>51</sup> The Communication places the issue of resolving legal and administrative obstacles to mobility high on the policy agenda. It outlines five key areas requiring action by EU institutions and Member States. One of the key actions is a proposal for a quality framework for traineeships which would also address the legal and administrative obstacles to transnational placements. Member States are specifically asked to focus on identifying and overcoming the legal and administrative obstacles that might block young people's access to the job market or further education and training. The Commission has also put together a proposal for a Council Recommendation on the Youth on the Move which is described below.

- *Proposal for a Council Recommendation **Youth on the move – promoting the learning mobility of young people** of 15 September 2010 (COM (2010) 478 final)*<sup>52</sup>

This Proposal for a Council Recommendation is based on the outcome of the public consultation on the Green Paper promoting the learning mobility of young people which was launched between July and December 2009.<sup>53</sup> The proposal recommends that Member States focus on improving the following areas related to transnational mobility: information and guidance on mobility opportunities, motivation to participate in transnational mobility activities, preparation of mobility opportunities, regarding foreign language skills, legal and institutional obstacles related to the learning period abroad, portability of grants and loans, quality of mobility, recognition of learning outcomes, disadvantaged learners, partnerships and funding, role of multipliers, monitoring progress – 'mobility scoreboard'. The document outlines the main actions that Member States should aim to undertake in order to achieve each of these key objectives. In particular, it specifies that Member States should specifically focus on carrying out *inter alia* the following actions:

- *Address legal issues that create difficulties in obtaining visas and residency permits for non-EU residents who wish to pursue a learning opportunity in a Member State;*
- *Define clear systems for apprentices to engage in mobility periods. To foster the mobility of apprentices and also of young researchers and to remove uncertainties, Member States should ensure appropriate levels of protection in terms of insurance labour standards, health and safety requirements and tax, social security and pension arrangements;*
- *Reduce administrative and legal burdens in order to promote learning mobility to and from the European Union. Greater cooperation and partnerships with third countries, agreements between the relevant authorities across Member States and bilateral*

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<sup>51</sup> European Commission (2010), Communication on 'Europe 2020: A strategy for smart, sustainable and inclusive growth', COM(2010) 2020, Brussels, March 2010

<sup>52</sup> [http://ec.europa.eu/education/yom/rec\\_en.pdf](http://ec.europa.eu/education/yom/rec_en.pdf)

<sup>53</sup> [http://ec.europa.eu/education/yom/wpconsult\\_en.pdf](http://ec.europa.eu/education/yom/wpconsult_en.pdf)

*agreements between institutions would facilitate learning mobility between the EU and other parts of the world.*

- *Use existing quality charters, such as the European Quality Charter for Mobility, to ensure mobility is of high quality, and consider the introduction of quality assurance procedures for each aspect of mobility*

The above legislation review clearly shows that transnational mobility has been set high on the EU policy agenda over the past few years. However, the field of education and training is predominantly a national competence and Member State compliance with the above provisions except for the transposition of Directives, is voluntary. This produces variation in compliance and a lack of common standards applicable to trainees and apprentices in a transnational mobility context. These differences and their implications for transnational mobility are explored in the following section.

## **4.2 Regulatory context in the LLP countries**

This section describes the situation of trainees and apprentices in the LLP countries, focusing on the following issues:

- The legal status of trainees and apprentices;
- The set of conditions included in the work placements; and
- Trainees' and apprentices' entitlement to social benefits and insurance.

The main challenges arising from the differences in these areas as well as implications thereof are also elaborated.

### **4.2.1 The legal status and definition of trainees and apprentices in the LLP countries**

This section describes the legal status of trainees and apprentices in the LLP countries, focusing on whether:

- Trainees have a specific recognised legal status;
- Generally recognised or national definition of a trainee exists; and
- Generally recognised or a national definition of apprentice exists that is different from the definition of a trainee

The key challenges that arise from differences in the legal status of trainees and apprentices are further elaborated below.

Information from national stakeholders suggests that in about one third of the LLP countries a specific recognised legal status for trainees exists. However, in countries where no specific legal status exists, trainees are often categorised as students for practical reasons. Table 13 below provides an overview of the legal status of trainees in the LLP countries.

Question	Yes		No		Uncertain	
	No.	Countries	No.	Countries	No.	Countries
Do trainees have a specific recognised legal status <sup>54</sup>	13	AT, BE (DE), HR, HU, MK, IT, LT, MT, NL, NO, SK, SI, FR	17	BE(FR) , BE (NL), DK, EE, DE, FI, IS, IE, LV, LI, PL, RO, SE, TR, UK, CZ, LU	4	CY, GR (Erasmus), GR (LdV), ES
If yes, does this status also apply to trainees from other LLP countries <sup>55</sup>	7	AT, BE (DE), IT, LT, MT, SI, FR	2	NL, SK	2	HR, NO

In countries where trainees have a specific recognised legal status, this is often set out within the national legislative framework. Trainees in these countries are often contractually protected (this is the case in AT, BE (DE), HR, IT, FR). The contracts are normally signed prior to the start of the traineeships, specifying conditions such the duration, the structure and the scope of the traineeship. For example, in Hungary, there is a legal obligation between the vocational school, the trainee and the recipient enterprise to sign a training agreement.

On the other hand, in countries where no specific recognised legal status exists trainees are often categorised as students for practical purposes, and this provides them similar rights to students (this is the case in FI, PL, RO, CZ and SE). Hence, while there is no clear status of ‘trainee’ available in the national legal framework, there is a common definition and understanding of a trainee and of a traineeship in the education system. However, in some countries (such as BE, DE and UK) only apprentices, strictly speaking, have a specific recognised legal status.

The applicability of the legal status to trainees from other LLP countries is often dependent on the status of trainees in the home country. For example, it is frequently the case that sending organisations are in charge of looking after students abroad. However, gaps and incoherencies exist as there are few examples of a legal document stating whether trainees should be paid or which conditions should be met in the host country. This becomes problematic particularly when the conditions in the sending and host country vary. As specified by the stakeholders, the standards applied to trainees/apprentices are different depending on the LLP country.

<sup>54</sup> The stakeholders from BG, ES and SE did not answer this question and are excluded from the analysis.

<sup>55</sup> Excluded: HU, MK

The issue of legal status is closely linked to whether a generally recognised or national definition of a trainee exists. In almost all countries in which a definition of a trainee exists, there is a strong link between education and work experience as part of the educational curriculum. Table 14 indicates that in about half of the LLP countries, a generally recognised or national definition of a trainee exists.

<b>Table 14 – Definition of trainee</b>						
<b>Question</b>	<b>Yes</b>		<b>No</b>		<b>Uncertain</b>	
	<b>No.</b>	<b>Countries</b>	<b>No.</b>	<b>Countries</b>	<b>No.</b>	<b>Countries</b>
Does a generally recognised or a national definition of a trainee exist <sup>56</sup>	17	BE(FR), BE (DE), HR, CZ, DE, FI, GR (Erasmus), HU, IT, LT, MT, PL, RO, SK, SI, ES, FR	12	AT, BE (NL), DK, EE, MK, IS, IE, LI, LV, SE, TR, LU	5	CY, GR (LdV), NL, NO, UK
If yes, does this also apply to transnational trainees from LLP countries? <sup>57</sup>	9	BE, BE (DE), FI, DE, GR (Erasmus), IT, LT, MT, SI	2	HU, PL	3	HR, CZ, ES

In countries where the concepts of a trainee and of a traineeship are precisely defined, the practise of traineeships is often regulated in national law. For example, in Italy the national law on trainees sets out the maximum duration of a traineeship, which depends on the level of qualification and the age of the person. The law also sets the minimum conditions for the traineeships including rights and obligations of all parties as well as issues concerning social benefits, reimbursement of expenses and insurance. Representatives from some countries also mentioned that the relevant national legislative framework which defines trainees also states the conditions for social security and benefits (such as is the case in FI, FR and IT).

In most of the countries where a common or national definition of the trainee does not exist, stakeholders consulted stated that they used ad-hoc definitions and practices in order to “standardise” the status of the trainee and traineeship activities. In these situations the status of a trainee may depend on the definitions or understanding of the relevant organisation, or supported by complementary laws (e.g. labour law) and regulations within the national legal framework (such as labour law in countries like LI and TR).

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<sup>56</sup> Excluded: BG

<sup>57</sup> The stakeholders from RO, SK, FR did not answer to the question. The blank answers are not included in the analysis.

In some other countries the status of a trainee is regulated implicitly in the educational framework (such as in EE and MK). In Estonia for example, a national definition of a trainee does not exist but the Vocational Educational Institution Act (1998) provides a description of a trainee. Similarly, a law relating to higher education students in Macedonia states that students have to apply their academic knowledge and skills into practice to be classed as trainees. The law also establishes a common practice on traineeship programmes among educational institutions and organisations. In Sweden and Ireland, trainees<sup>58</sup> have a nationally agreed definition as long as they are also students.

In some countries the same legal document that provides a status to trainees also extends the scope of the definition to transnational traineeships (this is the case in BE, BE (DE), GR (Erasmus), IT, MT, FR). In other countries the scope of the transnational applicability of traineeships is limited. For example, in Germany, the law applies only to a few LLP countries including Denmark, Austria and Switzerland. In countries like Belgium, in addition to the national law defining trainee and traineeship, further legal measures are applied to regulate the activities of the trainees coming from non-EU countries.

In the majority of LLP countries a generally recognised or a national definition of apprentice exists, which is different from the definition of a trainee. National stakeholders emphasised the nature of an apprentice (an apprenticeship) as an on-the-job training of a technical occupation and its association to the practical experience within vocational education. Table 15 describes the prevalence of an apprentice definition in the LLP countries.

Question	Yes		No		Uncertain	
	No.	Countries	No.	Countries	No.	Countries
Does a generally recognised or a national definition of apprentice exist that is different from the definition of a trainee? <sup>59</sup>	21	AT, BE(FR), BE (DE), BE (NL), DK, CY, FI, DE, GR (Erasmus), IS, IE, IT, LI, LT, MT, NL, NO, TR, ES, UK, FR	10	HR, EE, HU, NO, LV, PL, RO, SK, SI, LU	1	GR (LdV)
If yes, does this also apply to transnational apprentices from LLP countries? <sup>60</sup>	9	AT, BE(FR), BE (DE), IS, IE, IT, LT, MT, UK	4	BE (FL), LI, TR, FR	6	CY, FI, DE, GR (Erasmus), NL, NO

<sup>58</sup> For IE, trainees here refer to IVT participants only

<sup>59</sup> Excluded: CZ, MK, SE

<sup>60</sup> Excluded: ES

Where a generally recognised definition exists, the stakeholders emphasised that an apprentice has a contractual status which is similar to a status of an employee. The contractual basis of the apprenticeship also regulates entitlements to social security, insurance and defines the working conditions between the apprentice and the employer. This is particularly the case in countries such as Austria, Belgium and Italy. In Belgium, for example, apprentices have a “contrat d’apprentissage” and specific legislation exists for employers that recruit apprentices. The contract provides a programme for individual trainees, a training guide, and agreed working hours. The apprentices are subject to the law for the protection of young people at work and have the same rights as workers in general.

Some stakeholders explicitly mentioned a dual system where trainee and apprentice are defined separately (in countries such as FI, LT, and MT). In some countries ‘trainee’ and ‘apprentice’ are defined in separate national legal frameworks, such as in Finland. However, in some countries the national legislative framework gives a single definition for both a trainee and an apprentice, such as is the case in Hungary and Slovenia. In Lithuania the concept of apprenticeships is new and just few school and employers are proving work placements.

Even in countries where a legal definition for apprentice does not exist, there is often a common understanding of the concept of apprentice and apprenticeship among organisations. In some countries, however, the definition of an apprentice does not exist, and it is not included within the educational structure. In Slovakia, for example, the educational system only recognises students at secondary level and tertiary level. According to a report from the Working Group on Mobility for Apprentices (2010)<sup>61</sup>, school-based IVET in Slovakia is equivalent to an apprenticeship scheme.

At European level CEDEFOP<sup>62</sup> has proposed a definition of apprenticeship. The extent to which it is coherently applied at national level is uncertain. According to CEDEFOP, an apprenticeship can be described as: *systematic, long-term training alternating periods at the workplace and in an educational institution or training centre. The apprentice is contractually linked to the employer and receives remuneration (wage or allowance). The employer assumes responsibility for providing the trainee with training leading to a specific occupation.* This definition has been opened up for the purpose of LdV mobility by the Working Group on Mobility for Apprentices.<sup>63</sup> The Working Group has recognised that the definitions and scope of apprenticeships or alternate VET systems vary from country to country and has formulated a set of core criteria at European level so that LLP countries can fix a definition applicable in their country according to the VET system. The following core criteria to the definition have been proposed:

- Apprenticeships concern IVT;

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<sup>61</sup> [http://ec.europa.eu/education/vocational-education/doc/apprenticesreport\\_en.pdf](http://ec.europa.eu/education/vocational-education/doc/apprenticesreport_en.pdf)

<sup>62</sup> [http://www.cedefop.europa.eu/EN/Files/4064\\_en.pdf](http://www.cedefop.europa.eu/EN/Files/4064_en.pdf)

<sup>63</sup> [http://ec.europa.eu/education/vocational-education/doc/apprenticesreport\\_en.pdf](http://ec.europa.eu/education/vocational-education/doc/apprenticesreport_en.pdf)

- An apprenticeship is an alternate training scheme in which training takes place at a workplace (enterprise) and at school; and
- The enterprise plays an active role in the constitution of the training programme as well as in the decision whether a person can leave on mobility which is not necessarily a contractual link.

### **Synthesis of the main challenges and implications to transnational mobility**

The main challenges that arise from the difference in the legal status of trainees and apprentices can be categorised as follows:

- Differences in the legal status of trainees imply that in some countries where trainees have a specific recognised legal status, they are contractually protected, whereas in other countries the trainee status is informally embedded in the education system, and they are classed as students. In other countries only apprentices can, strictly speaking, have a legal status.

This is problematic as legal status defines the rights accruing to a trainee and sets out the benefits that trainees are entitled to. Absence of a recognised status implies lack of recognition of rights and restricts access to benefits that trainee should be entitled to. In addition, a lack of legal status acts as an obstacle to issuing visas for trainees from outside the EU. Moreover, lack of legal status is an issue with respect to the quality of the placement that trainee can expect, particularly if the status of a trainee is not clear within the host organisation.

Stakeholders have pointed out that when the systems in sending and host country do not marry up, this creates ambiguity, particularly as it is often the sending country that is in charge for looking after student abroad but it in practice has little influence over the conditions that the trainee has in the host country. This can lead to situations where the host organisation may be focussed on 'cheap labour' rather than ensuring a quality educational experience for the trainee. Some of the stakeholders noted that lack of clear status of trainees also creates ambiguity and confusion for employers, which results in them being reluctant to offer transnational placements.

- Differences in definitions of a trainee create obstacles because in some countries the definition is embedded in the national law, or in the educational system, whereas in other countries ad hoc definitions are used in order to "standardise" the status of the trainee and of traineeship activities, which may depend on the status granted by the relevant organisation.

This creates challenges as the existence of a definition is normally the first step that provides recognition of status as a trainee. Lack of a definition or differences in definitions are particularly problematic as trainees in the host organisation may not be granted similar rights to which trainees may be entitled to in their home organisations. In addition, where the definition is largely reliant on a status granted by a particular organisation, this has implications on the content of the traineeship, which may not match the requirements that are expected by the trainee or by the sending organisation. Stakeholders have noted that the lack of standard procedures available due to varying definitions adopted lead to different practices and different settings in the sending and host organisations.

- In countries where definition of an apprentice exists, an apprentice normally has contractual status similar to the status of an employee, which regulates entitlements to social security, insurance and working conditions. In countries where a legal definition does not exist their status is reliant on the definition of the concept among organisations.

This creates challenges as apprentices may not be granted similar rights across the LLP countries when they are undertaking their traineeship. Problems in particular occur when there are no formal agreements between an apprentice and the enterprises, which influence the protection and employee related entitlements for the apprentice. Some stakeholders also pointed out that salary payments act as barrier for mobility as there are situations where a transnational apprentice is provided a lower wage than a national apprentice in the host country.

#### 4.2.2 Conditions for work placements in LLP countries

This section describes the set of conditions that exist in the national legislation for traineeships and apprenticeships. It also describes the types of conditions that are agreed upon between the sending/host organisation and the trainee. The main challenges that occur as a result of the differences in the LLP countries are also discussed.

The national legislation defines set of conditions for the traineeship/apprentice in the majority of LLP countries as is indicated in Table 16 below.

Question	Yes		No		Uncertain	
	No.	Countries	No.	Countries	No.	Countries
Does the national legislation include a set of conditions for the traineeship/apprentice? <sup>64</sup>	21	AT, BE(FR), BE (NL), HR, EE, MK, DE, DK, GR, HU, IE, IT, LI, LT, MT, NO, PL, SK, SI, TR, FR, FI	5	LV, NL, RO, LU	6	BE (DE), CY, CZ, IS, ES, UK
Do these conditions also apply to transnational trainees from LLP countries? <sup>65</sup>	14	AT, BE, HR, FI, GR, IS, IE, IT, LI, MT, NO, SK, FR	4	BE (NL), DE, TR	2	HU, SI,

<sup>64</sup> Excluded: BG, SE

<sup>65</sup> Excluded: BE (DE), DK, BG

In some countries there is a specific regulation that sets out conditions for traineeships and apprenticeships: usually a Vocational Education Law (such as is the case in countries like EE, DE, IT, LI, SI). In other countries, these conditions are included in other labour laws, which are not specific to traineeships/apprenticeships (such as is the case in GR, IE, MT and TR). The most common conditions set in national law are described in Table 17.

<b>Table 17 – Most common conditions provided by national legislation</b>	
<b>Types of conditions covered</b>	<b>Countries<sup>66</sup></b>
Working Hours	AT, BE(FR), HR, DE, HU, NL, MT, NO, SK, SI, SE, FR
Holidays	HR, DK, MT, NL
Sick Leave	HR, MT, NL, FR
Duration	DE,DK, IT, SK, FR
Level of Qualification	BE, IT
Financial Support	HR, DK, HU, FR
Employment Protection	AT,DK, IT, SI, SE
Conditions on learning / training element	DE, DK, HU, IE, SK, FR
Conditions for suspension and termination	FR

Some countries (AT, IT, SI and SE) emphasised the inclusion of general employment protection or specific contracts (which may include conditions on holidays or sick leave, although these were not mentioned specifically). Other countries (DE, HU, IE, SK and FR) emphasised that the legislation covers conditions on the learning or training element of the apprenticeship or traineeship placement.

In some countries where no specific conditions exist, steps have been taken to improve the situation. For example, a Law on Lifelong Learning and Apprenticeship is currently being discussed in the Romanian Parliament. In addition, stakeholders from other countries (FI and LV) stressed that although no specific legislation exists, issues relating to the employment period are governed by employment law and by the training agreement. This in general signifies the importance of drafting training agreements and ensuring these agreements are of good quality.

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<sup>66</sup> Excluded: BE (DE), BE (NL), BG, CY, CZ, EE, ES, GR, IS, LI, LT, MK, PL, TR, UK

Moreover, in about half of the LLP countries, additional conditions for work placements are agreed between the sending/host organisation and the trainee, as is shown in Table 18 and further elaborated in Table 19.

<b>Table 18 – Additional conditions for placements</b>						
<b>Question</b>	<b>Yes</b>		<b>No</b>		<b>Uncertain</b>	
	<b>No.</b>	<b>Countries</b>	<b>No.</b>	<b>Countries</b>	<b>No.</b>	<b>Countries</b>
Are additional conditions for work placements agreed between the sending/host organisation and the trainee? <sup>67</sup>	21	AT, BE(FR), BE (DE), BE (NL), DK, HR, EE, FI, HU, IS, IE, IT, LI, LT, MT, NO, SK, SI, TR, FR, LU	2	LV, NL	6	CY, CZ, MK, GR, ES, UK
Do these conditions also apply to transnational trainees from LLP countries? <sup>68</sup>	12	AT, BE(FR), DK, HU, IS, IE, IT, LI, LT, MT, SI, FR, LU	1	TR	3	BE (NL), HR, SK

In some countries (such as BE (NL), EE and IS) 'tri-partite agreements' between the sending/host institutions and the trainee exist as part of the Leonardo da Vinci programme which apply to all trainees from LLP countries. Other arrangements include involvement of other interested parties (such as craft councils in HR) and forming collective agreements between parties (such as in SI).

