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## FINAL REPORT BY THE EXPERT

**Advice case title: Cross border DUAL VET Euroregion Galicia Norte Portugal**

**Full official name of the advised entity: Galicia Norte Portugal EGTC**

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## I. **Executive summary**

### a) Problem or need addressed by this report:

The situation addressed in this report is the issue related to mobility in the specific case of students and graduates in dual vocational training.

In this regard, the mandate of the applicant points out two specific obstacles that the solutions to be designed must address:

1. The lack of automatic recognition or homologation of degrees obtained in the other country.
2. The absence of a procedure or mechanism that allows the application of Social Security fee discounts or reductions in the neighboring country, as recognized in apprenticeship contracts.

### b) Recommended solutions based on the objectives of the report:

Without prejudice to the development of this point in the body of the report, for the purpose of succinctly presenting the recommended solutions, it is appropriate to separately refer to the two obstacles raised:

1. The first of the mentioned obstacles requires, indispensably, directing efforts towards coordination between the curricula of the different degrees offered on both sides of the border, given that there are currently significant differences between them. This circumstance makes it particularly challenging for the required homologation to be possible.
2. As for the second obstacle, it presents greater complexity than the first, as there is currently no mechanism in the existing regulations for coordination between Social Security systems to meet or cover the discounts envisaged for this type of apprenticeship contracts, which are not regulated or recognized in a community or supranational context.

c) Conclusions:

As expressly stated in the Considerations of Regulation (EU) No 492/2011 of the European Parliament and of the Council of April 5, 2011, on the free movement of workers within the Union: *"There is a close link between the free movement of workers, employment, and vocational training, in that the latter aims to enable the worker to respond to specific job offers made in other regions of the Union. This link requires examining issues related to these matters, not in isolation, but in their relationships of interdependence, also taking into account employment issues at the regional level. Therefore, it is necessary to direct the efforts of the Member States towards coordinating their employment policies."*

The solutions developed in this document contribute precisely to this purpose. They result not only from the theoretical study of applicable regulations but also from information provided by agents and officials involved in the areas implicated in the case under consideration

**II. Description of the obstacle with indication of the legal/administrative provisions causing the obstacle**

One of the four freedoms enjoyed by the citizens of the Union is the free movement of workers. This freedom primarily entails the right to work in another Member State and to receive the same treatment as nationals of that State. It is clearly recognized in the founding and operational regulations of the EU: Article 3, paragraph 2, of the Treaty on European Union (TEU); Article 4, paragraph 2, letter a), and Articles 20, 26, and 45 to 48 of the Treaty on the Functioning of the European Union (TFEU).

However, one of the main shortcomings of the European labor market is the lack of mobility of its workers, as stated in the Annual Report on Labor Mobility within the EU 2021. The report provides updated information on labor mobility trends in EU countries and the European Free Trade Association (EFTA) in the year 2020, revealing a decline in the number of all expatriate workers, including active ones.

This marks the first decrease since 2012, though it should be noted that this decline is influenced by measures and repercussions related to the exceptional health situation in the specified year due to the COVID-19 pandemic.

It is noteworthy that, despite the difference in unemployment rates between the two countries (14.8% in Spain and 6.6% in Portugal), there is not a higher level of mobility between them. The movement of Spanish workers across the border could potentially offset the high unemployment rate on the Spanish side.

Free movement is a fundamental right for workers within the European Union. Labor mobility should be one of the means by which workers can improve their living and working conditions, facilitate their social promotion, and contribute to meeting the needs of the economies of member states. This right also entails the obligation to eliminate obstacles to the free movement of people and services among member states, as it is one of the Community's objectives. Specifically, this elimination grants nationals of member states the ability to practice a profession, either self-employed or employed, in a member state other than the one where they acquired their professional qualifications.

The applicant's mandate specifically identifies two obstacles that the proposed solutions should address:

1. The lack of automatic recognition or homologation of qualifications obtained in the other country.
2. The absence of a procedure or mechanism allowing the application of Social Security contribution discounts or reductions recognized in apprenticeship contracts in the neighboring country.

This report focuses on the dual vocational training known as FP DUAL. As a preliminary note, it is essential to mention how this type of training operates in both countries:

In Spain, the current dual vocational training system was implemented in 2012, with an increasing number of involved companies and enrolled students. However, it is still far from being a widespread system.

In Portugal, the vocational training system has expanded in recent years, and part of this effort includes dual vocational training (apprenticeship courses). Nevertheless, the number of students enrolled in dual vocational training represents a very small percentage compared to second-cycle secondary education students in 2015-2016.

## **DUAL VOCATIONAL TRAINING IN SPAIN AND IN GALICIA**

In accordance with the provisions of Article 31 of Royal Decree 1529/2012 of November 8, which develops the contract for training and apprenticeship and establishes the foundations of dual vocational training; the dual vocational training project must be authorized by the corresponding educational administration and formalized through an agreement with the collaborating company under the conditions established by the educational administrations.

Similarly, the second additional provision of Decree 114/2010 of July 1, which establishes the general organization of vocational training in the educational system of Galicia, stipulates that the department with responsibilities in education will promote collaboration with companies and business entities. This collaboration aims, among other things, to provide the possibility of delivering professional modules included in vocational training titles at the company's facilities to ensure that training is carried out with the most up-to-date equipment and professional updating. This collaboration will be formalized through an agreement, and the competence lies with the Ministry of Culture, Education, and University of the Xunta de Galicia. However, the same provision indicates that *"when the scope of the dual vocational training project submitted by a company affects more than one Autonomous Community, its authorization will correspond to the Ministry of Education, Culture, and Sports."*

- **AGREEMENT**

The agreement will include, at a minimum, the following aspects:

a) The training program.

- b) The number of participating students.
- c) The scholarship system.
- d) Schedule and hours at the center and in the company.
- e) Conditions to be met by companies, students, teachers, and tutors.
- f) Necessary insurance for students and teaching staff for training coverage.

- **MODES**

Dual vocational training will be carried out through one of the following modes:

- a) Exclusive training in a training center, which involves combining and alternating the training acquired in the training center with the work carried out in the company.
- b) Training with company participation, where companies provide spaces, facilities, or experts to deliver certain professional modules or training modules in full or in part to training centers.
- c) Training in an authorized or accredited company and training center, involving the delivery of certain professional modules or training modules in the company, complementarily to those delivered in the training center.
- d) Shared training between the training center and the company, where participation in teaching and learning processes in the company and training center varies. The company must have authorization from the educational administration and/or accreditation from the corresponding labor administration to provide this type of training, and it will be affiliated with the center with which it shares training.
- e) Exclusive training in the company, where training is entirely conducted in the company.

Training in the company can be aimed at obtaining a vocational training certificate or a professional qualification.

- SCHOLARSHIP OR INCENTIVE SYSTEM FOR STUDENTS

Article 33 of Royal Decree 1529/2012 provides for the possibility that students may be funded by *"companies, institutions, foundations, etc., and/or by the Administrations, in the manner determined for each project."* In accordance with applicable regulations, this will be determined for each project based on the participating companies, institutions, or administrations and their involvement.

- CERTIFICATION

The qualification or professional competence acquired through the training and apprenticeship contract will be accredited according to the terms provided in Article 11.2.e) of the Workers' Statute:

*"The qualification or professional competence acquired through the training and apprenticeship contract will be accredited according to the provisions of Organic Law 5/2002, of June 19, on Qualifications and Vocational Training, and its implementing regulations. In accordance with this regulation, the worker may request from the competent public administration the issuance of the corresponding professional certificate, vocational training title, or, where appropriate, cumulative partial accreditation."*

When the training activity inherent in the contract includes complementary training provided by the company, it may be subject to recognition according to the procedure established in Royal Decree 1224/2009, of July 17, on the recognition of professional competencies acquired through work experience. In any case, this regulation also states that the qualifications or professional competencies acquired through the training and apprenticeship contract will be recorded in the Public Employment Services Information System.