Table 19 describes the most common conditions covered in the training agreements between the parties involved.

<b>Table 19 – Most common conditions covered in traineeship agreements</b>	
<b>Types of conditions covered</b>	<b>Countries<sup>69</sup></b>
Working Hours	AT, BE (NL), HR, DK, FI, MT, SI, TR, LU
Holidays	AT, BE (NL), HR, SI, LU
Sick Leave	AT, BE (NL), HR

<sup>67</sup> Excluded: BG, DE, PL, RO, SE

<sup>68</sup> Excluded: BE (DE), EE, FI, NO

<sup>69</sup> Excluded: BE(FR), BE (DE), EE, FR, HU, IE, IT, LT, NO, SK

<b>Types of conditions covered</b>	<b>Countries<sup>69</sup></b>
Duration	AT, BE (NL), HR, DK, SI
Level of Qualification	BE (NL), HR
Financial Support	AT, BE (NL), DK, MT, LI, SI
Employment Protection	AT, BE (NL), HR
Conditions on learning / training element	AT, BE (NL), HR, FI, TR
Health Insurance	DK, GR, IS, MT
Accommodation	FI, MT

In many LLP countries these conditions depend on the individual circumstances and are left to the discretion of the trainee and the sending/ host organisations.

### **Synthesis of main challenges and implications to transnational mobility**

The main challenges that arise from the difference in the set of conditions for work placements can be categorised as follows:

- In some countries specific regulation exists that sets out conditions for traineeship/apprenticeship (usually a Vocational Education Law), whereas in other countries these conditions are included in other labour laws, not specific to traineeships/apprenticeships. In other countries where no specific legislation exists, issues relating to the employment period are governed by the training agreement between the employer and the trainee.

One of the key challenges posed by this difference in arrangements is a confusion as to which law applies to a trainee or apprentice in the different LLP countries. This problem is compounded by the fact that the relationship between the training agreement and its proximity to national laws in both the sending and the host countries is not clearly defined. This is an important point as the training agreement defines the conditions for the work placement, and these will vary according to the provisions that are considered applicable from the national law. Where the conditions in the sending and host organisations vary (e.g. if the national laws between the two countries are very different), this can be particularly problematic in defining what the training agreement will cover. As mentioned by some of the stakeholders, this can create ambiguity and confusion for the employer especially when it is not evident which labour and employment laws should be applicable and the extent to which the host country's labour laws should be applied to the trainees.

- In most countries, additional conditions for work placements are agreed between the sending/host organisation and the trainee, which creates a variety of conditions for the trainee, depending on where they are placed.

A key challenge is the fact that no standard guidelines exist. This leads to variations in the agreements that are decided between the parties. As the work conditions are defined by these agreements, this means that the trainee may be disadvantaged in comparison to other trainees whose work placement is organised in similar circumstances. As suggested by some of the stakeholders, given that there is no standard minimum set of conditions that are applied universally, the conditions will not only vary between the LLP countries but also between the organisations who are involved in arranging the traineeships and apprenticeships. This means that some organisations may be reluctant to support transnational placements and some trainees may be reluctant to consider them.

#### 4.2.3 Trainees' and apprentices' entitlement to social benefits and insurance

This section describes the access and entitlement of trainees and apprentices to general welfare provisions, covering the following elements:

- Entitlements to social benefits and other types of benefits;
- Access to health and safety insurance; and
- Third party liability insurance.

The main challenges that arise as a result of differences between the LLP countries relating to the above are also briefly discussed.

In many LLP countries trainees are entitled to social benefits. These are shown in Table 20. However, mobility programme participants are often not entitled to benefits from other LLP countries although they may be entitled to benefits from their home country during the traineeship and apprenticeship. Table 21 further describes the types of benefits that trainees are entitled to.

Question	Yes		No		Uncertain	
	No.	Countries	No.	Countries	No.	Countries
Are trainees entitled to social benefits? <sup>70</sup>	17	AT, BE (DE), BE (NL), HR, DE, DK, HU, IT, LV, LI, LT, NO, SI, TR, FI, FR, LU	8	BG, CY, EE, MK, MT, NL, SK, SE	7	CZ, GR, IS, IE, RO, ES, UK
Does this also apply to trainees from other LLP countries <sup>71</sup>	5	AT, HR, HU, IT, LI	4	DE, LV, MT, TR	2	BE (NL), NO

<sup>70</sup> Excluded: BE(FR), PL

<sup>71</sup> Excluded: BE (DE), FI, FR, LT, LU, SI

<b>Types of conditions covered</b>	<b>Countries<sup>72</sup></b>
Unemployment benefits	BE (NL), FI, LT
Sickness pay	AT, FI, HU, LT, NO
Social security	AT, LI, LT
Child Benefit	BE (NL) (trainees at school), FI
Accommodation	BE (NL) (trainees at school)
Health insurance / health care	HR, DK, RO, TR
Pension fund	HR, FI, HU, LT
Childcare support	FI
Parental Pay	NO

Whether trainees from other LLP countries are entitled to benefits is often dependent on the formality of the placement, the duration and whether they are enrolled in an official programme. For example, in Croatia, a trainee must purchase their own insurance if the placement is longer than 3 months and, in Estonia, trainees from vocational schools in other LLP studies are entitled to social benefits such as healthcare, school lunches and study allowances if they are enrolled on an official study programme at an Estonian organisation.

Tables 22 and 23 describe the types of health and safety insurance available for students and the entity responsible for organising the insurance.

<b>Type of insurance</b>	<b>Countries<sup>73</sup></b>
Health insurance	AT, BE (DE), BE (NL), BG, CZ, DK, EE, FI, GR <sup>74</sup> , HU, IT, LI, LV, LT, MK, MT, NL, NO, RO, SK, SI

<sup>72</sup> Excluded: BE (DE), BE (FR), DE, FR, IT, LU, LV, SI

<sup>73</sup> The stakeholders from the following countries did not know the answer therefore did not answer the question: BE(FR), IS, IE, PL, ES, PT, LU and SE

<b>Table 22 – Health and safety insurance available for trainees</b>	
<b>Type of insurance</b>	<b>Countries<sup>73</sup></b>
Liability insurance	AT, BE (DE), BE (NL), CZ, EE, FI, GR <sup>75</sup> , HU, IT, LI, LV, LT, MK, MT, NL, NO, SK, SI
Safety insurance against accidents	AT, BE (DE), BE (NL), BG, CZ, DK, EE, FI, GR <sup>76</sup> , HU, IT, LI, LV, LT, MK, MT, NL, NO, RO, SK, SI
Standard/normal public or private insurance	HR, CY, DE, TR, UK, FR
Assistance activity and repatriation	AT, GR <sup>77</sup> , DK, LV

<b>Table 23 – Organisations responsible for organising health and safety insurance</b>	
<b>Type of organisation</b>	<b>Countries<sup>78</sup></b>
Sending organisation	AT, BE (DE), BE (NL) <sup>79</sup> , BG, CZ, DK, EE, FI, MK, DE, GR (Erasmus), HU <sup>80</sup> , LV, LT, MT, NL, NO, RO, SK, SI, TR
Host organisation	IT, LI
Trainees themselves by private insurance	GR <sup>81</sup> , CY, HU <sup>82</sup> , FR
Ad hoc contractual agreement between the parties	UK

On some occasions, the responsibility for health and safety insurance depends on the status of the trainee. For example, in some countries, the sending organisations have the responsibility to ensure trainees in IVT are fully ensured while for jobseekers the organisers of the placement are responsible for making the insurance arrangements. In some occasions the situation varies depending on the duration of the placement. For

<sup>74</sup> Greece includes both GR (Erasmus) and GR (LdV)

<sup>75</sup> Greece includes both GR (Erasmus) and GR (LdV)

<sup>76</sup> Greece includes both GR (Erasmus) and GR (LdV)

<sup>77</sup> Greece includes both GR (Erasmus) and GR (LdV)

<sup>78</sup> The stakeholders from the following countries did not know the answer therefore did not answer the question: BE(FR), IS, IE, PL, ES, HR, PT, LU and SE

<sup>79</sup> For IVT only

<sup>80</sup> For LdV only

<sup>81</sup> Greece includes both GR (Erasmus) and GR (LdV)

<sup>82</sup> For Erasmus programme only

longer placements more formalised arrangements are in place, which must be agreed by sending and host organisations. In some countries trainees are advised to take private insurance.

Table 24 shows who has the responsibility for organising third party liability insurance.

<b>Table 24 – Responsibility for third party liability insurance</b>	
<b>Type of organisation</b>	<b>Countries<sup>83</sup></b>
Sending organisation	AT, BE (DE), BE (NL) <sup>84</sup> , BE(FR), CZ, EE, FI, DE, GR (Erasmus), IT, LV, LT, MT, NL, NO, SK, SI
Host organisation	IT, LI, MT
Trainees themselves by private insurance	HR, CY, GR <sup>85</sup>
Ad hoc contractual agreement between the parties	DK, MK, HU, UK

Although sending organisations in most countries deal with the liability insurance, it is often the expectation that the employer makes the necessary arrangements for the liability insurance. This requires agreement to be organised between the sending organisation and the employer. In some countries, students may also be able to cover the liability insurance through their LdV grants. In some countries there was no clarity as to who is responsible for organising the third party liability insurance.

### **Synthesis of main challenges and implications to transnational mobility**

The main challenges that arise from the differences in entitlement to social benefits and insurance can be categorised as follows:

- In many LLP countries trainees are entitled to social benefits. In some countries these are portable during the traineeship and apprenticeship abroad, whereas in other countries this is not the case. Whether trainees from other LLP countries are entitled to benefits is often dependent on the formality of the study agreement.

Where social benefits are not portable during transnational traineeships, this may deter a person from undertaking a traineeship abroad. This is seen as particularly an issue for unemployed trainees who face significant barriers due to the fact that accepting a traineeship may negatively affect their unemployment benefit entitlement. A lack of social statute for this group was considered significant by the stakeholders as the

<sup>83</sup> The stakeholders from the following countries did not know the answer therefore did not answer the question: BE(FR), IS, IE, LI, PL, RO, ES, SE and TR

<sup>84</sup> IVT only

<sup>85</sup> Greece includes both GR (Erasmus) and GR (LdV)

unemployed are not linked to a school or institution which may help to facilitate their status as a trainee and their consequent entitlement to benefits.

- The responsibility of organising health and safety insurance, and third party liability insurance is normally the responsibility of the sending organisation but in some countries the responsibility is with the host organisation, with the trainee or is based on an ad hoc contractual agreement between the parties involved.

The main challenges with insurance are linked to issues that conformity between the LLP countries is missing in a situation where the matter is primarily dealt with between the sending and host organisations. To be able to effectively deal with insurance, sending and host organisations require knowledge of national insurance provisions in order to ensure the trainee is covered by the necessary insurance. The UK, for example, has notably stringent health and safety legislation policies, which may appear overly-complex and off-putting to an organisation in another country who would have to sign various contracts to adhere to these policies. In addition, when it comes to liability insurance, it is often the expectation that the employer will make the necessary arrangements, even if the sending organisations are responsible for ensuring that the trainee is covered by the liability insurance. This furthermore requires an agreement to be organised between the sending organisation, trainee and the employer.

#### 4.2.4 **Good practice example to address the challenges of legal/regulatory nature**

The European Mobility project which is presented below facilitates the transnational mobility of apprentices by equipping them with customised placement agreements. The project is funded by the LdV and provides detailed information about the national legislation applicable to apprentices in the participating countries. Therefore, in addition to the customising tool, it can be used as a good platform for mapping national legislation applicable to apprentices.

<b>Case study: European Mobility – <a href="http://www.european-mobility.eu">www.european-mobility.eu</a></b>	
<b>Objectives</b>	The objective of the project is to facilitate transnational mobility by making it easier for IVT students and apprentices to enter into a placement agreement abroad. The partners in the project have developed a <b>customising tool</b> which allows users to generate and compare agreements across Member States.
<b>Geographical coverage</b>	The main coordinator of the project is France. Currently, <i>European Mobility</i> is a European agreement between 21 Member States for apprentices to go abroad for practical training. It started with agricultural schools and has gradually expanded to schools and organisations in other industries. Partners also include Ministries of Agriculture, Chambers of Agriculture and Commerce, and Association of Agricultural Education in Europe (EUROPEA) partners.
<b>Target groups</b>	Enterprises, schools, advisors, parents, students, apprentices
<b>Outcomes</b>	The project disseminates information to potential European employers and provides employers and apprentices with <b>the customising tool</b> which allows them to compare agreements across 21 Member States <u>before</u> the transnational placement takes place.
<b>Role in helping to overcome institutional and legal challenges to transnational mobility of trainees/</b>	The customising tool helps to reduce institutional challenges. With the help of the tool, both potential employers and apprentices can compare agreements and make compromises if there are differences in agreements across the countries (e.g. with regard to remuneration, working hours etc.).

apprentices	
<b>Promotion of partnerships in facilitating transnational mobility of trainees/apprentices</b>	<p><i>European Mobility</i> is one of the LdV Transfer of Innovation projects. Stakeholders attend meetings with different European partners and discuss national problems. The European partners include board members of EUROPEA countries, the French Ministry of Agriculture, teachers/ professors from universities and agricultural schools.</p> <p>One example of a successful partnership organised through <i>European Mobility</i> : was a student exchange and training abroad project organised between a school in food processing in Toulouse, France and the agricultural school of Pyhra in Austria.</p>
<b>Elements of good practice for facilitating transnational mobility of trainees/apprentices</b>	<p><b>The customising tool:</b> It informs organisations of the situation in the host/sending country, and enables them to negotiate agreements which are fair to both. For example: the Austrian agreement requires a trainee wage of €400 per month, while the French agreement sets the wage at €200 per month. A compromising adjustment can be made for, say, €300 per month, using the online tool.</p>

While the customising tool project promoted by *European Mobility* does not solve legal/regulatory issues, it can be helpful diffusing or reducing differences between sending and host countries. It could be promoted as a practical tool, or as a starting point, to drafting trainee agreements. To realise its full potential, it should be applied to all LLP countries, across different sectors and to different types of traineeships (including those organised under Erasmus).

#### 4.3 Overview of other challenges to transnational mobility

The following section presents the most common challenges outside the institutional and legislative framework to the transnational mobility of trainees and apprentices cited by the interviewed stakeholder groups.

National LLP agencies identified the following other main challenges to the transnational mobility of trainees and apprentices:

<b>Table 25 – Other challenges to transnational mobility of trainees</b>	
<b>Challenges</b>	<b>Countries</b>
Quality assurance of placements	BE (NL), CY, HR, GR, IS, ES, TR, LI, LV, NO, RO
Practical challenges (e.g. language barrier, finding accommodation, dealing with new learning and working environments etc.)	BG, GR, CY, DE, DK, FI, IS, SK, ES, LI, LV, LT, MT
Finding suitable partners and placements including motivating enterprises	BE (DE), CY, GR, DE, CZ, ET, LV, TR, MT, FR
Lack of resources to motivate enterprises, large number of intermediaries which increases costs and complexity	LV, NL, MT, UK, TR, NO, SE
Challenges of personal nature (e.g. intercultural differences, fear of going abroad etc.)	AT, BE (DE), EE, LI, LV, MT
Integration of traineeships within the curriculum	CZ, GR, CY, HU, ES, UK, FR

<b>Table 25 – Other challenges to transnational mobility of trainees</b>	
<b>Challenges</b>	<b>Countries</b>
Distinguishing between training and cheap/ free labour	BE (NL), CY, GR
Administrative burdens	IE, SI, BG, DK, ES, FR, LU
Lack of interest from pupils and students (more interesting opportunities in the country)	LU

As seen from the table above, quality assurance of placements is one of the main challenges to the transnational mobility of trainees in many LLP countries. Stakeholders from a number of countries particularly raised the problem of distinguishing between training and cheap/ free labour, while some stakeholders noted that host organisations have little interest in ensuring that traineeships are of the right quality and are run properly.

Green Paper respondents emphasised the quality assurance aspect of placements and stated that there needs to be more focus on the educational element of traineeships/ apprenticeships. They also mentioned the issue of young people needing support and guidance throughout the mobility period, preferably by having a mentor accompanying them. Green Paper respondents also suggested that training differences between Member States should be taken into account and perhaps standardised to ensure equal value/ quality.

Challenges of practical nature include language barriers, finding accommodation, dealing with differential costs of living, as well as with new learning and working environments. The issue of language was underlined by a number of stakeholder groups as one of the main obstacles to mobility. Green Paper respondents expressed the view that greater language learning should be fostered and suggested that the timing and availability of language support, in particular when trainees are working abroad full-time, should be made more adequate. Chambers of Commerce and Chambers of Arts and Crafts highlighted that it is important that trainees are fully competent in the working language of the employer. This is essential to ensure a successful placement both for employer and trainee whereby the trainee can undertake meaningful tasks and contribute towards the aims and objectives of the organisation. The issue of language is inherent to the quality assurance aspect of placements discussed above.

Integration of the traineeship within the curriculum i.e. having a 'mobility window' within the programme of studies as well as finding suitable partners and placements including motivating enterprises to offer suitable placements is a significant issue for organisations in many countries. In some countries integration of traineeship is particularly a challenge for VET colleges which, unlike universities, do not tend to have an international office responsible for transnational mobility. Several countries also cited a lack of resources needed to arrange transnational traineeships and expressed concern over the large number of intermediaries involved that amplify costs and add to complexity when finding suitable partners.

Administrative burdens are also an issue in LLP countries. Some countries described that arranging travel for accompanying people travelling with work experience students can be very bureaucratic as well as the volume of documentation required.

One of the main challenges reported by Chambers of Commerce and Chambers of Arts and Crafts which businesses face when employing transnational trainees and apprentices is also linked to the issue of administrative burden. These organisations reported that links between SMEs and intermediary organisations that organise placements are weak, despite these being considered important by all interviewees. Intermediary organisations help reduce the burden of responsibility on the employer and can address logistical and legal issues for the trainees.

Green Paper respondents and Chambers of Commerce/ Arts and Crafts also identified a number of additional challenges to the transnational mobility of trainees. They highlighted the need for adequate financing of mobility, particularly for trainees. From the perspective of employers, SMEs have particularly limited resources to spend on supporting transnational placements. It was highlighted that existing programmes cover limited costs; for example, programmes such as Leonardo da Vinci cover the cost of trainee travel - but do not contribute to helping a trainee integrate (in a company and host country) which is considered important for the placement to be successful. Similarly, interviewees highlighted the fact that trainees often find the cost of placements prohibitive (travel, accommodation, living expenses) and that employers do not have the funds to support them.

Green Paper respondents were also concerned about the recognition of mobility, specifically with regard to its application to work placements. One respondent argued that a lot of work has been done on how study placements should be integrated into the degree programme, but not how this can be done for work placements (e.g. how work placements are taken into account within the degree context, is it going to be included in the transcript of records, will the student get recognition etc.). This decision is mainly the responsibility of the relevant institution (especially in the UK where the institutions are autonomous and self-governed).

#### **4.4 The importance of other challenges to transnational mobility**

Other types of challenges, such as limited funding, linguistic capabilities and cultural differences, can also have an impact on transnational mobility. From the perspective of a trainee and apprentice, they may be as important as any legal and regulatory differences. It is important that all these aspects are taken into consideration in implementing transnational mobility, but to ensure quality traineeships/apprenticeships legal and regulatory issues are of paramount importance.

Stakeholders consulted expressed varying views regarding the comparative impact of the challenges elaborated above on the transnational mobility of trainees and apprentices. Some stakeholders highlighted the fact that although these barriers are of a different nature, they are just as important for facilitating the transnational mobility of trainees and apprentices. On the other hand, other stakeholders said that the legal barriers have to be sorted before proceeding to address other challenges to mobility.

All interviewees highlighted that labour and employment laws concerning apprentices and trainees differ in each country and this creates ambiguity and confusion for employers, resulting in many being reluctant to undertake transnational placements as

they think it involves considerable amount of paperwork and uncertainty regarding the legal status of trainees.

Another significant issue relating to the employment of trainees relates to the time-consuming nature of setting up placements and the lack of mechanisms to facilitate a transnational placement. The time required both to finalise a placement for a trainee and to induct and support a trainee in the workplace was considered significant. It was reported that the time constraints of facilitating a placement outweigh the benefits for many employers. Moreover, the benefits of a placement are not widely understood by employers who fear that placements will result in bureaucratic paperwork.

The competence of trainees was also viewed as a barrier for employers. When hosting trainees it is important that they have the appropriate skills and competences (including languages) and there is the fear that trainees from other EU countries will not have the linguistic ability. Lack of understanding of other qualification systems makes it difficult for employers to determine whether a trainee has the required skills and competences.

## **5 STAKEHOLDER SUGGESTIONS FOR EU ACTION TO OVERCOME THE EXISTING LEGAL AND INSTITUTIONAL OBSTACLES**

This section describes actions that have been put forward to reduce legal, regulatory and institutional challenges relating to transnational mobility for placements at enterprises, as well as the level of stakeholder support that exists for the proposed actions. This section discusses:

- The role of partnerships in reducing challenges to transnational mobility, and other suggestions to overcome current challenges; and
- Stakeholder support for EU level framework on transnational mobility and preliminary recommendations regarding the elements that should be included in the framework

### **5.1 Promotion of partnerships in reducing legal and other barriers to transnational mobility**

Promoting and supporting partnerships between key organisations and institutions helps to reduce legal and other barriers to transnational mobility. Partnerships can increase commitment to mobility due to their involvement at policy level and because of a vested interest through financial contribution towards the networks operation.

Green Paper respondents acknowledge that partnerships are not easy to establish but state that public institutions associated with labour mobility and education should establish a clear set of norms and conditions under which to facilitate the mobility trainees and apprentices. In fact, although partnerships already exist in VET as well as other non-formal partnerships for facilitating mobility, representatives from EU umbrella organisations suggested that other types of mobility initiatives such as the European Volunteer Services could also be involved in the LdV Programme. In addition, representatives from these organisations recommended that the link between different types of mobility in different sectors should be strengthened, and the traineeships should be more closely linked to specific sectors. Representatives from the Chambers of Commerce also recommended that mobility could be enhanced by involving and linking trade and commerce institutions across the Member States and in general there is a need to improve links between trainees and employers.

Green Paper respondents felt strongly that employers should be involved; as should government agencies, because they provide financial contributions. The Chambers of Commerce representatives also noted that the involvement of employer representatives is important as it provides credibility when engaging with other employers.

According to representatives from EU umbrella organisations, several types of partnerships should be supported, including:

- European wide networks, which should be established on following criteria: (i) the common goal should be formalised in improving mobility in VET (which has been rarely addressed); (ii) transnational mobility organisations should be both host and sending organisations sharing a mutual interest; (iii) a longer term commitment for at least three years should be required, otherwise it is difficult to build up policy and strategies; (iv) provided that EU wide networks support the EU goals, they should be partly supported, both financially and operationally / technically, by the EU; (v) there should also be national level support and buy-in; (vi) networks should be required to deliver benchmark quantitative data and qualitative information on their operations to improve effectiveness;
- Regional service centres for placement organisers (both host/ sending organisations), which should be attractive and have solid knowledge for target audiences;
- Existing networks between schools, which share working experiences and common approaches to transnational mobility; and
- European wide institutions (such as EUNEC, parents organisations) which can play an important role in reaching more stakeholders.

All stakeholders recognised the need to create partnerships at different levels: national, regional and European level, which will complement each other. Some stakeholders also emphasised the importance of the sectoral dimension and noted that organisations such as the OECD and UN could also be engaged as relevant bodies since mobility is international and not just within the EU. That said, most stakeholders stressed the importance of partnerships at regional and inter-regional levels due to the proximity of the partnerships to the participants.

The results of the consultations also suggest that the following type of stakeholders should be mobilised through the partnerships:

- Education establishments and education associations;
- National ministries, regional and local authorities;
- Intermediary organisations, such as federations of businesses; and
- Players on the demand side of the labour market such as sectoral organisations, Chambers of Commerce/Arts and Crafts, and trade unions.

An example of successful promotion of partnership working and involvement of enterprises is elaborated below.

<b>Case study: Mobility Coaches – <a href="http://www.mobilitaetscoach.de">www.mobilitaetscoach.de</a></b>	
<b>Objectives</b>	This pilot German project is lead by the Association of German Chambers of Industry and Commerce (DIHK) and aims to increase participation in transnational apprenticeships through information dissemination and consultation activities among employers. The project intends to support SMEs by filling in any knowledge gaps by supplying complete information, particularly regarding legal and institutional issues related to mobility.

<b>Geographical coverage</b>	There are 35 projects (out of a maximum of 40 financed projects) in Germany. ESF finances projects in Saxony and Baden-Württemberg, where the local staff cooperates with ESF national agencies. Altogether there are 50 Chambers of Skilled Crafts and 80 Chamber of Commerce/ Industry, and 35 out of the 130 are participants in the mobility programme (where the coaches are financed).
<b>Target groups</b>	Apprentices and enterprises, particularly SMEs
<b>Outcomes</b>	<p>Enterprises become more informed about mobility possibilities and want to take the chance to attract high qualified apprentices.</p> <p>Apprentices have more opportunity to go abroad. Apprentices become more flexible, motivated and mobile after the stay abroad. They can even establish the contact abroad, and attain soft skills (social, personal) and language abilities. They become aware of the differences in vocational training in Germany and other countries, and can get up to date with new techniques and materials.</p> <p>The number of applicants increases every year and, in particular, each year there are more LdV participants. In addition, biannual meetings take place at which all partners/participants from Germany take part. Biannual regional meetings of federal states are also being organised as well as general conferences/meetings with bilateral programs supported by the German Ministry of Education (German-France Youth Program), where most mobility coaches participate and network (e.g. mobility coaches attend Cedefop meetings to get to know other stakeholders in the same field).</p> <p>Networking activities allow organisations to get in contact with organisations and with people doing similar activities in other countries. These activities assist looking for partners abroad and finding chance for apprenticeships.</p>
<b>Role in helping to overcome institutional and legal challenges to transnational mobility of trainees/ apprentices</b>	<p>The project supports enterprises in organising incoming mobility by informing them about how transnational mobility works, how a mentor takes care of the incoming apprentices, and how to take part in the exchange. Thus both the incoming apprentices and host organisations benefit from the information flow.</p> <p>The project helps enterprises to find out how to apply and what kinds of European financing programmes are available. It provides legal advice and consultancy regarding remuneration, holiday allowance etc. and different documents such as contract between sending organisation, host organisation and apprentices, FAQs in sending apprentices abroad etc.</p> <p>The project also supports schools by supporting teachers to organise transnational mobility, for which additional funding is not specifically provided within the school budgets.</p>
<b>Promotion of partnerships in facilitating transnational mobility of trainees/ apprentices</b>	Through the network of mobility coaches organisations can find partners and establish synergies. In different regions there are different types of networks are being organised that fits in with the specific context. Additionally, each mobility coach has their own focus and works with different partner chambers (e.g. Saxony with Poland, NRW with the Netherlands).
<b>Elements of good practice for facilitating transnational mobility of trainees/ apprentices</b>	<p>Regional networking has mobilised regional governments to be engaged in the transnational mobility project.</p> <p>The involvement and role of Berufsgenossenschaft (Employers' Liability Insurance Association) has been particularly important in the project. They offer all information (incl. legal and regulatory) for trainees/apprentices before going abroad and make sure that they are insured. In addition, the association raises awareness and supplies information through brochures/ flyers targeting apprentices, pupils and students. Overall, the association has increased the awareness of different stakeholders of transnational mobility of apprentices, which has gained increased momentum as a result.</p>

## 5.2 Other suggestions to overcome current challenges

Stakeholder representatives commented on possible ways to overcome the current challenges to the transnational mobility for placements at enterprises. These included:

- Better integration of legal and institutional frameworks in the LLP countries;
- Common status and procedures to be applied to trainees and apprentices; and
- Greater communication of benefits of transnational mobility for employers.

The key message of Green Paper respondents is that the institutional and legal frameworks of LLP countries regarding trainees and apprentices should be better integrated. Homogeneous criteria are necessary in the field of LLP including the reduction or possible elimination of any legal and other barriers that may arise. To achieve this it is essential that institutions involved in transnational mobility of trainees and apprentices in LLP countries have a better understanding of the core principles of national regulations regarding trainees/ apprentices, their rights and obligations. Respondents suggested that national LLP agencies should collect data on the specific legislations applicable in LLP countries and that the current institutional and legal frameworks should be tailored towards supporting transnational mobility i.e. employers should be required to offer placements (which is already the case in Germany).

The interviewed EU umbrella organisations argued for the necessity of clear and well defined common status and procedures for trainees and apprentices. All relevant information such as definitions, visa procedures, and social security entitlements should be well presented to the potential participants. In addition, one Chamber representative suggested that a contractual framework for apprentices at EU level would be beneficial to overcome remuneration problems. An arrangement whereby employers could suspend a work contract for the time of a transnational placement and a European contract would then be signed. Defining the term 'young people' and 'apprenticeship' could be useful as there is not a common definition across Europe.

Representatives from Chambers of Commerce/ Arts and Crafts considered EU level initiatives such as ECVET<sup>86</sup> as potentially helpful for employers to overcome difficulties in understanding qualifications across different member states. Representatives from Chambers of Commerce/ Arts and Crafts also noted that greater communication of the benefits of transnational placements may help overcome barriers. Interviewees also reported that economic benefits (for employers and countries) are not widely understood. It was stated that often employers consider trainees/apprenticeship placements as too burdensome and of adding little value to businesses. Explaining the benefits of placements may make employers more interested in participating in transnational work placements.

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<sup>86</sup> ECVET aims for better compatibility between the different vocational education and training (VET) systems in place across Europe and their qualifications.

### 5.3 Stakeholder support for a possible common EU framework

Most stakeholders consulted as part of this study agreed that a common framework at EU level is a possible solution to better facilitate transnational mobility of trainees for placements at enterprises. An overview of opinions from national stakeholders is presented in Table 26.

Table 26 – Stakeholder support for a possible common EU framework					
Yes		No		Uncertain <sup>87</sup>	
No.	Countries	No.	Countries	No.	Countries
22	AT, BE (DE), BE (NL), BE(FR), HR, CY, MK, GR (Erasmus), IT, LI, LT, MT, NL, NO, PL, RO, SK, SI, ES, SE, TR, FR, LU	5	CZ, EE, FI, DE, LV	4	GR (LdV), DK, HU, UK

Most national representatives from the LLP countries considered that a common framework would increase information dissemination, facilitate exchange of good practices, increase standards for placements and approximate rules and procedures, which in turn would encourage both host and sending organisations to engage in transnational traineeship activities.

Chambers of Commerce / Arts and Crafts representatives who thought that a common framework at an EU level would be a useful endeavour noted that that an EU statute would facilitate transnational mobility by removing legal barriers and clarifying the status of different groups of trainees. Helping clarify the contractual and legal issues would be of particular use. The EU umbrella organisations considered that a common framework would be tackling most of the problems in the current situation vis-à-vis the recognition of different groups of trainees. Most of the stakeholders agreed that the introduction of European Trainee Statute is necessary although one stakeholder mentioned that further governmental and institutional measures and initiatives were rather needed to overcome problems related to legal framework.

A few stakeholders were sceptical about a creating a framework as they felt that it may introduce bureaucracy which would not be welcomed by businesses. If any framework were to be introduced it should be simplistic and require no paperwork on behalf of the employer. A European Trainee Statute was also considered impractical by a few due to the diverse nature of traineeships. A few stakeholders were also satisfied with the current system and noted that some EU guidance already exists which helps facilitate mobility and that one of the main challenges relates to finding relevant partners. A few stakeholders also pointed out that there was a danger that a common framework would mean working to the lowest common denominator. It was suggested that an EU level database on partners and relevant actors would have added value for transnational mobility.

The majority of stakeholders who supported a common framework emphasised that it should provide at a minimum, definition of key terms such as a definition of a trainee

<sup>87</sup> There are 2 blank answers for this question (IS, IE) and they are excluded from the quantitative summary table.

and a status for a trainee. It should also set a basis for a standard traineeship agreement and include aims/objectives for the traineeship. In addition, many stakeholders stated that it should also specify issues relating to common rights, social security, taxation, remuneration, insurance, and general working conditions. That said, some stakeholders also recognised the difficulty in this as national systems are diverse. Representatives from a minority of countries emphasised that a potential common framework should not be an administrative burden on national institutions.

With respect to implementation of the EU level framework, only a few stakeholders mentioned a common legal framework as a preferred option. Those who did emphasised that this was necessary for ensuring the issue was taken seriously. Stakeholders mainly supported recommendations, guidelines or a policy paper which facilitated a more flexible framework to synchronise national procedures and practices.

A major challenge for any common transnational mobility structure is considered to be the adjustment of various national arrangements into a single common framework. Almost all stakeholders noted that there are different national procedures, practices as well as actors involved and adaptation to a common framework may also require adjustments in other national laws and practices. For example, the definition and the status of a trainee may have an impact on how labour law is implemented. As a starting point, it will also be difficult to reach a consensus among the countries on what to include in the common framework. It is difficult to fit an EU common framework into different national frameworks and education systems, by avoiding standardisation.

## **6 RECOMMENDATIONS ON POSSIBLE FUTURE EU ACTION TO FACILITATE TRANSNATIONAL MOBILITY**

### **6.1 Initial considerations on EU action**

The main focus of the study has been to explore possible initiatives to be taken in view of creating more conducive framework for transnational trainee mobility within the EU, by addressing some of the 'statutory', legal and practical obstacles faced by beneficiaries. As changes to the current structure of LLP are to be made in the near future, the Commission has requested that the main study recommendations are formulated in a way which facilitates their implementation in the new LLP and in the context of transnational placements in enterprises in general. At present it is not clear how the new LLP will look like. Therefore, although the recommendations are formulated with future considerations in mind, their applicability should be reviewed prior to their implementation. The data collection, analysis and synthesis have been conducted on information obtained in the context of the current LLP programme.

This study has shown that there is need and support toward a common transnational mobility instrument at EU level. The Commission action should in particular focus on addressing obstacles and challenges stemming from:

- Differences in legal status or lack of legal status of trainees/apprentices, which may lead to lack of recognition of trainees' rights and restricts access to benefits that are linked to these rights;
- Differences in legislation and practices that define working conditions for traineeship/apprenticeship, which may lead to differences in entitlements linked to the work placement, even where the work placement takes place in identical circumstances; and
- Differences in legislation and procedures that relate to access to social benefits and health and safety insurance, which create ambiguity over who is responsible for ensuring the access to these or whether access to these exists (in case of social benefits).

On the basis of the obstacles and challenges identified, the study team developed an initial proposal for EU action, which was subsequently discussed at the workshop with Commission staff held on 3 December 2010. This proposal and the background paper prepared for the workshop are attached respectively as Annex 3 and 4 to this final report. Annex 5 presents a summary overview of the main proposals, together with a short review of the comments made during the workshop. The final type of EU action proposed is detailed in section 6.2 below.

## 6.2 Content and focus of the study recommendations

The outcomes of the study confirm that there is a need to facilitate transnational mobility of trainees and apprentices, especially by further clarifying the contextual, legal and regulatory differences between the countries involved in EU transnational learning mobility programmes, by improving overall access to information and by introducing more concrete requirements and criteria for the overall organisation of traineeships and apprenticeships.

The study considered several ways of implementing such improvements, namely:

- Proposals to the Commission concerning changes to be made to the current and post LLP overall, in terms of, for example, definitions, changes to be made to existing programme documentation, etc.
- Proposal for a framework to facilitate transnational mobility for placements at enterprises
- Developing additional guidance for the beneficiaries, e.g. in the form of guidelines, FAQ, checklists, etc.
- Putting forward a formal policy paper (Communication, Recommendation, Commission Staff Working Paper etc).

The final study recommendations include all the above elements. These comprise of a comprehensive 'policy package', each of the instruments complementing one another. The four 'instruments' proposed are:

- A. Recommendations to the Commission on changes to be made at the level of the current and/or post LLP;
- B. Framework to facilitate transnational mobility for placements at enterprises;
- C. Guidance instrument in the form of a FAQ (e.g. "Did you know that..."), including an annexed Checklist; and
- D. Recommendation on topics to be included in a formal policy paper from the Commission.

These instruments should be considered as an addendum to existing instruments, or to be integrated in the latter. The guidance and recommendations do *not* address quality aspects, but rather explore those statutory, regulatory and practical differences which are possibly affecting the quality of a mobility experience. The focus has been to build on existing materials, particularly the Quality Commitment of LdV and Erasmus programmes, and improve their implementation as well as specify their content further, where relevant. These considerations for improving the implementation of current instruments will be relevant for the future learning mobility programme replacing the current LLP.

The purpose has also been to ensure that the above instruments link in closely with the two Council Recommendations that are of particular relevance to transnational mobility in the field of this study:

- European Quality Charter for Mobility (2006/961/EC); and

- Youth on the Move – Promoting the learning mobility of young people<sup>88</sup>

The instruments put forward in this study are elaborated in the sections below.

### **6.2.1 A. Recommendation to the Commission on changes to be made at the level of the current and/or post LLP**

Some changes are recommended at the level of the current and/or post LLP to ensure coherence and consistency within the new programme. These recommendations stem from the current structure of the programme, and it may be relevant to revisit them once the new format for future LLP has been decided to ensure their applicability. The proposed changes relate to the following areas:

- Adoption of common definitions;
- Mapping of Member State relevant information;
- Introducing further requirements in the context of the current and/or post LLP;
- Strengthening cooperation: introducing consortium arrangements in the current LdV (and in other programmes for which it will be relevant under the post LLP); and
- Strengthening cooperation: better organising intermediary organisations

These are elaborated in turn below.

#### **Definitions to be adopted at the level of current and/or post LLP**

Definitions should be introduced which apply across the current and/or post LLP programme. Table 27 proposes definitions to be introduced at minimum, and elaborates the possible content of these definitions.

<b>Term to be introduced</b>	<b>Elaboration of the definition of the term</b>
1. Mobility experience or Learning mobility	The general term to be used for all types of transnational mobility, including traineeships (but also all other exchanges)
1.1 'Orientation'	Term to be used to express a short-term placement
1.2 'Learning to work'	Term to be used to express a long-term placement
1.3.'Exchanging work experiences'	Term to be used to express the staff exchanges

<sup>88</sup> This is a current proposal for Council Recommendation – Youth on the Move – promoting learning mobility of young people, dated 15.9.2010; COM (2010) 478 Final.

**Table 27 – Elaboration on the definitions to be introduced at the level of current and/or post LLP**

Term to be introduced	Elaboration of the definition of the term
2. Traineeship	<p>The term should make a distinction between work and training, and make it clear traineeship is <i>not</i> work.</p> <p>Term to be used to refer to <i>work experience, learning on the job, to which a significant element of learning and training is included.</i></p> <p>Purpose of traineeship is to help a trainee to adapt to requirements of EU labour market, acquiring specific skills and enhancing of understanding of the economic and social environment of the country concerned, while gaining work experience<sup>89</sup>.</p>
3. Apprenticeship	<p>Apprenticeship is normally defined at a national level, and has a specific meaning. For the purpose of transnational apprenticeship a definition proposed by CEDEFOP could be used:</p> <p><i>Apprenticeship is: systematic, long-term training alternating periods at the workplace and in an educational institution or training centre. The apprentice is contractually linked to the employer and receives remuneration (wage or allowance). The employer assumes responsibility for providing the trainee with training leading to a specific occupation.</i></p> <p>Or a more open definition like the one opened up for the purpose of LdV mobility by the LLP Committee<sup>90</sup> could be used, including the following core criteria:</p> <ul style="list-style-type: none"> <li>▪ Apprenticeships concern IVT;</li> <li>▪ An apprenticeship is an alternate training scheme in which training takes place at a workplace (enterprise) and at school; and</li> <li>▪ The enterprise plays an active role in the constitution of the training programme as well as in the decision whether a person can leave on mobility which is not necessarily a contractual link.</li> </ul>
4. Trainee	Term to be used to refer to a person engaged in a traineeship or apprenticeship”, for the purpose of learning mobility.
5. Host organisation	Term to be used to refer to organisation receiving the trainee in the host country <sup>91</sup>
6. Sending	Term to be used to refer to organisation initiating the mobility experience in

<sup>89</sup> No specific EU-level definition of traineeship exists: adapted on basis of description of traineeship as part of Erasmus and EU traineeships.