- BONUSES

Up to the legally established maximum amount, the company may finance the cost of training inherent in the training and apprenticeship contract through bonuses applied to Social Security contributions, provided it meets at least the following requirements:

- a) Signing the agreement for the training activity and informing the workers' legal representation.
- b) Requesting and authorizing the start of the training activity.
- c) Assigning the worker to a job related to the training activity and compatible with the time dedicated to that activity. Competent Employment Public Services will review this relationship before authorizing the start of the training activity.
- d) Designating a person with the appropriate qualification and professional experience to act as a tutor in the company.
- e) Keeping records of the justifying supports of the cost and payment of the training carried out.

Furthermore, the company will apply the bonuses in the monthly contribution bulletins, maintaining the proportion of a maximum number of hours eligible for financing, for the training actually carried out, equivalent to 25 percent of the working day applied each month during the first year of the contract, and 15 percent of the working day in the second and third years. Similarly, in the event that the development of the training activity is concentrated in a specific period during the validity of the contract, the application of bonuses will be monthly and in the indicated proportion until the company reaches the maximum funding amount it is entitled to.

In accordance with the provisions of Article 24 of Royal Decree 1529/2012, of November 8, the State Public Employment Service may grant subsidies, on a direct concession basis, to the Autonomous Communities and, where appropriate, to the Ministry of Education, Culture, and Sports, to finance the additional costs that may arise for public centers of the educational system as a result of the provision of training activity in training and apprenticeship contracts.

For this purpose, agreements will be signed between the competent educational and labor administrations that will include aspects related to the management and financing of these additional costs.



## **DUAL VOCATIONAL TRAINING IN PORTUGAL**

Decree-Law No. 13/2015 establishes the principles and rules governing dual vocational training in the Portuguese country.

According to paragraph 1.b) of Article 9 of Decree-Law No. 396/2007, apprenticeship courses are a double qualification training modality and are developed alternatively, following the competency and training references associated with the qualifications included in the National Qualifications Catalog.

This system aims to qualify young people through vocational training and presents itself as an alternative for those who are in the 6th to 9th grade or for those who have left the formal education system and wish to start a professional career without any qualification.

This type of training contributes to increasing levels of employability and social and professional inclusion. These objectives, as mentioned in the organization in Spain, are enhanced by the alternating training between a training entity and a company. This model is fundamentally based on the philosophy of the German dual system and focuses on a solid acquisition of knowledge, skills, attitudes, and values through the performance of operational or predominantly practical activities.

An apprenticeship contract is an agreement between a training entity and an apprentice. This contract establishes that the training entity has the duty to train the student, while the student has the obligation to carry out the activities contained in the curriculum and practical part of the course.

Regarding the responsible entity, Decree-Law No. 13/2015, mentioned earlier, in its Article 5 states that it is the responsibility of the IEFP (Institute of Employment and Vocational Training), the national public employment service, which has the mission of promoting the creation and quality of employment and combating unemployment through the implementation of active employment policies, particularly vocational training. Competence also belongs to the Ministry of Solidarity, Employment, and Social Security.

However, considering the strategic orientation, monitoring, organization, and control of the dual system, it is supervised by the National Apprenticeship Commission (CNA), composed of representatives from various decision-making bodies, such as workers' confederations and unions, the National Youth Council, and the Ministry of Education and Science.

- REGULATION

IEFP elaborates the Regulation of Apprenticeship and Apprenticeship+ courses, which includes:

a) Methodological guidelines; b) Organizational, technical, and pedagogical training procedures; c) Learning assessment procedures and certification of interns; d) Administrative and financial procedures; e) Application procedures to external training entities and definition of criteria; f) Identification, attributions, duties, and rights of those involved in the training; g) Other procedures considered necessary for the development of the courses.