<sup>90</sup> [http://ec.europa.eu/education/vocational-education/doc/apprenticesreport\\_en.pdf](http://ec.europa.eu/education/vocational-education/doc/apprenticesreport_en.pdf)

<sup>91</sup> Adapted from Europass Mobility document

<b>Table 27 – Elaboration on the definitions to be introduced at the level of current and/or post LLP</b>	
<b>Term to be introduced</b>	<b>Elaboration of the definition of the term</b>
organisation	the country of origin <sup>92</sup>
7. Intermediary organisation	Term used to refer to an organisation that helps to find a work placement for a trainee , and may also provide logistical and other support to organising the placement, but does not host the work placement.
8. Consortium agreement	Term used to refer to an agreement made between parties to govern a number of issues that will or may rise during the period that is governed by the agreement.

### **Mapping of Member State relevant information**

The National Agencies should be requested to collect and summarise relevant information on their national regulatory and institutional framework, so that sending organisations and trainees can check this before trainees' departure to the host country. This information should be presented on their websites. Ideally, a National Agency staff member could be appointed as 'information officer', for further queries, and for keeping the information up-to-date. This information should, as a minimum, cover:

- The extent to which different groups of trainees have a specific legal status which applies to those taking part in a transnational mobility experience;
- The rights and obligations deriving from this status, including access to social benefits;
- Practical issues, related to working hours, remuneration, etc of national trainees and apprentices; and
- Arrangements relating to insurance coverage.

This information is to be presented in the exact same way by each of the National Agency, using a common template, to allow for an effective comparison between the different countries participating in the transnational learning mobility actions. The EU website should also include links to these National Agency web pages. In addition, existing information sources as well as relevant projects should be used to avoid duplication. For example, outcomes from the DG EMPL study on comparison of national legislation are likely to be relevant in this regard. A customising tool on training agreements included in the European Mobility project<sup>93</sup> also provides useful information on the differences between the countries participating in the project.

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<sup>92</sup> Adapted from Europass Mobility document

<sup>93</sup> [www.european-mobility.eu](http://www.european-mobility.eu)

### **Introducing further requirements in the context of the current and/or post LLP**

The Commission should introduce a requirement that all terms and conditions of the 'Mobility experience', e.g. in relation to the working hours, the insurance coverage, etc. are formally agreed and 'signed off' by the trainee, the sending and host organisations, prior to the traineeship is to take place.

Effectively, the level of responsibility relating to conditions for work placement (e.g. working hours and remuneration) and social protection and insurance (e.g. health insurance, liability and accidents at work insurance) should be formalised between sending and host organisations. This could be done in the form of a checklist assigned to sending and host organisations, and expanding the training agreements between the parties involved. The training contracts should include two parts: (i) the learning outcomes aspect (as is currently included in LdV and Erasmus training agreements) and (ii) a cross-reference section for responsible actors to indicate that essential legal/regulatory elements have been covered.

### **Strengthening cooperation: introducing consortium arrangements in the current LdV (and in other programmes for which it will be relevant under the post LLP)**

Collaboration between organisations as well as partnerships already exists. However, collaboration agreements could be extended and intensified between partners in the context of the post LLP. In particular, it should be considered to also establish a Consortium arrangement within the LdV (or its successor), similar to what already exists within the Erasmus programme.

Currently, the consortium arrangement under the Erasmus programme functions on a basis of "Erasmus Consortium Placement Certificate". The Placement Certificate is awarded by the National Agency on the basis of a detailed application which provides information related to the quality of the consortium itself and to the quality of the organisation of the mobility. The Consortium can include a group of education institutions and possibly other organisations (enterprises, associations, Chambers of Commerce, etc.) working together to facilitate placements for trainees. The consortium coordinator is the beneficiary for the National Agency and bears the administrative and financial responsibility for all members of the consortium. The coordinator can play an active role in fostering contacts with enterprises and finding opportunities for placements.

The consortia of this kind can have several benefits:

- Monitoring of placements with support from the consortium;
- Intensified collaboration and networking relating to transnational placements at enterprises;
- Finding relevant placement, matching to needs to the VET/HE institution (and trainees);
- Quality assurance of placements; and
- More comprehensive support provided for the trainee.

In countries such as Germany where there is longstanding experience of such arrangements, consortia are seen as contributing highly to increase the quality of

placements<sup>94</sup>. From the perspective of quality placements it is important that employers' representatives are encouraged to be included in the consortia.

At present partnerships are supported within the LdV, relating to cooperation between VET institutions, enterprises and/or social partners on issues of common interest linked to VET as well as cooperation between VET stakeholders at national, local, regional and sectoral levels. These partnerships should be actively involved in the Copenhagen process<sup>95</sup>. Extending this to the level of active placement-focussed consortia would possibly increase the focus on more 'hands on' collaboration in organising placements from start to finish.

This recommendation is also complementary of the EuroApprenticeship project which aims at building and developing a network of competent bodies and intermediary organisations which provides expertise, information, help and support to any learning mobility project promoted by Vocational Education and Training providers. The EuroApprenticeship does *not* propose direct placements for young people but it rather provides information and contacts to find the right support and the best adapted solutions for each young people.

In relation to the Erasmus placements, the placement consortia should be promoted within countries where they are not yet operational, building on the knowledge from countries where they have extensive operational experience and countries where such consortia have been recently implemented. Experiences from the latter will help identify how best build the consortia whereas experiences from the former can help how best to operationalise the consortia. Currently the distribution of consortia is largely concentrated on three countries, Germany, Spain and France.

Overall, consortia should make it easier to find suitable partners and to monitor the trainee abroad. It could also provide a useful channel for enterprises to contact VET and HE institutions and to propose job offers.

### **Strengthening cooperation: better organising intermediary organisations**

Intermediary organisations can help facilitate the organisation of transnational learning mobility experience. They can take some of the administrative burden away from sending and host organisations and help to establish relationships and contacts between different mobility agencies. They may often also have first-hand knowledge of the obstacles that beneficiaries encounter as well as in-depth knowledge of types of traineeship agreements offered by host organisations, which can help to break down regulatory barriers. On the other hand, some intermediary organisations are driven by financial incentives, and may exploit participants or offer poor quality of support.

To promote good quality intermediary organisations and to ensure that those involved in transnational learning mobility programmes for placements provide excellent service, quality / eligibility criteria should be introduced for the vetting of such organisations. Without being vetted, they would not be able to take part in the current and/or post LLP. Intermediary organisations could be required to provide a 'statement of purpose'

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<sup>94</sup> Based on information provided by the Erasmus unit of the Commission.

<sup>95</sup> Copenhagen process was established in 2002 and lays out the basis for co-operation in VET. The overall aim is to improve the quality of vocational training and to encourage more individuals to make wider use of vocational learning opportunities

as well as sign a simple service level agreement with the National Agency as well as with the sending organisation.

**6.2.2 B. Framework to facilitate transnational mobility for placements at enterprises**

The purpose of the framework is to outline key areas that should be included in the EU learning mobility framework and implemented at the level of the EU in the context of transnational mobility actions. Table 28 presents the proposed framework, organised under the following headings:

- Definitions of key terms;
- Provisions for status of trainee and rights relating to this status;
- Rights and responsibilities of parties involved;
- Conditions for the placement;
- Social protection;
- Insurance; and
- Cooperation between agencies

Each heading describes the main areas included in the framework, specifies their content, and outlines the way in which they could be implemented. Guidelines have also been produced to facilitate the implementation of this framework and are provided in the following section 6.2.3.

<b>Table 28 – Description of a common framework<sup>96</sup></b>		
<b>Area to be included</b>	<b>Specification</b>	<b>Implementation</b>
<b>Definitions of key terms</b>		
<b>Definitions</b>	Terms should include definitions of (i) traineeship; (ii) trainee; (iii) apprentice; (iv) what constitutes a work placement as part of traineeship; (v) host organisation; (vi) sending organisation.	Common definitions should be adopted across the different EU actions to promote learning mobility.
<b>Provisions for a status of trainee and rights relating to this status</b>		
<b>(i) Inclusion of a specific status for a trainee</b>	A specific status for trainees, including what this should cover as a minimum, should be introduced.	Although statuses derive from national legislation, awareness should be raised regarding the differences in statuses among the

<sup>96</sup> Please note that the term 'trainee' used in this framework refers to trainees undertaking transnational mobility placements at enterprises (including apprentices).

**Table 28 – Description of a common framework<sup>96</sup>**

Area to be included	Specification	Implementation
		<p>learning mobility participants, so that any particular obstacles or challenges can be identified beforehand.</p> <p>Relevant information should be mapped, making it available in a central location, with easy access (such as on a website).</p>
<b>(ii) Inclusion of rights and obligations linked to the trainee status</b>	Specific rights and obligations (for the trainee and sending/host organisation) that are linked to the trainee status should be introduced.	Idem as above. Rights and obligations will primarily derive from national legislation. Participants should be made aware of any differences in national rights and obligations.
<b>(iii) Inclusion of contractual element to specify the status of trainee</b>	The training agreement should recognise the status of a trainee and the rights and responsibilities linked to the status. The agreement should be specified as far as possible and include more 'typical' contractual elements related to legal and regulatory elements.	The training agreement could be implemented according to regulations in the sending country (in relation to access to benefits, most types of insurance) and according to regulations in the host country (in relation to work conditions).
<b>Rights and responsibilities of parties involved</b>		
<b>Inclusion of the aim of the work placement for all actors involved</b>	A description of the purpose of the work placement and what it should cover should be provided (introduction of common quality 'standards' for the placement, specifically for the learning aims)	Mobility experiences should be based on equal and fair treatment and not used as job substitution.
<b>Clarifying responsibility of sending organisation</b>	The responsibilities of the sending organisation should be clarified, specifying the level of duty of care (e.g. inform trainees of benefits they are entitled to, ensure insurance arrangements are in place etc).	It is important that these responsibilities are made specific and more concrete as far as possible. This should be facilitated by establishing a central point for relevant information.
<b>Clarifying responsibility of host organisation</b>	The responsibilities of the host organisation should be clarified, specifying the level of duty of care (e.g. ensure content and conditions of traineeship are agreed with the trainee; trainee 'agreement' is produced etc.)	Idem as above
<b>Clarifying responsibility of intermediary organisation</b>	The role of the intermediary organisation and its relationship to the sending/host organisation as well as to the trainee should be further clarified.	Intermediary organisations should be vetted and required to establish service level agreements with the sending/host organisation.
<b>Clarifying responsibility</b>	The responsibility of the trainee with respect	In part, this element should be

<b>Table 28 – Description of a common framework<sup>96</sup></b>		
<b>Area to be included</b>	<b>Specification</b>	<b>Implementation</b>
<b>of trainee</b>	<p>to organising the traineeship and complying with the requirements of the traineeship should be further clarified.</p> <p>As far as possible, the trainee should not be made responsible for dealing with the legal and regulatory aspects of the traineeship.</p>	addressed in the context of the responsibilities of the sending and host organisation.
<b>Conditions for the placement</b>		
<b>Working hours</b>	<p>Where working hours are not specified by national legislation, they should be agreed between the sending/host organisation and the trainee. This should be in the form of a 'training agreement'.</p> <p>A significant proportion of working hours should be dedicated to learning.</p>	A checklist should be provided to sending and host organisations, which specifies the requirement for working hours to be specified before the placement, and agreed between the parties involved.
<b>Remuneration</b>	<p>The level of remuneration should be agreed by the host organisation and the trainee. This should be in form of a 'training agreement'.</p> <p>For unremunerated placements<sup>97</sup>, the trainee should not incur any costs in relation to the traineeship. For example, travel costs and 'subsistence allowance' should be covered by the host organisation.</p> <p>In principle, longer-term placements should be remunerated, based on equal treatment. All trainees (transnational or not) in the host country should be treated equally in terms of remuneration.</p>	A checklist should be provided to sending and host organisations, which specifies the requirement for remuneration to be specified before the placement, and agreed between the parties involved.
<b>Conditions on learning/training element</b>	<p>Where content of the learning/ training element is not provided in the national legislation, the sending/host organisation and the trainee should agree the learning and training outcomes for the placement. This should be in the form of a 'training agreement'.</p>	<p>It will be important that the learning outcomes are relevant to the qualifications (when part of education) or to the skills (when post education).</p> <p>The learning outcomes should be monitored and assessed between the parties involved at the end of the mobility experience.</p>
<b>Entitlement to holiday</b>	<p>Where entitlement to holiday is not specified by national legislation, this should be agreed between the sending/host organisation and the trainee. This should be in the form of a 'training agreement'.</p>	A checklist should be provided to sending and host organisations, which specifies the requirement for holiday entitlement to be specified before the placement, and agreed

<sup>97</sup> This includes all placements that are unpaid. For placements with EU grants, trainees should not incur additional costs due to undertaking the placement, and hence are also subject to reimbursement of travel costs and 'subsistence allowance', if the grant does not cover these.

**Table 28 – Description of a common framework<sup>96</sup>**

Area to be included	Specification	Implementation
	<p>Trainees should be entitled to holidays, calculated (at minimum) on basis of annual holiday entitlement for employees in the country.</p> <p>Holiday entitlement will mainly be relevant for longer-term placements.</p>	<p>between the parties involved.</p>
<b>Entitlement to sick leave</b>	<p>In principle trainees should be entitled to sick leave.</p> <p>Where entitlement to sick leave is not specified by the national legislation, this should be agreed between the sending/host organisation and the trainee. This should be in the form of a 'training agreement'.</p> <p>In the case of 'serious illness', the sending organisation should be responsible for assistance activity and repatriation.</p>	<p>In an event of sickness it should be considered whether training contract might be extended to cover the relevant traineeship period or whether the trainee should cover this through other activities after the transnational traineeship (where it is compulsory part of the curriculum).</p> <p>A checklist should be provided to sending and host organisations, which specifies the requirement for sick leave to be specified before the placement, and agreed between the parties involved.</p>
<b>Social protection</b>		
<b>Unemployment benefits</b>	<p>Jobseekers who are undertaking unremunerated placements should be entitled to unemployment benefits while undertaking their traineeship.</p>	<p>Countries participating in learning mobility actions should be encouraged to allow for the portability of unemployment benefits for the duration of unremunerated transnational traineeship.</p> <p>A checklist should be provided to sending organisations, which specifies that they should check and inform the trainee whether they are entitled to unemployment benefits during their mobility experience.</p>
<b>Child benefits/childcare</b>	<p>Trainees with children should be entitled to monetary child benefits from their home country, whereas they should have access to childcare in their host country.</p>	<p>Countries participating in learning mobility actions should be encouraged to allow the portability of child benefits for the duration of the transnational traineeship.</p> <p>A checklist should be provided to sending organisations, which specifies that they should check and inform the trainee whether they are entitled to child benefits/childcare during their mobility experience.</p>
<b>Pension</b>	<p>Transnational learning mobility experience should contribute towards national pension</p>	<p>In principle, transnational learning mobility experience should contribute towards pension benefits</p>

**Table 28 – Description of a common framework<sup>96</sup>**

Area to be included	Specification	Implementation
	contributions.	(in particular longer-term placements).  A checklist should be provided to sending organisations, which specifies that they should check and inform the trainee whether the traineeship is included towards pension contributions.
<b>Insurance</b>		
<b>Health insurance</b>	<p>Trainees should be covered by health insurance. It should be the responsibility of the sending organisation to check that relevant health insurance has been organised.</p> <p>In the case of serious illness, the sending organisation should be responsible for repatriation. The insurance should cover costs relating to repatriation.</p> <p>Acknowledgement that health insurance has been organised should be included in a 'training agreement'.</p>	<p>The sending organisation should check that the European Health Insurance Card (issued by National Health provider) provides adequate cover in their country. Otherwise private health insurance for the training period must be organised.</p> <p>A checklist should be provided to sending and host organisations, which specifies the requirement for health insurance.</p>
<b>Liability insurance</b>	<p>Trainees must be covered by liability insurance</p> <p>The sending organisation should be responsible of <i>ensuring</i> that the trainee is covered by liability insurance, although it may be provided by the host organisation.</p> <p>Acknowledgement that liability insurance has been organised should be included in a 'training agreement'.</p>	<p>It should be the responsibility of the sending organisation to check that liability insurance has been organised for the trainee, and ensure it is done (either by the host organisation, the sending organisation or the trainee).</p> <p>A checklist should be provided to sending and host organisations, which specifies the requirement for liability insurance.</p>
<b>Insurance against accidents at work</b>	<p>Trainees must be insured against accidents at work.</p> <p>The sending organisation should be responsible for <i>checking</i> that the trainee is covered by insurance against work accidents. Insurance against work accidents is likely to be covered by the insurance of the host organisation, but it is the responsibility of sending organisation to check that this is indeed applicable.</p> <p>Acknowledgement that insurance against accidents at work has been organised should be included in a 'training agreement'.</p>	<p>It should be the responsibility of the sending organisation to check that the trainee is covered against accidents at work. Ideally the accidents at work insurance should be provided by the host organisation rather than the trainee having to organise it themselves.</p> <p>The host organisation should take steps to ensure that transnational trainees and apprentices are covered by their accidents at work insurance.</p> <p>A checklist should be provided to sending and host organisations, which specifies the requirement for insurance against accidents at work</p>

<b>Table 28 – Description of a common framework<sup>96</sup></b>		
<b>Area to be included</b>	<b>Specification</b>	<b>Implementation</b>
<b>Cooperation between agencies</b>		
<b>Co-operating between sending and host organisations</b>	Links and cooperation between sending and host organisations should be intensified, particularly matching partners to organisations' needs.	One option to intensify cooperation and links between sending and host organisations would be to establish consortia that would jointly organise mobility experiences
<b>Involvement of intermediary organisations</b>	The role and contribution of intermediary organisations to facilitating transnational mobility should be further specified.	The involvement of intermediary organisations could be promoted, provided that they are able to provide good quality services. This is to be ensured by introducing quality / eligibility criteria and vetting.  Intermediaries could also be involved as part of a consortia that would jointly organise mobility experiences.
<b>Role of partnerships</b>	Partnerships between different actors organising mobility experiences should be created at different levels – regional, national, European, sectoral, which complement each other.	The promotion of partnerships at different levels is also included in the Youth on the Move recommendation which promotes learning mobility of young people. Partnerships should, in particular, be promoted at European level to increase the interconnectedness of relevant actors.

### **6.2.3 C. Guidance / FAQ / Checklist**

The purpose of the guidance document is to build on the framework presented in the section above and concretise its implementation. In doing so, this guidance document provides a more detailed and specific outline of the roles and responsibilities of the sending and host organisation, as well as the trainee. In part, this also serves to further clarify and concretise the elements included in the current Quality Commitment within the current LdV and Erasmus programmes, and hence provides a basis for future Quality Commitment. The guidance should help to make participants aware of the possible challenges/obstacles deriving from the differences in institutional arrangements and national legislation, as well as assisting them to complete their responsibilities as foreseen by the Quality Commitment.

The proposed outline for a guidance document includes four main sections:

- The status of trainees and apprentices and the responsibilities of parties involved;
- Conditions of placement;

- Social protection of the trainee or apprentice; and
- Insurance arrangements.

A checklist regarding the completion of sending and host organisations' responsibilities is also annexed to the guidelines. The checklist should also be incorporated into the training agreement signed by the parties involved, as was mentioned under section 6.2, "Introducing further requirements for the LLP"<sup>98</sup>.

The format of the guidelines is outlined below. Each description contained in the guidelines includes:

- Background / contextual information, indicating potential issues;
- Who is responsible for the organising and where to find further information<sup>99</sup>;
- Whom (types of trainees) does this apply; and
- Related topics.

### ***Status of trainees and the responsibilities of parties involved***

This section outlines the status of the trainees, and highlights the responsibilities of the parties involved.

#### **Status of trainees**

In several countries, trainees, especially apprentices, have a specific legal status, attributing certain rights and obligations. When taking part in the learning mobility this status is also likely to apply to the transnational trainee. In most cases, having a status will strengthen the position of the trainee, but sometimes specific requirements are attached to the status, which may make it more complicated for transnational mobility experiences.

*How to find out more? Who should do what?*

Key information on the status of trainees in the **countries engaged in learning mobility**<sup>100</sup> can be found on the website of the National Agency. Prior to departure, the sending organisation should check this information and inform the trainee.

*To whom does this apply?*

The status will mainly apply to people on the labour market and apprentices taking part in a longer-term "Learning to work" experience. For 'orientation' experiences, or for

<sup>98</sup> The training agreement should have a simple format, and these elements could simply be included as tick boxes for the relevant party to 'tick them off' to indicate that they have been dealt with. The main purpose of this is that it encourages parties to take their responsibilities seriously and ensures that these are adhered to.

<sup>99</sup> This section assumes that some of the recommendations, in particular NAs mapping of Member State relevant information has been undertaken.

<sup>100</sup> This term should be replaced with a collective definition of countries engaged in the new LLP.

participants still enrolled in an educational programme in their home country, the status in the host country will most likely not apply.

*Related topics*

Knowing your responsibilities

Conditions of the traineeship

Social protection

### **Knowing your responsibilities**

Whether you are a sending organisation, a host organisation, a trainee involved in a mobility experience or another stakeholder involved in learning mobility, it is important that you know what is expected from you, when taking part in the programme.

Sending and host organisations have a 'duty of care' for the trainees, meaning that they share responsibility for their overall well-being. Intermediary organisations should facilitate the organisation of the mobility experience. They all need to assure a high-quality mobility and learning experience.

Trainees should do their best to make the mobility experience a success, which includes good cooperation with the sending organisation, fully engaging with the host organisations and making sure to follow their rules and requirements.

*How to find out more? Who should do what?*

There are several documents which set out the precise role and responsibilities of each type of participants in the learning mobility programme. The most important ones<sup>101</sup> for sending and host organisations are the European Quality Charter for Mobility<sup>102</sup>, the Leonardo da Vinci Mobility Quality Commitment Training Placements<sup>103</sup>, the Erasmus Student Charter<sup>104</sup>, and the Quality Commitment for Erasmus student placements.<sup>105</sup> For trainees, the Quality Commitments for the LdV and Erasmus programmes provide useful information regarding their responsibilities.

*To whom does this apply?*

To all transnational learning mobility participants

*Related topics*

Status of trainees Conditions of the traineeship

Social protection

Insurances

### **Conditions of the placement**

<sup>101</sup> The documents listed should be replaced with any new ones agreed under the new LLP.

<sup>102</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2006:394:0005:0009:EN:PDF>

<sup>103</sup> [http://ec.europa.eu/education/leonardo-da-vinci/doc/quality\\_en.pdf](http://ec.europa.eu/education/leonardo-da-vinci/doc/quality_en.pdf)

<sup>104</sup> [http://ec.europa.eu/education/erasmus/doc/esc\\_en.pdf](http://ec.europa.eu/education/erasmus/doc/esc_en.pdf)

<sup>105</sup> No ec.europa.eu link available?

This section outlines the key principles of the work placement, including the conditions to be accounted for by the placement including:

- Key principles;
- Working hours;
- Remuneration;
- Entitlement to holiday
- Entitlement to sick leave; and
- Learning/training elements of the placement.

The section also outlines how arrangements with respect to these elements should be organised.

#### **Conditions of the placement – Key principles: Equal treatment**

Placements should be organised according to the principle that a 'transnational trainee' is to be treated the same way as any other trainee. This should be in terms of working hours, remuneration, holiday entitlement, etc. as far as this can be applied to transnational trainees within national legislation.

*How to find out more? Who should do what?*

Key information on the status of trainees in the **countries engaged in learning mobility** can be found on the website of the National Agency. Prior to departure, the sending organisation should check this information and inform the trainee or apprentice. The host organisation should ensure that transnational trainee has equal rights to any other trainees.

*To whom does this apply?*

The principle will apply to all trainees who are taking part in a longer-term "Learning to work" experience and for 'Orientation' experiences.

*Related topics*

Knowing your responsibilities

Social protection

Insurances

#### **Conditions of the placement – Key principles: Fair treatment**

Placements should be organised according to the principle of fair treatment. To this end, the main purpose of any placement should be to learn new skills and competences. Placement should not be used as a job substitution.

*How to find out more? Who should do what?*

The sending and host organisation should jointly ensure that the placement meets the conditions for fair treatment. The host organisation should ensure that a significant

learning element is included in the mobility experience, that the ratio of employees to trainees is 'reasonable' (at least two to one), that their tasks are not beyond their capacity, etc.

*To whom does this apply?*

The principle will apply to all trainees who are taking part in a longer-term "Learning to work" experience and for 'orientation' experiences.

*Related topics*

Knowing your responsibilities

Conditions of the placement

### **Conditions of the placement – Working hours**

Some countries have regulated the conditions for traineeships and apprenticeships usually as part of Vocational Education law or in Labour law. Working hours tend to be specified within these laws. It is important to clarify whether these apply to transnational traineeships, and to agree on working hours in the absence of such laws.

*How to find out more? Who should do what?*

General information on working hours in the **countries engaged in learning mobility** can be found on the websites of the National Agencies. The sending organisation should check whether there are any 'standard' hours which apply, as well as other rules and conditions in relation to working hours. If these do not apply, or do not exist, then these should be agreed with the host organisation and included specifically in the training agreement. It is the responsibility of the host organisation to ensure working hours are specified in the training agreement.

A reasonable proportion of the working time (at least one third) should be dedicated to learning. Trainees should be asked to work overtime in exceptional circumstances only. Due account should be taken of persons with special needs, with respect to working hours.

*To whom does this apply?*

To all learning mobility participants

*Related topics*

Knowing your responsibilities

### **Conditions of the placement – Remuneration**

The mobility period is financed by the grant from the EU learning mobility programmes<sup>106</sup>, and most placements are unremunerated. Remuneration for placements however differ between countries engaged in learning mobility and is usually *not* provided by national legislation. The level of remuneration may change between countries, sectors, and type of placement. The host organisation may provide financial endowments at their discretion.

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<sup>106</sup> It needs to be clarified in the future whether this will be the case under the new LLP structure.

*How to find out more? Who should do what?*

General information on remuneration in the **countries engaged in learning mobility** can be found on the websites of the National Agencies. The sending organisation should check whether there are any rules and conditions in relation to remuneration. If these do not apply, then the level of remuneration should be agreed with the host organisation and included specifically in the training agreement. It is the responsibility of the host organisation to ensure this is included in the training agreement.

As a general rule, it is advisable that learning to work experiences, i.e. longer-term placements, are remunerated. In addition, as a guiding principle, for unremunerated placements, the trainee should not incur any costs in relation to the traineeship. For example, travel costs and 'subsistence allowance' should be covered by the host organisation.

*To whom does this apply?*

Mainly to trainees who are taking part in a longer-term "Learning to work" experience.

*Related topics*

Knowing your responsibilities

### **Conditions of the placement – Entitlement to holiday**

Some countries have regulated the conditions for traineeships and apprenticeships, usually as part of Vocational Education law or in Labour law. Entitlement to holiday tends to be specified within these laws. It is important to clarify whether these apply to transnational traineeships, and to agree on holiday entitlement in the absence of such laws.

*How to find out more? Who should do what?*

General information on holiday entitlements in the **countries engaged in learning mobility** can be found on the websites of the National Agencies. The sending organisation should check whether there are any 'standard' holiday entitlement which apply, as well as other rules and conditions in relation to holiday entitlement. If these do not apply, then these should be agreed with the host organisation and included specifically in the training agreement. It is the responsibility of the host organisation to ensure entitlement to holidays is included in the training agreement. Holiday entitlement should be calculated on the basis of the annual entitlement for employees in the host organisation.

It is advisable that holiday allowances are always included in the within longer-term placements, i.e. Learning to work.

*To whom does this apply?*

Mainly to trainees who are taking part in a longer-term "Learning to work" experience.

*Related topics*

Knowing your responsibilities

### **Conditions of the placement – Entitlement to sick leave**

Some countries have regulated the conditions for traineeships and apprenticeships, usually as part of Vocational Education law or in Labour law. Entitlement to sick leave tends to be specified within these laws. It is important to clarify whether these apply to transnational traineeships and to agree on entitlement to sick leave in the absence of such laws.

*How to find out more? Who should do what?*

General information on entitlement to sick leave in the **countries engaged in learning mobility** can be found on the websites of the National Agencies. The sending organisation should check whether there are any provisions on sick leave which apply, as well as other rules and conditions in relation to sick leave. If these do not apply, then these should be agreed with the host organisation and included specifically in the training agreement. It is the responsibility of the host organisation to ensure entitlement to sick leave is included in the training agreement.

In an event of sickness it should be considered whether a training contract might be extended to cover the relevant traineeship period, in situations where the sickness has taken up a significant proportion of the traineeship period. It should also be considered whether the trainee should cover this through other activities after the transnational traineeship, in situations where learning mobility is compulsory part of the curricula. This should be jointly agreed between the sending and host organisations and the trainee.

*To whom does this apply?*

Mainly to trainees who are taking part in a longer-term “Learning to work” experience. However, it will also be relevant for “orientation experience” in instances of illness taking significant proportion of learning mobility period.

*Related topics*

Knowing your responsibilities

### **Conditions of the placement – Learning elements**

Any traineeship in the context of learning mobility should serve as a learning experience. Traineeships should include specific learning elements, as well as mentoring or tutoring arrangements, to allow such learning. In some countries, there are ‘additional’ or more specific elements set out in Vocational Education Law or Labour Law. However, the conditions on learning and training are often agreed between the parties involved.

*How to find out more? Who should do what?*

General information on learning/training aspects of the traineeships in the **countries engaged in learning mobility** can be found on the websites of the National Agencies. The sending organisation should check whether there are any national level provisions in relation to learning and training within transnational traineeships.

The mobility period should be closely related to ‘learning on the job’ and include a substantial element of training. The European Quality Charter for Mobility stresses its importance. In addition, in the case of traineeships relating to VET or HE, it is important

that the learning outcomes are relevant to the qualification, whereas for people on the labour market it is important to ensure that learning outcomes are relevant to the skills.

The content and focus of training should be agreed with the host organisation and included in the training agreement. It is the responsibility of the host organisation to ensure learning element is included in the training agreement.

*To whom does this apply?*

To all learning mobility participants

*Related topics*

Knowing your responsibilities

### **Social protection**

This section outlines elements relating to social protection that the trainee should be informed about. It also includes information relating to the procedure that should be undertaken by the sending organisation.

#### **Social protection – Unemployment benefits**

Different rules are likely to apply in countries engaged in learning with regard to unemployment benefits. Trainees, when receiving unemployment benefits in their home country, may no longer be entitled to these benefits when undertaking a traineeship in another country.

*How to find out more? Who should do what?*

Relevant information on the rules relating to unemployment benefits in the countries engaged in learning mobility can be found on the website of the National Agency. Prior to departure, the sending organisation should check this information and inform the trainee. The sending organisation should also check whether there are any possibilities to remedy the potential loss of employment benefits, e.g. by asking an exemption, and advise the trainee on the steps to take.

*To whom does this apply?*

Trainees who are on the labour market and taking part in a longer-term “Learning to work” experience and possibly an ‘orientation’ experience.

*Related topics*

Knowing your responsibilities

#### **Social protection – Childcare and child benefits**

Different rules are likely to apply in countries engaged in learning mobility with regard to childcare and child benefits. Trainees, when receiving childcare or child benefits in their home country, may no longer be entitled to these benefits when undertaking a traineeship in another country.

*How to find out more? Who should do what?*

Relevant information on the rules applying to child benefits in the **countries engaged in learning mobility** can be found on the website of the National Agency. Prior to departure, the sending organisation should check this information and inform the trainee or apprentice. The sending organisation should also check whether there are any possibilities to remedy the potential loss of child benefits, e.g. by asking an exemption, and advise the trainee or apprentice on the steps to take.

The sending organisation should also check information relating to childcare in the *host country* on the website of the host National Agency, and inform the trainee. Where provisions do not apply, it should be negotiated with the host organisation if support on childcare could be provided to transnational trainees.

*To whom does this apply?*

Trainees who have children.

*Related topics*

Knowing your responsibilities

### **Social protection – Pension**

Different rules are likely to apply in countries engaged in learning mobility with regard to transnational traineeships contributing toward pension benefits.

*How to find out more? Who should do what?*

Relevant information on the rules applying to pension in the **countries engaged in learning mobility** can be found on the website of the National Agency. Prior to departure, the sending organisation should check this information and inform the trainee. The sending organisation should also check whether there are any possibilities to ensure entitlement to pension benefits, and advise the trainee on the steps to take.

*To whom does this apply?*

Trainees who are on the labour market and taking part in a longer-term “Learning to work” experience. For ‘orientation’ experiences, or for participants still enrolled in an educational programme in their home country, pension arrangements will most likely not be relevant.

*Related topics*

Knowing your responsibilities

### **Types of insurance**

This section outlines the type of insurance cover required for transnational traineeships and apprenticeships. It also outlines the responsibilities of the sending and host organisations.

### **Insurance – Health insurance**

All trainees should be covered by fully adequate health insurance. In the EU, the European Health Insurance Card provides a basic protection in other EU countries. However, the coverage of the European Health Insurance Card or private insurance

may not be sufficient, especially in case of repatriation and specific medical intervention. The adequacy of medical coverage must be checked, as additional insurance may be necessary. The costs consequences and consequences to personal well-being may be significant.

*How to find out more? Who should do what?*

Relevant information on the health insurance in the **countries engaged in learning mobility** can be found on the website of the National Agency. It is the responsibility of the sending organisation to ensure adequate health insurance is in place. Prior to departure, the sending organisation should check this information. Particular attention should be paid to repatriation; specific medical interventions; arrangements in case of serious illness; etc. and determine whether additional insurance is required. The sending organisation is responsible for ensuring that adequate additional coverage, when needed, is organised on behalf of the trainee or by the trainee. When necessary, it is the responsibility of the sending organisation to assist with repatriation arrangements.

Acknowledgement that health insurance has been organised should be included in the training agreement.

*To whom does this apply?*

To all learning mobility participants

*Related topics*

Knowing your responsibilities

### **Insurance – Liability insurance**

Varying arrangements with respect to liability insurance are in place in different countries engaged in learning mobility. Trainees therefore run the risk of not being covered. Cost consequences of not having such insurance may be significant, if the trainee or apprentice is liable to pay for damage caused to a third party.

*How to find out more? Who should do what?*

It is the responsibility of the sending organisation to check adequate liability insurance has been organised. The sending organisation should check whether they have a liability insurance covering the trainee. If this is not the case, sending organisation should check whether the host organisation has a liability insurance covering the transnational trainee. If host organisation does not have such insurance cover in place, they should be requested to organise liability insurance. If they are unable to do so, then the trainee should be requested to conclude a private insurance. Prior to departure, the sending organisation should check the liability insurance has been arranged. Acknowledgement that liability insurance has been organised should be included in the training agreement.

*To whom does this apply?*

To all learning mobility participants

*Related topics*

Knowing your responsibilities

### **Insurance – Accidents at work**

In many countries employees are covered against accidents at work. This insurance concerns anything that happens to employees on the work floor, or when travelling for work. However, the extent to which transnational trainees are covered within in the same insurance may vary across the countries engaged in learning mobility.

*How to find out more? Who should do what?*

Relevant information relating to accidents at work insurance cover in the **countries engaged in learning mobility** can be found on the website of the National Agency. It is the responsibility of the sending organisation to check adequate insurance against accidents at work has been organised. If insurance against accidents at work is compulsory in the host country, the sending organisation should check the host organisation has such insurance in place and that it covers transnational learning mobility. If this is not the case, the host organisation should be requested to provide such cover. If they are unable to do so, the trainee should be made aware of this, as they may need to arrange for private insurance.

Prior to departure, the sending organisation should inform the trainee regarding the accidents at work insurance arrangements. The sending organisation should receive confirmation from the host organisation they have arranged appropriate insurance covering persons benefiting from mobility experiences. Acknowledgement that insurance against accidents at work has been organised should be included in the training agreement

*To whom does this apply?*

To all learning mobility participants

*Related topics*

Knowing your responsibilities

### **Annexed Checklist**

This section provides a list of actions for which the sending and host organisations are responsible for. The checklist should also be incorporated within the training agreement to further ensure that trainees have appropriate employment and social protection.

<b>Checklist</b>
<b>Sending organisation</b>
<b>Social benefits</b>
<input type="checkbox"/> Trainee has been informed about traineeship being included towards pension contributions
<input type="checkbox"/> Trainee has been informed about access to childcare and child benefits
<input type="checkbox"/> Trainee on the labour market has been informed about access to unemployment benefits

**Insurance**

- Trainee has been covered by adequate health insurance
- Trainee has been covered by adequate liability insurance
- Trainee has been covered by adequate insurance against accidents at work

**Training agreement**

- Training agreement has been signed between the sending and host organisation and the trainee

**Practical arrangements**

- The trainee has been informed about their responsibilities with respect the transnational traineeship, and what support they can expect from the sending and host organisations
- All relevant information has been obtained from the intermediary organisation

**Host organisation**

**Training agreement**

- Training agreement specifies working hours
- Training agreement specifies remuneration
- Training agreement specifies holiday entitlement
- Training agreement specifies entitlement to sick leave
- Training agreement specifies training / learning element
- Agreement governing the traineeship period has been signed with the trainee

**Insurance**

- The trainee is covered against accidents at work
- The trainee is covered by liability insurance

**Practical arrangements**

- All relevant information has been obtained from the sending organisation concerning the trainee
- All relevant information has been obtained from the intermediary organisation concerning the sending organisation and the trainee

#### 6.2.4 D. Outline of areas to be considered for inclusion in a formal policy paper

This section outlines areas that could be included in any future formal policy paper regarding transnational mobility for placements at enterprises. The purpose of any future formal policy paper would be to complement existing instruments, in particular the European Quality Charter for Mobility (2006/961/EC) and Youth on the Move – Promoting the learning mobility of young people.

The future formal policy paper should specifically address transnational learning mobility and address in particular the regulatory obstacles to such mobility. It should seek to enhance awareness of the regulatory differences between Member States, which could give rise to problems, and suggest possible (practical) solutions.

Table 28 provides an overview of areas that could be included in a future policy recommendation.

<b>Table 28– Overview of areas to be considered for inclusion in a formal policy paper</b>
<b>Definitions</b>
Encourage Member States participating in transnational learning mobility programmes to adopt common definitions of: <ul style="list-style-type: none"> <li>▪ A trainee and apprentice;</li> <li>▪ What constitutes a work placement as part of traineeship/apprenticeship;</li> <li>▪ Host organisation and sending organisation.</li> </ul>
<b>Provisions for a status of a trainee and rights relating to this status</b>
Promote the importance of recognition of a legal status for trainees to ensure a high quality mobility experience.
Raise awareness on the differences in legal statuses among mobility participants and encourage close collaboration between the parties involved, to ensure that regulatory challenges are identified prior to the mobility period.
<b>Quality standards and rights and responsibilities of parties involved</b>
Encourage the adoption of common quality standards and quality assurance procedures for learning mobility experiences. Quality Commitments could be based on those already existing under current Erasmus and LdV sub-programmes.
Highlight the importance of providing good quality guidance and support for the trainee. Sending and host organisations have a joint responsibility and the duty of care.
Foster the inclusion of good quality intermediary organisations with vested interest in transnational learning mobility.
<b>Conditions for placement</b>
Highlight the importance of organising learning mobility experience according to the principle of 'equal treatment'. A 'transnational trainee' is to be treated the same way as any other trainee. It may be relevant to specify that this should be in terms of working hours, remuneration, holiday entitlement, etc. as far as this can be applied to transnational trainees within national legislation.
Ensure that a transnational mobility experience is covered by an adequate training agreement, including the following elements:

<b>Table 28– Overview of areas to be considered for inclusion in a formal policy paper</b>
<ul style="list-style-type: none"> <li>▪ Training/learning element</li> <li>▪ Working hours</li> <li>▪ Remuneration</li> <li>▪ Holiday entitlement</li> <li>▪ Entitlement to sick leave</li> </ul> <p>The training agreement should also specify that the following elements have been organised for the trainee:</p> <ul style="list-style-type: none"> <li>▪ Health insurance</li> <li>▪ Liability insurance</li> <li>▪ Insurance against accidents at work</li> </ul>
Encourage that a significant proportion of working hours relating transnational mobility experiences should be dedicated to learning. Due account should be taken of persons with special needs, with respect to working hours in general.
Highlight the importance that learning outcomes for transnational mobility experiences are relevant to the qualifications, and recognise that for people in the labour market the learning outcomes should be relevant for the skills.
<b>Social protection provisions</b>
Encourage countries participating in transnational learning mobility programmes to ensure the portability of grants and loans for the duration of the placement
Encourage countries participating in transnational learning mobility programmes to ensure the portability of unemployment benefits for the duration of unremunerated learning mobility period.
Encourage countries participating in transnational learning mobility programmes to ensure the portability of child benefits for the duration of the learning mobility period.
Encourage countries participating in transnational learning mobility programmes to have necessary provisions in place which ensure the mobility period to contribute towards pension benefits.
<b>Insurance provisions</b>
Highlight the importance that participants in transnational learning mobility programmes are being covered by an adequate health insurance, which also covers the costs of repatriation.
Highlight the importance that participants in transnational learning mobility programmes are being covered by adequate liability insurance.
Highlight the importance that participants in transnational learning mobility programmes are being covered by an adequate insurance against accidents at work.
<b>Cooperation between agencies</b>
Encourage the intensification of cooperation and links between organisations involved in the organisation of transnational learning experiences.
Stimulate and support the creation and maintenance of partnerships to increase the interconnectedness of actors with vested interest in transnational learning mobility.