- MODALITIES

The curricular structure of Apprenticeship courses includes the following training components:

a) Sociocultural and scientific training aimed at acquiring and developing knowledge, skills, and attitudes for the training of young people and adults, necessary for obtaining a school diploma, according to the competency references of the qualifications contained in the CNQ; b) Technological training aimed at acquiring and developing knowledge, skills, and attitudes that respond to what is defined in the professional profile and in the reference of competencies associated with the respective qualification; c) Work-based training aimed at applying and consolidating the knowledge, skills, and attitudes acquired in the performance of activities in the context of a company or other employers.

The curricular structure of Apprenticeship+ courses includes the following training components:

a) General and scientific training aimed at acquiring and developing knowledge, skills, and attitudes that complement and support learning in the technological training component; b) Technological training aimed at acquiring and developing knowledge, skills, and attitudes that respond to what is defined in the professional profile and the reference of competencies associated with the respective qualification, based on a sector-specific technological specialization with a high level of professional qualification; c) Work-based training aimed at applying and consolidating the knowledge, skills, and attitudes acquired in the performance of activities in the context of a company or other employers.

Regardless of the indicated modalities, when courses are aimed at audiences with duly accredited specific needs, competencies and/or training references, duration, pedagogical tools, and methodologies may be adapted to their respective needs, with IEFP authorization, as long as the referred curricular structures are not altered.

- **SCHOLARSHIPS OR INCENTIVES SYSTEM FOR STUDENTS**

In Portugal, the government grants scholarships for students, including the payment of a monthly salary, transportation, meals, and other expenses such as training materials, accommodation, etc.

According to the applicable regulations, it will be determined for each project based on the participating companies, institutions, or administrations and their involvement in this regard.

- **CERTIFICATION**

The "Apprenticeship Courses" and "Apprenticeship+ Courses" allow obtaining a qualification of level 4 or 5 of the National Qualifications Framework (QNQ) integrated into the CNQ, respectively:

#### 1. Apprenticeship Courses

Successful completion entitles to Level 4 qualification of the QNQ and secondary education.

These courses allow the following intermediate certification:

10th year of schooling, with the completion of the 1st "training period." 11th year of schooling, with the completion of the 2nd "training period."

#### 2. Apprenticeship+ Courses

Level 5 qualification of the QNQ.

- BONUSES

As already mentioned, economic incentives are not equivalent, and there is no uniformity between the systems of both countries.

There is neither uniformity in this regard nor regulations or mandates regarding this possibility, so this is another obstacle that will be referred to again later.

**ONCE THE SITUATION OF STARTING AND OPERATION OF DUAL TRAINING IN BOTH COUNTRIES HAS BEEN STATED, WE PROCEED, NEXT, TO ADDRESS THE LEGISLATIVE PROVISIONS THAT AFFECT EITHER OBSTACLES INDEPENDENTLY:**

## 1) REGARDING THE NON-EXISTENCE OF AUTOMATIC RECOGNITION OR APPROVAL OF DEGREES OBTAINED IN THE NEIGHBOR COUNTRY

Considering the qualifications, the administrations of the countries of the European Union continue to be responsible for their educational systems and are, therefore, free to apply their own national regulations, which, among other things, contemplate the recognition or not of the qualifications. obtained abroad as well as, if applicable, the procedure to follow.

The main problem is that there is no automatic evaluation and recognition system for non-university training, especially in the case of vocational training. In the EU there is no general automatic recognition of academic qualifications. This means that, to obtain the recognition of studies or your qualification in another member country, it is essential to follow the corresponding national procedure, case by case depending on the profession, a procedure that entails costs and that usually takes time with a variable duration.

Regarding the recognition of Vocational Training studies in the different member states, although it is true that there is no automatic homologation system, it is no less true that over the years some actions have been carried out aimed at a certain recognition of these studies beyond the country in which they were completed:

- European Qualifications Framework.- This is a tool that indicates the learning results expressed in knowledge, skills and competencies.

- Erasmus + Scholarship.- Which aims to facilitate vocational training students to obtain validation and recognition of their work-related knowledge and skills, acquired in different ways and in different countries. Although in relation to Dual Vocational Training it is only possible in the case in which the three months of stay are considered only as internships in a company and do not include activities at your educational center.