## **ANNEX 1 – LIST OF INTERVIEWED STAKEHOLDERS**

### **National LLP Agencies:**

Austria

Belgium (NL)

Belgium (FR)

Belgium (DE)

Bulgaria

Croatia

Cyprus

Czech Republic

Denmark

Estonia

Finland

France

Germany

Greece

Hungary

Iceland

Ireland

Italy

Latvia

Liechtenstein

Lithuania

Luxembourg

Former Yugoslav Republic of Macedonia

Malta

Netherlands

Norway

Poland

Romania

Slovakia

Slovenia

Spain

Sweden

Turkey

UK

**Commission officials:**

Anne-Sophie CANIHAC, Unit JLS B1 - Immigration and Integration, DG Home

Christiane Westphal, Unit D2 - European Employment Strategy, CSR, Local Development, DG EMPL

Patricia de Smet, Unit C1 Higher education; "Erasmus", DG EAC

**Green Paper respondents or relevant organisations suggested by them:**

Ministry of Education, Youth and Sports, Czech Republic

Ministry of Education, Finland

Région Rhône Alpes - Direction de l'Europe, des Relations internationales et de la Coopération

Eurorégion Galice-Nord du Portugal (Spain and Portugal Regions)

Don Bosco International

Yes Forum

University of Warwick

UK Higher Education Europe Unit

British Council

University of Surrey

**EU umbrella organisations:**

Business Europe

European Association of Regional and Local Authorities for Lifelong Learning (EARLALL)

European Civil Society Platform on Lifelong Learning (EUCIS-LLL)

European Network of Education Councils (EUNEC)

Regions in Action for Lifelong Learning (FREREF)

European Association of Craft, Small and Medium-sized Enterprises (UEAPME)

European Youth Forum

**Chambers of Commerce/ Chambers of Arts and Crafts:**

Assemblée Permanente des Chambres de Métiers et de l'Artisanat (APCMA)

DIHK Association of German Chambers of Industry and Commerce (DIHK)

British Chambers of Commerce

**Case studies:**

European Mobility

EULA - Mobility Coaches

European Training Service (ETS)

## ANNEX 2 – STATISTICS ON TRANSNATIONAL MOBILITY

<i>Statistics on transnational mobility in LLP countries (mostly LdV 2007-2009 and Erasmus 2008-2009)</i>				
LLP country	Incoming trainees/ apprentices	Outgoing trainees/ apprentices	Most common sending countries	Most common host countries
Austria	Erasmus: 689	LdV: 2,077** (2008) Erasmus: 886	DE, UK, CZ, ES, FR (Erasmus)	2010: UK (457), DE (358), IT (293), IE (249), FR (208), ES (188) (LdV)
Belgium (NL)	Erasmus: 1,563 (total for BE)	LdV: 1,264** (total for BE, 2008) Erasmus: 504 (2008-2009)	NL, FR, DE, ES, IT (Erasmus)	NL, FR, ES, IT, DK, NO, SE, FI (LdV)
Belgium (FR)	LdV: 1,180 (2008) Erasmus: 1,563 (total for BE)	LdV: 419 (2008) Erasmus: 392	NL (279), TR (233), DE (143), UK (98), ES (92), IT (73) (LdV)	FR (184), ES (63), UK (45), IT (34), PT (33), DE (12) (LdV)
Belgium (DE)	Erasmus: 1563 (total for BE)	LdV: 219 (2000 - 2006) Erasmus: 8	DE, FR, AT, FI, IE (LdV)	DE, FR, AT, FI, IE (LdV)
Bulgaria	Erasmus: 121	LdV: 1,191** (2008) Erasmus: 137	ES, DE, DK, FR, PL (Erasmus)	DE, ES, IT, FR, UK (LdV)
Cyprus	Erasmus: 160	LdV: 81** (2008) Erasmus: 13	GR, LT, ES, PL, FI (Erasmus)	GR, LT (Erasmus)
Czech Republic	LdV: 3,805 (2007 - 2009) Erasmus: 407	LdV: 6,733 (2007- 2009) Erasmus: 605	DE, SK, IT, ES, AT, UK (LdV)	DE, ES, SK, PL, UK, TR, IT (LdV)
Denmark	Erasmus: 365	LdV: 1,104** Erasmus: 478	DE, FR, PL, SE, UK (Erasmus)	UK, DE, ES, IE, NL, FR (Erasmus)
Estonia	LdV: 395 (2009) Erasmus: 118	LdV: 521 (2009) Erasmus: 210	DE, FI, IT (LdV)	DE, FI, ES (LdV)
Finland	Universities: 53 (2008) Universities of Applied Science: 210 trainees (2008) Erasmus: 491	LdV: 1,472** (2008) Trainees in 2008: VET: 2,239, Universities: 610, Universities of applied science: 1,471 Erasmus: 975	Studies and traineeships altogether: VET: DE (444), FR (321), ES (178), RU (156), SW (148), IT (139) UNI: DE, FR, ES,	Studies and traineeships altogether: VET: EE (950), SE (794), ES (542), DE (513), FR (371), NL (288), UK (261) UNI: DE, SE, ES,

**Statistics on transnational mobility in LLP countries (mostly LdV 2007-2009 and Erasmus 2008-2009)**

LLP country	Incoming trainees/ apprentices	Outgoing trainees/ apprentices	Most common sending countries	Most common host countries
			PL, IT, CZ UAS: DE, FR, ES, PL, NL, RU	US, FR, UK UAS: ES, UK, DE, CN, NL, SE
France	Erasmus: 3660	LdV: 6,576** (2008) Erasmus: 4723	UK, DE, ES, BE, IT (Erasmus)	UK, ES, DE, BE, NL (Erasmus) UK, ES, IE, IT, DE (LdV)
Germany	Erasmus: 4217	LdV: 10,624** (2008) Erasmus: 4487	UK, FR, AT, ES, PL (Erasmus)	UK, FR, ES, IT, PL (LdV)
Greece	Erasmus: 905	LdV: 2,024** (2008) Erasmus: 292	PL, LV, RO, FI, LT (Erasmus)	CY, DE, UK, FR, IT (Erasmus)
Hungary	Erasmus: 273	LdV: 2,163** (2008) Erasmus: 539	DE, FR, FI, AT, IT (Erasmus)	DE, ES, IT, UK, GR (Erasmus)
Iceland	Trainees: 415 (2007-2009) Erasmus: 61	LdV: 215** (2008) Erasmus: 12	DK, AT, SE, UK (LdV)	DK, FI, NO, IS, SE, UK, AT (LdV)
Ireland	Erasmus: 1090	LdV: 513** (2008) Erasmus: 417	FR, ES, DE, UK, NL (Erasmus)	IT, FR, HU, ES, DE (LdV)
Italy	Erasmus: 1966	LdV: 3,310** (2008) Erasmus: 1622	ES, DE, FR, UK, PL (Erasmus)	ES, UK, FR, DE, BE (Erasmus)
Latvia	Trainees in 2009: 136 (74 IVET; 14 PLM) Erasmus: 79	LdV: 487** (2008) 375 projects (2009), 70 involved traineeships in SMEs. In IVT, 182 traineeships (2009) Erasmus: 670	LT, DE, ES, TR (LdV)	DE, IT, FI, PL, UK, AT (LdV)
Liechtenstein	Erasmus: 13	LdV: 20** (2008) Erasmus: 2	DE, AT, UK, PT (LdV)	IE, UK, FI, SE, NO, ES, FR, DE, LU (LdV)
Lithuania	Erasmus: 107	LdV: 1,081** (2008) Erasmus: 475	LT, ES, DK, DE, FR (Erasmus)	DE, GR, CY, FR, PL (Erasmus)
Luxembourg	Erasmus: 224	LdV: 132** (2008) Erasmus: 0	FR, BE, DE, IE, UK (Erasmus)	
Malta	Erasmus: 261	LdV: 156** (2008)	FR, DE, ES, UK, BE (Erasmus)	BE (Erasmus)

<b>Statistics on transnational mobility in LLP countries (mostly LdV 2007-2009 and Erasmus 2008-2009)</b>				
<b>LLP country</b>	<b>Incoming trainees/ apprentices</b>	<b>Outgoing trainees/ apprentices</b>	<b>Most common sending countries</b>	<b>Most common host countries</b>
		Erasmus: 9		
Netherlands	Erasmus: 1188	LdV: 4,197** (2008) Erasmus: 2103	FR, DE, ES, BE, UK (Erasmus)	UK, ES, BE, DE, FR (Erasmus)
Norway	Erasmus: 362	LdV: 1,394** (2008) Erasmus: 97	DE, DK, FR, NL, PL (Erasmus)	UK, DK (Erasmus)
Poland	Erasmus: 400	LdV: 3,983** (2008) Erasmus: 1618	DE, FR, ES, LT, IT (Erasmus)	DE, GR, ES, UK, IT (Erasmus)
Portugal	Erasmus: 502	LdV: 985** (2008) Erasmus: 562	ES, PL, DE, FR, IT (Erasmus)	ES, FR, IT, BE, UK (Erasmus)
Romania	Erasmus: 216	LdV: 1,218** (2008) IVT : 2729 (2008), 906 (2009), 1024 (2010) PLM : 95 (2008), 215 (2009), 208 (2010) Erasmus: 680	FR, DE, BE, IT, NL (Erasmus)	DE, IT, ES, FR, UK, PT, AT, PL (LdV)
Slovakia	Erasmus: 126	LdV: 2,690** (2008) Erasmus: 317	CZ, DE (LdV)	CZ, DE, UK, AT, ES (LdV)
Slovenia	Erasmus: 87	LdV: 615** (2008) Trainees: 331 (2008) Erasmus: 178	FR, PL, SK (Erasmus)	FI, CZ, IT, FR, ES, DE, AT (LdV)
Spain	Erasmus: 5003	LdV: 5,265** (2008) Erasmus: 3006	FR, DE, UK, IT, NL (Erasmus)	IT, UK, DE, FR, IE (Erasmus)
Sweden	Erasmus: 634	LdV: 942 IVT, 29 PLM (2008-2010) Erasmus: 271	DE, FI, NL, FR, ES (Erasmus)	IVT: ES (177), UK (157), DE (114), FR (101), NL (47) (2008-2010) PLM: BE (11), FR (8) (2008-2010)
UK	Erasmus: 4786	LdV: 4,007** (2008) Erasmus: 3397	DE, IT, ES, NL (LdV)	ES, FR, MT, BU (LdV)
Republic of Croatia		Trainees: 79 (2010)		
Former Yugoslav Republic of		Trainees: 70 (2009)		FR, DE, UK, SI (LdV)

**Statistics on transnational mobility in LLP countries (mostly LdV 2007-2009 and Erasmus 2008-2009)**

<b>LLP country</b>	<b>Incoming trainees/ apprentices</b>	<b>Outgoing trainees/ apprentices</b>	<b>Most common sending countries</b>	<b>Most common host countries</b>
Macedonia				
Turkey	Erasmus: 301	LdV: 4,576** (2008) Erasmus: 890	DE, NL, FR, LT, PL (Erasmus)	DE, ES, NL, UK, BE (Erasmus)

Erasmus figures concern academic year 2008-2009

\*\* Figure takes into account all LdV target groups

## ANNEX 3: BACKGROUND DOCUMENT RELATING TO THE WORKSHOP

***Title: Workshop for future EU framework to facilitate transnational mobility of trainees and apprentices for placements at enterprises***

This workshop forms part of a *study on a possible framework to facilitate transnational mobility for placement at enterprises*, commissioned by the Directorate General for Education and Culture.

The purpose of the study has been to assess the types of challenges that currently exist in relation to transnational mobility of trainees and apprentices for placements at enterprises in the LLP countries. This includes challenges relating to the current institutional framework, regulatory and legal framework, as well as challenges faced by sending and receiving organisations and trainees/apprentices. The study aims to provide the European Commission with the necessary information to undertake possible action in order to address the current obstacles to transnational mobility.

The objective is to provide the European Commission with a list of concrete and practical recommendations on how to overcome the current obstacles to transnational mobility and which soft instrument (e.g. common framework, guidelines, policy paper etc.) would be most appropriate to improve the mobility of trainees/ apprentices. The workshop will contribute to the development of the main recommendations.

Further detail on the context and focus of this study is provided in section 1.3 of this note.

The remainder of this note will:

- Explain the organisation of the workshop, including the agenda and details of the venue; and
- Provide further background information relating to the study.

### **Organisation of the workshop**

The main focus of the workshop is to discuss the possibility of establishing a European 'framework'<sup>107</sup> and how it could be implemented in order to overcome or alleviate the current challenges to transnational mobility for placements at enterprises. The workshop includes:

- Presentation of the main study findings relating to challenges to mobility with respect to the current institutional, organisational and legal/regulatory framework;

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<sup>107</sup> Framework should be considered in a broad sense, and not in reference to a legal framework.

- Presentation of a possible quality framework for mobility currently examined by DG Employment;
- Presentation of a proposal for a future European framework to better facilitate transnational mobility;
- Discussions on how the European framework could be best implemented, what elements it should cover, how these elements should be defined, and how best to promote the possible European framework; and
- Recommendations for future EU action and discussions on the various possible options.

The workshop will mainly focus on the definition and elaboration of the future European framework. The workshop will be framed in the context of a possible future impact assessment in this area.

The preliminary agenda for the day (10:00-15:00) is as follows:

<b>Timing</b>	<b>Content</b>	<b>Presenters</b>
Morning presentations	Welcome	
	Presentation of the study and main findings	GHK
	Presentation of a proposal for a framework to facilitate transnational mobility of trainees and apprentices	GHK
Late morning/afternoon Discussion	Discussions in relation to: <ul style="list-style-type: none"> <li>- Relevance and feasibility of the European framework for mobility (compared with 'no action' or other actions)</li> <li>- How the framework could be implemented and the elements to be included in the European framework for mobility</li> <li>- Recommendations for future EU action</li> </ul>	<i>Chair:</i> GHK
	Next steps	GHK

**Venue:** Place Madou 1, 1210 Bruxelles, meeting room 25/046

### **Note on the discussions relating to possible future European framework**

No specific preparation for the workshop is required but participants not familiar with the study should read section 1.3 of this document, which provides further background to the study.

GHK will chair the discussion and provide an overview of the proposed European framework. Participants are expected to contribute to the discussion *regarding the further elaboration of the European framework and other possible options in this area*. The discussion will focus on the following areas:

- How the possible European framework should be implemented, the form it would take (e.g. as guidelines, recommendation, policy document);
- What elements should the European framework include, and how these elements should be defined (e.g. definition of a status of a trainee/apprentice; conditions for performance of the placement; roles of responsibilities of parties involved; access to social benefits and insurance);
- How the framework should be promoted to stakeholders; and
- Further recommendations for future European action.

In relation to each of the above areas, GHK will make initial proposals, which the participants are invited to comment on.

### **Background information for the study**

The study aims to provide the European Commission with necessary information to support possible actions to address the specific needs/ obstacles for facilitating transnational mobility for placements at enterprises. The study assesses the following areas:

- The nature and scale of trainee mobility in LLP countries;
- LLP countries' legislative, institutional and organisational framework concerning transnational mobility of trainees;
- The obstacles to transnational mobility from the point of view of sending and hosting organisations as well as from the point of view of trainees themselves; and
- Different alternatives for EU action to facilitate transnational mobility for placements at enterprises.

The study will provide the European Commission with a list of concrete and practical recommendations regarding how to overcome existing obstacles to mobility and how these recommendations could be implemented.

The study primarily covers initiatives under the Leonardo da Vinci and Erasmus programmes, and focuses on the following types of trainees:

- Trainees in education (schools, school-based VET, HE), trainees in apprenticeships (alternate VET) and unemployed trainees who are undertaking traineeships to gain new skills;
- Trainees who are undertaking transnational programmes that last a maximum of 12 months (with a difference between short-term grants and longer term grants)

Both remunerated and unremunerated trainees are included in the scope of the study. While the scope of the study primarily refers to 'trainees' in general it also includes apprentices and the concept of 'apprenticeship' which is linked to a specific type of work placement alternating between school or training centre and enterprise. When reference is made to trainees and traineeships, apprentices and apprenticeships are also referred to in the questions.

### **Brief outline of a preliminary proposal for possible future EU action**

This study has shown that there is need and support for a common EU framework. The framework could in particular focus on overcoming obstacles stemming from:

- Differences in legal status or lack of legal status of trainees/apprentices, which lead to lack of recognition of trainees' rights and restricts access to benefits that are linked to these rights;
- Differences in legislation and practices that define working conditions for a traineeship/apprenticeship, which lead to differences in entitlements linked to the work placement, even where the work placement takes place in identical circumstances; and
- Differences in legislation and procedures that relate to access to social benefits and health and safety insurance, which create ambiguity over who is responsible for ensuring access to these or whether access to these exists (in case of social benefits).

It is envisaged that establishing a common framework would increase standards for placements and make rules and procedures more transparent, which in turn will encourage both receiving and sending organisations to engage in transnational traineeship activities. It would also improve the status of trainees/apprentices and provide recognition of their rights, which further facilitates transnational mobility.

At this stage it is recommended that the framework could be implemented as guidelines or recommendations with strong policy relevance. The framework could include at minimum:

- Definition of key terms;
- Definition of a status of trainee / apprentice and rights relating to this status;
- Rights and responsibilities of parties involved;
- Conditions for performance of the placement; and
- Social protection and insurance

The table below provides preliminary suggestions as to the content of the guidelines / recommendations.

<b>Preliminary description of the content of the framework</b>	
<b>Element in the framework</b>	<b>Further description of element</b>
Definition of key terms	This includes definitions of (i) trainee; (ii) apprentice; (iii) work placement as part of traineeship/apprenticeship; (iv) host structure; (v) sender structure
Definition of a status of trainee / apprentice and rights relating to this status	This includes specifying (i) what status of trainee/apprentice contains; (ii) the rights and responsibilities linked to the status; (iii) extent to which it is contractually binding
Rights and responsibilities of parties involved	This includes setting (i) aim of the work placement for all actors involved; (ii) responsibilities of actors; (iii) entitlements of actors
Conditions for performance of the placement	This includes specification of (i) duration of placement (ii) working hours; (iii) remuneration (iv) other financial benefits (iv) entitlement to holidays and sick leave
Social protection and insurance, including which country / organisation should cover these	This includes defining (i) social benefits; (ii) types of insurance; (iii) responsibility for arranging social protection and insurance; (iv) what should be included at minimum

It is envisaged that the framework will seek to clarify responsibilities between all actors involved as well as highlight which country's legislation should apply in a certain context. The purpose of the framework would therefore be to clarify who has the ultimate responsibility in what areas, and which country's regulation applies. The framework should take a pragmatic approach that offers guidance and recommendations regarding the roles, responsibilities and legal obligations, with the aim to improve procedures relating to transnational mobility and ultimately the legal status of trainees and apprentices.

## **ANNEX 4: OUTLINE OF ELEMENTS DISCUSSED IN THE WORKSHOP**

Definition of elements to be included in the framework				
Elements of the framework	Baseline/description of current situation	Option 1: Introduces provision, but largely leaves its implementation to the parties involved	Option 2: (includes option 1) but specifies with guidelines and other methods how the provision should be implemented	Option 3: (includes option 1 and 2), and in addition recommends that the provision should be 'formalised' through joint recognition/agreement with parties involved.
<b>Definitions of key terms</b>				
<b>Definitions</b>	Varying definitions are adopted between LLP countries, and some countries lack a definition altogether.	Introduce the provision for the need for definitions of (i) trainee; (ii) apprentice; (iii) what constitutes a work placement as part of traineeship/apprenticeship; (iv) host structure; (v) sending structure.  <i>[For example definitions, refer to table at the end of this document]</i>	Provide guidelines on the definitions of (i) trainee; (ii) apprentice; (iii) what constitutes a work placement as part of traineeship/apprenticeship; (iv) host structure; (v) sending structure should be interpreted	Recommend that the definitions of (i) trainee; (ii) apprentice; (iii) what constitutes a work placement as part of traineeship/apprenticeship; (iv) host organisation; (v) sending organisation are jointly recognised by all the parties involved.  Recommend that common definitions should be adopted.
<b>Provisions for a status of trainee / apprentice and rights relating to this status</b>				
<b>(i) Inclusion of a specific status for a trainee/apprentice</b>	Varying legal status of trainees/ apprentices is adopted in LLP countries. In LLP countries where no specific legal status exists, trainees/ apprentices are often recognised as students. In some countries only apprentices have a recognised legal status.	Introduce the provision for the need to provide a specific status for trainees and apprentices in all LLP countries (without specifying the content)	Produce guidelines on what the trainee/apprentice status in the LLP countries should entail. The status should take account of areas such as definition of specific learning outcomes, mentoring arrangements, access to social security and insurance, entitlement to	Recommend that agreement takes place between sending and host organisation to jointly recognise the status of trainee/apprentice

Definition of elements to be included in the framework				
Elements of the framework	Baseline/description of current situation	Option 1: Introduces provision, but largely leaves its implementation to the parties involved	Option 2: (includes option 1) but specifies with guidelines and other methods how the provision should be implemented	Option 3: (includes option 1 and 2), and in addition recommends that the provision should be 'formalised' through joint recognition/agreement with parties involved.
	In some LLP countries where a legal status exists, the same also applies to transnational trainees/ apprentices.		holidays and sick leave.	
<b>(ii) Inclusion of rights and obligations linked to the trainee/apprentice status</b>	<p>In LLP countries where a definition or status exists, the rights and/ or obligations of trainees/ apprentices are usually defined as well. In LLP countries where no specific status exists, trainees/ apprentices often have the same rights as students.</p> <p>In all other cases the rights and obligations of trainees/ apprentices may be defined on an ad hoc basis among organisations.</p>	<p>Introduce a provision for the need to include specific rights and obligations (for the trainee and sending/host organisation) that are linked to the trainee/apprentice status in all LLP countries.</p> <p><i>[The rights and obligations suggested for inclusion are explained in the following sections]</i></p>	Produce guidelines on how the specific rights and obligations linked to the trainee status should be implemented and adopt them as good practice.	Recommend that the rights and obligations linked to the trainee/apprentice status are jointly recognised and agreed to between the sending and host organisation.
<b>(iii) Inclusion of contractual element to specify the status of</b>	In LLP countries where trainees/ apprentices have a recognised definition and/ or	n/a	n/a	Recommend that a training agreement between parties is always signed.

<b>Definition of elements to be included in the framework</b>				
<b>Elements of the framework</b>	<b>Baseline/description of current situation</b>	<b>Option 1: Introduces provision, but largely leaves its implementation to the parties involved</b>	<b>Option 2: (includes option 1) but specifies with guidelines and other methods how the provision should be implemented</b>	<b>Option 3: (includes option 1 and 2), and in addition recommends that the provision should be 'formalised' through joint recognition/agreement with parties involved.</b>
<b>trainee/apprentice</b>	<p>legal status, they are usually contractually protected.</p> <p>In LLP countries where a generally recognised definition exists, apprentices have a contractual status similar to an employee. The contractual status also regulates entitlements linked to social security, insurance, working conditions etc.</p>			<p>The contract should recognise the status of a trainee and the rights and responsibilities linked to the status. The contract should be specified as far as possible and implemented according to regulations in the sending country (in relation to access to benefits, most types of insurance) and according to regulations in the host country (in relation to work conditions).</p> <p>Commission to provide template for model agreement.</p>
<b>Rights and responsibilities of parties involved</b>				
<b>Inclusion of the aim of the work placement for all actors involved</b>	It is not clear the extent to which the aim of the work placement is included in the formal structures of the work placement	Provide a description of the purpose of the work placement and what it should cover (introduction of common quality 'standards' for the placement)	Produce guidelines on how the 'common standards' should be implemented by sending and host organisations, and encourage their adoption as good practice.	<p>Recommend that the 'common standards' are agreed to between the sending and host organisation and the trainee.</p> <p>Introduce a monitoring element for evaluation of the 'standards' and recommend self appraisal at the end of the placement.</p>

Definition of elements to be included in the framework				
Elements of the framework	Baseline/description of current situation	Option 1: Introduces provision, but largely leaves its implementation to the parties involved	Option 2: (includes option 1) but specifies with guidelines and other methods how the provision should be implemented	Option 3: (includes option 1 and 2), and in addition recommends that the provision should be 'formalised' through joint recognition/agreement with parties involved.
<b>Clarifying responsibility of sending organisation</b>	<p>In LLP countries where the concept of a trainee/ apprentice or traineeship/ apprenticeship is defined in national legislation, the responsibilities of all parties involved are sometimes elaborated as well.</p> <p>Some of the most common responsibilities of sending organisations in the LdV are: defining placement objectives, choosing an appropriate target country and host institution, selecting participants based on predefined criteria, preparing participants including language training, managing transport, accommodation, visa/ work permit arrangements etc.</p>	Provide a description of responsibilities for the sending organisation, specifying the level of duty of care (e.g. inform trainees of benefits they are entitled to, visa/work permit arrangements, find quality placements, provide on-going support etc).	<p>Produce guidelines to help the sending organisations to fulfil their responsibility of duty of care. <i>[To some extent covered by LdV quality charter for mobility.]</i></p> <p>Provide good practice examples of code of conduct.</p>	<p>Recommend that sending and host organisations agree their roles and responsibilities in looking after the trainee, as introduced by the Commission instrument.</p> <p>Commission to provide a checklist on clarification of roles, in particular with regard to access to social benefits and insurance. <i>[Training agreement under LdV quality charter for mobility could be used a 'baseline' template]</i></p>
<b>Clarifying responsibility of host organisation</b>	In LLP countries where the concept of a trainee/ apprentice or traineeship/ apprenticeship is defined in national legislation, the responsibilities of all parties involved are sometimes	Provide a description of responsibilities for the host organisation, specifying the level of duty of care (e.g. ensure content and conditions of traineeship are agreed with the	Produce guidelines to help the sending organisation to fulfil its responsibility of duty of care. <i>[To some extent covered by LdV quality charter for mobility.]</i>	Recommend that sending and host organisations agree their roles and responsibilities in looking after the trainee as introduced by the Commission instrument.

Definition of elements to be included in the framework				
Elements of the framework	Baseline/description of current situation	Option 1: Introduces provision, but largely leaves its implementation to the parties involved	Option 2: (includes option 1) but specifies with guidelines and other methods how the provision should be implemented	Option 3: (includes option 1 and 2), and in addition recommends that the provision should be 'formalised' through joint recognition/agreement with parties involved.
	<p>elaborated as well.</p> <p>Some of the most common responsibilities of host organisations in the LdV are: assigning to participants tasks and responsibilities that match their knowledge and skills and ensuring that appropriate equipment and support is available, identifying a tutor to monitor the participant, checking appropriate insurance cover, validating the placement etc.</p>	<p>trainee; trainee 'agreement' is produced etc.)</p>	<p>Provide good practice examples of code of conduct.</p>	<p>Commission to provide a checklist on clarification of roles, in particular with regard to conditions for the placement. <i>[Training agreement under LdV quality charter for mobility could be used a 'baseline' template]</i></p>
<p><b>Clarifying responsibility of intermediary organisation</b></p>	<p>Intermediary organisations take some of the administrative burden away from sending and host organisations and help to establish relations and contacts between possible partners. Intermediary organisations should be regulated so that their interest is not purely in profit-making.</p>	<p>Provide a description of the role of the intermediary organisation and its relationship to the sending/host organisation as well as to the trainee.</p>	<p>Provide guidelines to intermediary organisations with respect to the traineeships as part of LdV and Erasmus and how they could best contribute to facilitating transnational mobility for placements at enterprises.</p>	<p>Recommend that sending/host organisations develop 'service level agreements' with intermediary organisations.</p> <p>Recommend that intermediary organisations are vetted for appropriateness of their services with respect to EU programmes.</p> <p>Commission to provide guidelines on</p>

Definition of elements to be included in the framework				
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	The responsibilities of intermediary organisations in LdV mobility are defined as follows: to select suitable host organisations able to achieve the placement objectives, and to provide contact details of all parties involved and ensure final arrangements are in place prior to participants' departure.			how 'service level agreements' could be produced.
<b>Clarifying responsibility of trainee / apprentice</b>	<p>In LLP countries where the concept of a trainee/ apprentice or traineeship/ apprenticeship is defined in national legislation, their rights and responsibilities are sometimes elaborated as well.</p> <p>The obligations of participants in LdV mobility are: to comply with all arrangements of the placement and do their best to make it a success, to abide by the rules and regulations of the host organisation, working hours, code of conduct and</p>	Provide description of the responsibility of the trainee/apprentice with respect to organising the traineeship and complying with the requirements of the traineeship/apprenticeship.	<p>Produce guidelines on how to tie together the responsibility of the trainee/apprentice to the responsibility of the sending/host organisation.</p> <p>Produce guidelines on the different responsibilities and rights of the trainee / apprentice, and how they link to the responsibilities of sending/host organisation. <i>[To some extent covered by LdV quality charter for mobility.]</i></p>	<p>Recommend that an agreement is always signed between sending/host organisation and trainee that specifies the roles of the actors involved.</p> <p>Recommend that the role of intermediary organisation is included in the agreement. The agreement should also specify the liability of intermediary organisation.</p> <p>Commission to provide model template <i>[Training agreement under LdV quality charter for mobility could be used a 'baseline' template]</i></p>

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	rules of confidentiality, to communicate with the sending organisation regarding any problems or changes regarding the placement, and to submit a report at the end of the placement.			
Conditions for the placement				
<b>Duration of placement</b>	<p>In some LLP countries the duration of traineeships/apprenticeships is provided by national legislation (e.g. DE, IT, SK) whereas in other countries it is agreed between sending/hosting organisation and trainee (e.g. AT, BE (NL), SI, HR).</p> <p>Within the LdV, the usual duration of IVET placements is 2-3 weeks and of PLM placements between 1 and 6 months.</p> <p>Erasmus placements last on average a minimum of 3</p>	<p>n/a</p> <p><i>[Depending on the level of influence Commission has over the duration, provisions for length could be specified]</i></p>	<p>n/a</p>	<p>Where it is not specified in national legislation, introduce recommendation that the duration should be agreed between the sending/host organisation and the trainee, as well as conditions on terminating the placement. This should normally be in the form of a 'training agreement'.</p> <p>Commission to provide guidance on the standard duration of placements across countries and sectors within the EU funded programmes.</p>

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	months.			
<b>Working hours</b>	In many LLP countries the working hours of trainees/apprentices are provided by national legislation (e.g. AT, BE, DE, HU, NL, MT, NO, SK, SI, SE, HR) whereas in other countries they are agreed between sending/ hosting organisation and trainee (e.g. AT, BE (NL), FI, SI, HR, TR).	n/a	n/a	Where working hours are not specified by national legislation, introduce recommendation that they should be agreed between the sending/host organisation and the trainee. This should normally be in the form of a <a href="#">'training agreement'</a> .
<b>Remuneration</b>	The level of remuneration in LLP countries is usually <i>not</i> provided by national legislation. It may be elaborated in traineeship/ apprenticeship agreements between sending/ hosting organisation and trainee. The level of remuneration may change between countries, sectors, and type of placement.	n/a	n/a	Introduce recommendation that level of remuneration should be agreed by the host organisation and the trainee. This should be in form of a <a href="#">'training agreement'</a> .  Introduce recommendation that for unremunerated placements, the trainee/apprentice does not incur any costs in relation to the traineeship/apprenticeship. For example, travel costs and 'subsistence allowance' be covered by the host organisation.

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<b>Level of qualification</b>	In few LLP countries the level of qualification required for traineeships/ apprenticeships is provided by national legislation (e.g. BE, IT). In some countries the level of qualification needed is agreed between sending/ hosting organisation and trainee (e.g. BE (NL), HR).	n/a	n/a	Where the specification of the qualification level is not required by the national legislation, introduce recommendation that sending and host organisation agree on the content of the traineeship, and make sure that it matches the level of qualifications of the trainee.
<b>Conditions on learning/training element</b>	In some LLP countries conditions on learning/ training element of trainees/ apprentices are provided by national legislation (e.g. DE, HU, IE, SK). In other countries they are agreed between sending/ hosting organisation and trainee (AT, BE (NL), FI, HR, TR).	n/a	n/a	Where content of the learning/ training element is not provided in the national legislation, introduce recommendation that the sending/host organisation and the trainee agree the learning and training outcomes for the placement. This should be in the form of a 'training agreement'.  Recommend that learning outcomes should be monitored and assessed between the parties involved at the end of the placement.

Definition of elements to be included in the framework				
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<b>Accommodation</b>	In few LLP countries accommodation arrangements are agreed between sending/ hosting organisation and trainee (e.g. FI, MT). It is usually the sending organisation which is responsible for organising the accommodation for trainees.	n/a	n/a	Introduce recommendation that accommodation should be provided for a trainee. It should be the responsibility of the sending organisation to liaise with the host organisation about the arrangements. Host organisation should provide accommodation for the trainee.
<b>Entitlement to holiday</b>	In some LLP countries holiday allowance of trainees/ apprentices is provided by national legislation (e.g. MT, NL, HR) whereas in other countries it is agreed by the sending/ hosting organisation and trainee (e.g. AT, BE (NL), SI, HR).	n/a	n/a	Where entitlement to holiday is not specified by national legislation, introduce recommendation that this should be agreed between the sending/host organisation and the trainee. This should normally be in the form of a 'training agreement'.  Recommend that trainees should be entitled to holidays, calculated (at minimum) on basis of annual holiday entitlement for employees in the country.
<b>Entitlement to sick leave</b>	In some LLP countries sick leave (e.g. MT, NL, HR) of trainees/ apprentices is provided by national legislation	n/a	n/a	Where entitlement to sick leave is not specified by the national legislation, introduce recommendation that this should be agreed between the

Definition of elements to be included in the framework				
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	whereas in other countries it is agreed by the sending/ hosting organisation and trainee (e.g. AT, BE (NL), HR).			<p>sending/host organisation and the trainee. This should normally be in the form of a 'training agreement'.</p> <p>In the case of 'serious illness', the sending organisation should be responsible for assistance activity and repatriation.</p>
Social protection and insurance, including which country / organisation should cover these				
<b>Unemployment benefit</b>	In few LLP countries trainees/ apprentices are entitled to unemployment benefits (e.g. BE (NL), FI, LT). This is particularly a problem for jobseekers that may lose their benefits (e.g. SE).	n/a	n/a	Introduce recommendation that jobseekers who are undertaking unremunerated placements should be entitled to unemployment benefits while undertaking their traineeship.
<b>Sickness pay</b>	In some LLP countries trainees/ apprentices are entitled to sickness pay (e.g. AT, FI, HU, LT, NO).	n/a	n/a	Where entitlement to sick pay is not specified by national legislation, introduce recommendation that this should be agreed between the sending/host organisation and the trainee. This should normally be in the form of a 'training agreement'.

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<b>Child benefit/childcare</b>	In few LLP countries trainees/ apprentices are entitled to child benefits or to childcare support (e.g. BE (NL), FI).	n/a	n/a	Introduce recommendation that trainees with children should be entitled to monetary child benefits from their home country, whereas they should have access to childcare in their host country.
<b>Pension</b>	In some LLP countries trainees/ apprentices are entitled to pension benefits (e.g. FI, HU, LT, HR).	n/a	n/a	Introduce recommendation that traineeship should count towards national pension contributions.
<b>Insurance, including which country / organisation should cover these</b>				
<b>Health insurance</b>	In the majority of LLP countries trainees/ apprentices have health insurance. The health insurance is usually arranged by the sending organisation.	Introduce the need for all trainees to be covered by health insurance in all LLP countries (without specifying details of its implementation)	Produce guidelines to help the responsible organisation to fulfil its responsibility for ensuring trainee is covered by health insurance. In the EU, European Health Insurance Card could be used for this purpose.	Introduce recommendation that the sending organisation is responsible for ensuring that the trainee is covered by a health insurance. They must ensure that the European Health Insurance Card (issued by NHS) provides adequate cover in their country. Otherwise private health insurance for the training period must be organised by the sending organisation.

Definition of elements to be included in the framework				
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<b>Liability insurance</b>	<p>In the majority of LLP countries trainees/ apprentices have liability insurance. It is usually the responsibility of the sending organisation, though in some countries the host organisation or the trainee organises it.</p> <p>It is often expected that the employer should make the necessary arrangements, even if the sending organisation is responsible which requires an additional agreement to be signed</p>	Introduce provision on the need for all trainees to be covered by liability insurance in all LLP countries (without specifying details of its implementation)	Produce guidelines on what the liability insurance should cover at minimum.	<p>Introduce recommendation that the sending organisation is responsible to <i>ensure</i> that the trainee is covered by liability insurance, although it may be provided by the host organisation.</p> <p>Include recommendation that liability agreement should be signed between the sending organisation, the trainee and the host organisation.</p> <p>Include recommendation that this should be included in a 'training agreement'.</p>
<b>Insurance against accidents at work</b>	In the majority of LLP countries trainees/ apprentices are insured against accidents at work.	Introduce the need for all trainees to be insured against accidents in all LLP countries (without specifying details of its implementation)	Produce guidelines on what the insurance against work accidents should include at minimum.	<p>Introduce recommendation that the sending organisation is responsible to <i>ensure</i> that the trainee is covered by insurance against work accidents. On occasion work accidents may be covered by the insurance of the host organisation, but it is the responsibility of sending organisation to check that this insurance covers their trainee.</p> <p>Include recommendation that</p>

Definition of elements to be included in the framework				
Elements of the framework	Baseline/description of current situation	Option 1: Introduces provision, but largely leaves its implementation to the parties involved	Option 2: (includes option 1) but specifies with guidelines and other methods how the provision should be implemented	Option 3: (includes option 1 and 2), and in addition recommends that the provision should be 'formalised' through joint recognition/agreement with parties involved.
				<p>agreement on insurance against work accidents should be signed between the sending organisation, the trainee and the host organisation.</p> <p>Include recommendation that this should be included in a 'training agreement'.</p>
Cooperation between agencies				
<b>Co-operating between sending and hosting organisations</b>	Cooperation between sending and host organisation takes place but its effectiveness could be improved. Difficulty exists to find suitable partners to match the organisation's needs.	Introduce provision on the need to intensify links and cooperation between sending and host organisation to be introduced as a principle.	Produce guidelines on finding suitable partners abroad, e.g. directory of organisations.	Produce model collaboration agreements between sending and host organisation.
<b>Involvement of intermediary organisations</b>	Intermediary organisations can address some of the challenges encountered by sending and host organisations (e.g. administrative burden, first-hand knowledge of obstacles encountered by participants etc.) Intermediary organisations could also help to establish	n/a	<p>Introduce guidelines for sending/host organisations specifying where intermediary organisations can be a useful asset to facilitating transnational mobility.</p> <p>Introduce guidelines to intermediary organisations on</p>	n/a

Definition of elements to be included in the framework				
Elements of the framework	Baseline/description of current situation	Option 1: Introduces provision, but largely leaves its implementation to the parties involved	Option 2: (includes option 1) but specifies with guidelines and other methods how the provision should be implemented	Option 3: (includes option 1 and 2), and in addition recommends that the provision should be 'formalised' through joint recognition/agreement with parties involved.
	relations and contacts between organisations involved in transnational mobility of trainees/ apprentices.		how they can contribute to facilitating transnational mobility for traineeships and apprenticeships.	
<b>Role of partnerships</b>	There is a need to create partnerships between different actors organising the transnational mobility of trainees/ apprentices and at different levels – regional, national, European, sectoral, which complement each other.	n/a	Commission to provide internal guidelines on how best promote partnerships within LLP.  Commission to provide guidelines on the formation of partnerships at EU level to facilitate their creation (including financial and other support available from the Commission).	n/a

## ANNEX 5: ELABORATION OF WORKSHOP OUTCOMES AND FURTHER CONSIDERATIONS

Overview of proposals and further considerations				
Possible action	EU	Baseline/description of current situation	Key elements of initial proposal	Review of comments and further considerations
<b>Definitions of key terms</b>				
<b>Definitions</b>		Varying definitions are adopted between LLP countries, and some countries lack a definition altogether. Also, definitions within the LLP programme vary.	Introduction of definitions of (i) trainee; (ii) apprentice; (iii) what constitutes a work placement as part of traineeship/apprenticeship; (iv) host organisation; (v) sending organisation.	Agreement to introduce common definitions in new LLP, across the different programmes. Promoting the adoption of common definitions outside the new LLP will be more challenging.
<b>Provisions for a status of trainee / apprentice and rights relating to this status</b>				
<b>(i) Inclusion of a specific status for a trainee/apprentice</b>		Varying legal status of trainees/ apprentices is adopted in LLP countries. In LLP countries where no specific legal status exists, trainees/ apprentices are often recognised as students. In some countries only apprentices have a recognised legal status. In some LLP countries where a legal status exists, the same also applies to transnational trainees/ apprentices.	Introduction of a specific status for trainees / apprentices, including what this should cover as a minimum.	Introducing a common status across the LLP countries would be extremely challenging, as statuses derive from national legislation. It is however important to raise awareness of the differences in statuses amongst LLP participants, so that any particular obstacles or challenges can be identified beforehand. This could be done by mapping relevant information making it available in a central location, with easy access (such as on a website).
<b>(ii) Inclusion of rights and obligations linked to the trainee/apprentice status</b>		In LLP countries where a definition or status exists, the rights and/ or obligations of trainees/ apprentices are usually defined as well. In LLP countries where no specific status exists, trainees/ apprentices often have the same rights as students. In all other cases the rights and obligations of trainees/ apprentices may be defined on an ad hoc basis among organisations.	Introduction of specific rights and obligations (for the trainee and sending/host organisation) that are linked to the trainee/apprentice status in all LLP countries.	Idem as above. Rights and obligations will primarily derive from national legislation. Making participants aware of any differences in national rights and obligations will be important.
<b>(iii) Inclusion of contractual element to specify the status of trainee/apprentice</b>		In LLP countries where trainees/ apprentices have a recognised definition and/ or legal status, they are usually contractually protected. In LLP countries where a generally recognised definition exists, apprentices have a contractual status similar to an employee. The contractual status also regulates entitlements linked to social security, insurance, working conditions etc.	The contract should recognise the status of a trainee and the rights and responsibilities linked to the status. The contract should be specified as far as possible. It could be implemented according to regulations in the sending country (in relation to access to benefits, most types of insurance) and according to regulations in the host country (in relation to work conditions).	A training agreement relating to LdV and Erasmus programmes is signed between the sending and host organisation and the trainee. However, the agreement largely focuses on the learning element. The training agreement should also include more 'typical' contractual elements related to legal and regulatory elements.
<b>Rights and responsibilities of parties involved</b>				
<b>Inclusion of the</b>		It is not clear the extent to which the	A description of the purpose of	Common quality standards should

### Overview of proposals and further considerations

Possible EU action	Baseline/description of current situation	Key elements of initial proposal	Review of comments and further considerations
<b>aim of the work placement for all actors involved</b>	aim of the work placement is included in the formal structures of the work placement	the work placement and what it should cover should be provided (introduction of common quality 'standards' for the placement)	be included, specifically in relation to the 'learning' aims. In addition, transnational traineeships and apprenticeships should be based on equal and fair treatment and not used as job substitution.
<b>Clarifying responsibility of sending organisation</b>	<p>In LLP countries where the concept of a trainee/ apprentice or traineeship/ apprenticeship is defined in national legislation, the responsibilities of all parties involved are sometimes elaborated as well.</p> <p>Some of the most common responsibilities of sending organisations in the LdV are: defining placement objectives, choosing an appropriate target country and host institution, selecting participants based on predefined criteria, preparing participants including language training, managing transport, accommodation, visa/ work permit arrangements etc.</p>	The responsibilities of the sending organisation should be clarified, specifying the level of duty of care (e.g. inform trainees of benefits they are entitled to, ensure insurance arrangements are in place etc).	<p>The Quality Commitment adopted as part of LdV and Erasmus programmes lists the responsibilities of the sending organisation.</p> <p>However, it is important that these responsibilities are further specified and made more concrete.</p> <p>Currently it is not easy for sending organisations to fulfil their responsibilities as they often lack relevant information regarding the conditions in the other LLP countries. A central point for relevant information should be established for all LLP countries.</p> <p>Currently adhering to the responsibilities is voluntary and helping to 'formalise' them will therefore be beneficial.</p>
<b>Clarifying responsibility of host organisation</b>	<p>In LLP countries where the concept of a trainee/ apprentice or traineeship/ apprenticeship is defined in national legislation, the responsibilities of all parties involved are sometimes elaborated as well.</p> <p>Some of the most common responsibilities of host organisations in the LdV are: assigning to participants tasks and responsibilities that match their knowledge and skills and ensuring that appropriate equipment and support is available, identifying a tutor to monitor the participant, checking appropriate insurance cover, validating the placement etc.</p>	The responsibilities of the sending organisation should be clarified, specifying the level of duty of care (e.g. ensure content and conditions of traineeship are agreed with the trainee; trainee 'agreement' is produced etc.)	<p>Idem as above.</p> <p>The Quality Commitment adopted as part of LdV and Erasmus programmes lists the responsibilities of the host organisation.</p> <p>However, it is important that these responsibilities are made specific as far as possible and made more concrete. This should be facilitated by establishing a central point for relevant information in all LLP countries.</p> <p>Currently adhering to the responsibilities is voluntary and helping to 'formalise' them will therefore be beneficial.</p>
<b>Clarifying responsibility of intermediary organisation</b>	Intermediary organisations take some of the administrative burden away from sending and host organisations and help to establish relations and contacts between possible partners. Intermediary organisations should be regulated so that their interest is not purely in profit-making.	The role of the intermediary organisation and its relationship to the sending/host organisation as well as to the trainee should be further clarified. Intermediary organisations should be vetted and required to establish service level agreements with the sending/host organisation	<p>This proposal primarily relates to LdV programme as single intermediaries are not involved in the Erasmus programme.</p> <p>Intermediary organisations provide a useful service but their quality is not always at the level it should be. To ensure good quality intermediary organisations, eligibility requirements should be introduced for their involvement. Intermediary organisations should be vetted to ensure that they provide good quality services.</p>

### Overview of proposals and further considerations

Possible action	EU	Baseline/description of current situation	Key elements of initial proposal	Review of comments and further considerations
<b>Clarifying responsibility of trainee / apprentice</b>		<p>In LLP countries where the concept of a trainee/ apprentice or traineeship/ apprenticeship is defined in national legislation, their rights and responsibilities are sometimes elaborated as well.</p> <p>The obligations of participants in LdV mobility are: to comply with all arrangements of the placement and do their best to make it a success, to abide by the rules and regulations of the host organisation, working hours, code of conduct and rules of confidentiality, to communicate with the sending organisation regarding any problems or changes regarding the placement, and to submit a report at the end of the placement.</p>	<p>The responsibility of the trainee/apprentice with respect to organising the traineeship and complying with the requirements of the traineeship/apprenticeship should be further clarified.</p>	<p>In part, this element should be addressed in the context of the responsibilities of the sending and host organisation. As far as possible, the trainee should not be made responsible for dealing with the legal and regulatory aspects of the traineeship.</p>
<b>Conditions for the placement</b>				
<b>Working hours</b>		<p>In many LLP countries the working hours of trainees/ apprentices are provided by national legislation (e.g. AT, BE, DE, HU, NL, MT, NO, SK, SI, SE, HR) whereas in other countries they are agreed between sending/ host organisation and trainee (e.g. AT, BE (NL), FI, SI, HR, TR).</p>	<p>Where working hours are not specified by national legislation, they should be agreed between the sending/host organisation and the trainee. This should be in the form of a 'training agreement'.</p>	<p>A significant proportion of working hours should be dedicated to learning.</p> <p>A checklist should be provided to sending and host organisations, which specifies the requirement for working hours to be specified before the placement, and agreed between the parties involved. Working hours should be included in the training agreement.</p>
<b>Remuneration</b>		<p>The level of remuneration in LLP countries is usually <i>not</i> provided by national legislation. It may be elaborated in traineeship/ apprenticeship agreements between sending/ host organisation and trainee. The level of remuneration may change between countries, sectors, and type of placement.</p>	<p>The level of remuneration should be agreed by the host organisation and the trainee. This should be in form of a 'training agreement'.</p> <p>For unremunerated placements, the trainee/apprentice should not incur any costs in relation to the traineeship/apprenticeship. For example, travel costs and 'subsistence allowance' should be covered by the host organisation.</p>	<p>The grant provided by the LdV and Erasmus programmes normally ensures at the trainee or apprentice does not incur any costs relating to undertaking the traineeship or apprenticeship.</p> <p>In principle, it is sensible that longer-term placements are remunerated and that this should be based on equal treatment. All trainees (transnational or not) in the host country should be treated equally in terms of remuneration.</p> <p>A checklist should be provided to sending and host organisations, which specifies the requirement for remuneration to be specified before the placement, and agreed between the parties involved. Remuneration should be included in the training agreement.</p>
<b>Conditions on learning/training element</b>		<p>In some LLP countries conditions on learning/ training element of trainees/ apprentices are provided by national legislation (e.g. DE, HU, IE, SK). In other countries they are agreed</p>	<p>Where content of the learning/ training element is not provided in the national legislation, the sending/host organisation and the trainee should agree the</p>	<p>Elements of learning outcomes are already included in the training agreements part of the LdV and Erasmus programmes.</p> <p>It will be important to also ensure</p>

## Overview of proposals and further considerations

Possible action	EU	Baseline/description of current situation	Key elements of initial proposal	Review of comments and further considerations
		between sending/ host organisation and trainee (AT, BE (NL), FI, HR, TR).	learning and training outcomes for the placement. This should be in the form of a 'training agreement'. The learning outcomes should be monitored and assessed between the parties involved at the end of the placement.	that a significant proportion of the traineeship/apprenticeship is dedicated to learning. In addition, in the case of traineeships/apprenticeships relating to a VET or HE, it will be important that the learning outcomes are relevant to the qualifications, whereas for PLM it is important to ensure learning outcomes are relevant to the skills. Learning outcomes should be specified in the training agreement, and clarified with the trainee/apprentice.
<b>Entitlement to holiday</b>		In some LLP countries holiday allowance of trainees/ apprentices is provided by national legislation (e.g. MT, NL, HR) whereas in other countries it is agreed by the sending/ host organisation and trainee (e.g. AT, BE (NL), SI, HR).	Where entitlement to holiday is not specified by national legislation, this should be agreed between the sending/host organisation and the trainee. This should be in the form of a 'training agreement'. Trainees should be entitled to holidays, calculated (at minimum) on basis of annual holiday entitlement for employees in the country.	For longer-term placements, trainees and apprentices should be entitled to holidays, calculated on the basis of the annual holiday entitlement for employees in the host organisation. A checklist should be provided to sending and host organisations, which specifies the requirement for holiday entitlement to be specified before the placement, and agreed between the parties involved. Holiday entitlement should be included in the training agreement.
<b>Entitlement to sick leave</b>		In some LLP countries sick leave (e.g. MT, NL) of trainees/ apprentices is provided by national legislation whereas in other countries it is agreed by the sending/ host organisation and trainee (e.g. AT, BE (NL)).	Where entitlement to sick leave is not specified by the national legislation, this should be agreed between the sending/host organisation and the trainee. This should be in the form of a 'training agreement'. In the case of 'serious illness', the sending organisation should be responsible for assistance activity and repatriation.	In principle trainees and apprentices should be entitled to sick leave. In an event of sickness it should be considered whether training contract might be extended to cover the relevant traineeship period or whether the trainee/apprentice should cover this through other activities after the transnational traineeship (where it is compulsory part of the curriculum). A checklist should be provided to sending and host organisations, which specifies the requirement for sick leave to be specified before the placement, and agreed between the parties involved. Sick leave entitlement should be included in the training agreement. Issues of serious illness and repatriation are discussed under health insurance.
<b>Social protection</b>				
<b>Unemployment benefits</b>		In a few LLP countries trainees/ apprentices are entitled to unemployment benefits (e.g. BE (NL), FI, LT). This is particularly a problem for	Jobseekers who are undertaking unremunerated placements should be entitled to unemployment benefits while	It will be difficult for jobseekers to participate in transnational traineeships (in particular unremunerated) if they lose access

### Overview of proposals and further considerations

Possible action	EU	Baseline/description of current situation	Key elements of initial proposal	Review of comments and further considerations
		jobseekers that may lose their benefits (e.g. SE).	undertaking their traineeship.	to unemployment benefits. LLP countries should be encouraged to allow for the portability of unemployment benefits for the duration of unremunerated transnational traineeship. A checklist should be provided to sending organisations, which specifies that they should check and inform the trainee/apprentice whether they are entitled to unemployment benefits during their traineeship/apprenticeship.
<b>Child benefits/childcare</b>		In a few LLP countries trainees/ apprentices are entitled to child benefits or to childcare support (e.g. BE (NL), FI).	Trainees and apprentices with children should be entitled to monetary child benefits from their home country, whereas they should have access to childcare in their host country.	It will be important that trainees and apprentices have access to childcare in the host country. However, how this is currently being organised or the level at which this takes place is uncertain. This should be clarified for the LLP countries. LLP countries should be encouraged to allow the portability of child benefits for the duration of the transnational traineeship. A checklist should be provided to sending organisations, which specifies that they should check and inform the trainee/apprentice whether they are entitled to child benefits/childcare during their traineeship/apprenticeship.
<b>Pension</b>		In some LLP countries trainees/ apprentices are entitled to pension benefits (e.g. FI, HU, LT, HR).	Transnational traineeship should contribute towards national pension contributions.	In principle, transnational traineeships/apprenticeships should contribute towards pension benefits (in particular longer-term traineeships and apprenticeships). A checklist should be provided to sending organisations, which specifies that they should check and inform the trainee/apprentice whether the traineeship/apprenticeship is included towards pension contributions.
<b>Insurance</b>				
<b>Health insurance</b>		In the majority of LLP countries trainees/ apprentices have health insurance. The health insurance is usually arranged by the sending organisation.	All trainees and apprentices should be covered by health insurance. It should be the responsibility of the sending organisation to check that relevant health insurance has been organised. The sending organisation must check that the European Health Insurance Card (issued by National Health provider) provides adequate	It will be of paramount importance that trainees are covered by an adequate health insurance. There are serious cost consequences as well as consequences to personal well-being if the insurance cover is inadequate. Some examples of cases exist where a trainee/apprentice has not been covered by appropriate health insurance, which have led to

## Overview of proposals and further considerations

Possible action	EU	Baseline/description of current situation	Key elements of initial proposal	Review of comments and further considerations
			<p>cover in their country. Otherwise private health insurance for the training period must be organised.</p>	<p>negative consequences.</p> <p>In the case of serious illness, the sending organisation should be responsible for repatriation. The insurance should cover costs relating to repatriation.</p> <p>A checklist should be provided to sending and host organisations, which specifies the requirement for health insurance. It should also be included in the training agreement that health insurance has been covered.</p>
<b>Liability insurance</b>		<p>In many LLP countries trainees/ apprentices have liability insurance. It is usually the responsibility of the sending organisation, though in some countries the host organisation or the trainee organises it.</p> <p>It is often expected that the employer should make the necessary arrangements, even if the sending organisation is responsible which requires an additional agreement to be signed</p>	<p>Trainees and apprentices must be covered by liability insurance in all LLP countries.</p> <p>The sending organisation should be responsible of <i>ensuring</i> that the trainee is covered by liability insurance, although it may be provided by the host organisation.</p> <p>Acknowledgement that liability insurance has been organised should be included in a 'training agreement'.</p>	<p>It will be of paramount importance that trainees are covered by adequate liability insurance. There are serious cost consequences if the insurance cover is inadequate.</p> <p>There is some evidence to suggest that there is confusion as to who will organise the liability insurance. It should be the responsibility of the sending organisation to check that liability insurance has been organised for the trainee, and ensure it is done (either by the host organisation, the sending organisation or the trainee/apprentice).</p> <p>A checklist should be provided to sending and host organisations, which specifies the requirement for liability insurance. It should also be included in the training agreement that liability insurance has been covered.</p>
<b>Insurance against accidents at work</b>		<p>In many LLP countries trainees/ apprentices are insured against accidents at work.</p>	<p>All trainees should be insured against accidents at work in all LLP countries.</p> <p>The sending organisation is responsible for <i>checking</i> that the trainee is covered by insurance against work accidents. Insurance against work accidents is likely to be covered by the insurance of the host organisation, but it is the responsibility of sending organisation to check that this is indeed applicable.</p> <p>Acknowledgement that insurance against accidents at work has been organised should be included in a 'training agreement'.</p>	<p>It will be of paramount importance that trainees are covered against accidents at work. There are serious cost consequences if the insurance cover is inadequate.</p> <p>It will be of importance for the sending organisation to check that the trainee/apprentice is covered against accidents at work. Ideally the accidents at work insurance should be provided by the host organisation rather than the trainee having to organise it themselves.</p> <p>The host organisation should take steps to ensure that transnational trainees and apprentices are covered by their accidents at work insurance.</p> <p>A checklist should be provided to sending and host organisations,</p>

### Overview of proposals and further considerations

Possible action	EU	Baseline/description of current situation	Key elements of initial proposal	Review of comments and further considerations
				which specifies the requirement for insurance against accidents at work. It should also be included in the training agreement that insurance against accidents at work has been covered.
<b>Cooperation between agencies</b>				
<b>Co-operating between sending and host organisations</b>		Cooperation between sending and host organisation takes place but its effectiveness could be improved. Difficulty exists to find suitable partners to match the organisation's needs.	There is a need to intensify links and cooperation between sending and host organisations.	One option to intensify cooperation and links between sending and host organisations would be to establish consortia that would jointly organise traineeships/apprenticeships. This is already happening under the Erasmus programme and could also be applied to LdV.
<b>Involvement of intermediary organisations</b>		Intermediary organisations can address some of the challenges encountered by sending and host organisations (e.g. administrative burden, first-hand knowledge of obstacles encountered by participants etc.) Intermediary organisations could also help to establish relations and contacts between organisations involved in transnational mobility of trainees/ apprentices.	This proposal is similar to the proposal relating to clarifying the responsibility of intermediary organisation but from the cooperation perspective. The role and contribution of intermediary organisations to facilitating transnational mobility should be further specified.	The involvement of intermediary organisations could be promoted, provided that they are able to provide good quality services. This is to be ensured by introducing quality / eligibility criteria and vetting. Intermediaries could also be involved as part of a consortia, similar to what is organised under the Erasmus programme.
<b>Role of partnerships</b>		There is a need to create partnerships between different actors organising the transnational mobility of trainees/ apprentices and at different levels – regional, national, European, sectoral, which complement each other.	Commission should provide assistance on formulation of partnerships within the LLP.	Partnerships are already supported by LdV and Erasmus programmes. It will be important that their development continues to be promoted and supported. Within LdV for example, partnerships are supported through the Euroapprenticeship project. The promotion of partnerships at different levels is also included in the Youth on the Move recommendation which promotes learning mobility of young people. Partnerships should, in particular, be promoted at European level to increase the interconnectedness of relevant actors.

## ANNEX 6: KEY TO COUNTRY CODES

Name of the country/region	Country code <sup>108</sup>
Austria	AT
Flemish region of Belgium	BE(NL)
Walloon region of Belgium	BE(DE)
Brussels – Capital region of Belgium	BE(FR)
Bulgaria	BG
Croatia	HR
Cyprus	CY
Czech Republic	CZ
Denmark	DK
Estonia	EE
Finland	FI
France	FR
Germany	DE
Greece	GR
Hungary	HU
Iceland	IS
Ireland	IE
Italy	IT
Latvia	LV
Liechtenstein	LI
Lithuania	LT

<sup>108</sup>The are based on country codes set by the International Organization for Standardization  
[http://www.iso.org/iso/english\\_country\\_names\\_and\\_code\\_elements](http://www.iso.org/iso/english_country_names_and_code_elements)

Name of the country/region	Country code <sup>108</sup>
Luxembourg	LU
Former Yugoslav Republic of Macedonia	MK
Malta	MT
Netherlands	NL
Norway	NO
Poland	PL
Romania	RO
Slovakia	SK
Slovenia	SI
Spain	ES
Sweden	SE
Turkey	TR
United Kingdom	UK