For its part, DIRECTIVE 2005/36/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 7 September 2005 on the recognition of professional qualifications establishes that in order to facilitate the free provision of services, it is appropriate to establish specific rules aimed at extending the possibility of exercising professional activities with the original professional title.

As regards the professions covered by the general scheme for the recognition of training qualifications, hereinafter referred to as 'the general scheme', Member States should retain the power to set the minimum level of qualification necessary to ensure the quality of the professions. services carried out in its territory.

The scope to which this recognition refers is determined in Annex V of Directive 2005/36/EC, a scope that is justified by the fact that these are professions in which such recognition responds to the prior existence of coordination of the minimum training conditions. In fact, the determination of the express name of the minimum qualification, as well as the body issuing the degree that accredits it, are recorded in the aforementioned ANNEX V.

This area affects the training titles of doctor, nurse responsible for general care, dentist, veterinarian, midwife, pharmacist and architect, which must be based on the fundamental principle of automatic recognition of training titles on the basis of the coordination of minimum training conditions. As we can see, none of the

“automatic recognition” training titles are found in the context of Dual Vocational Training titles or training.

It is appropriate to focus on the year 2002; when the Copenhagen Process takes place. The Copenhagen Declaration of 29-30 November 2002 is a Declaration of the European Ministers of Vocational Education and Training and the European Commission on enhanced European cooperation in vocational education and training. This process launched the European Strategy on reinforced cooperation in vocational education and training, and from that moment onwards Europe began to consider the possibility of harmonizing the vocational training systems of all countries to promote the mobility of workers. A strategy is then launched to improve the performance, quality and attractiveness of European vocational training, from which we can highlight a series of documents:

- Maastricht Communiqué of 14 December 2004 on future priorities for enhanced European cooperation in vocational education and training (VET)

The Maastricht Communiqué confirms the success of the Copenhagen Process in terms of enhancing the visibility and profile of VET at European level and develops the priorities established by the Copenhagen Declaration, including among other priorities the use of support of European funds (such as the Social Fund and the Regional Development Fund) to develop VET (an issue that could even be useful in the face of the second of the obstacles that have been exposed relating to the bonuses received by companies).

- Helsinki Communiqué of 5 December 2006 on enhanced European cooperation in vocational training

The Helsinki Communiqué evaluates the Copenhagen Process and reviews its priorities and strategies. It points out the need to continue the creation of European tools in which vocational training plays a fundamental role through:

The creation and testing of a European Qualifications Framework (EQF) based on learning outcomes, offering greater parity and better linkage between vocational training and certain sectors of university education, taking into account international sectoral qualifications;

The progressive development of EUROPASS as a single European framework for transparency, and of tools for the recognition of non-formal and informal learning to support and complement the introduction of the EQF and ECVET.

The Commission defines the European Credit Transfer System for Vocational Education and Training (ECVET) as a methodological framework that allows qualifications to be described in terms of units of learning outcomes with associated credit points, thus allowing certification and registration a person's learning outcomes in different contexts, both abroad and through a formal, informal or non-formal learning pathway. Learning outcomes can be transferred to the person's home context for accumulation and for obtaining a qualification.

The diversity of national systems that define content and qualification levels does not favor the transnational mobility of students. ECVET solves this situation by facilitating the mobility of students throughout Europe. This initiative makes it possible for citizens of the European Union (EU) to have their training, skills and knowledge recognized more easily in an EU country other than their own, but not solves the problem of lack of automatic homologation of dual vocational training titles. That is to say, although the European ECVET FP system facilitates the validation or homologation for obtaining the degree in another country, the fact cannot be ignored that the obstacle that constitutes the different procedures and



bureaucratic processes that must be carried out really persists. for the pertinent recognition for all purposes.

- Bordeaux Communiqué (EN) (FR) of 26 November 2008 on enhanced European cooperation in vocational education and training

The Bordeaux Communiqué reviews the priorities and strategies of the Copenhagen Process with a view to a future post-2010 education and training programme. The Process has proven to be effective in promoting the image of VET, while maintaining the diversity of national VET systems.

- Bruges Communiqué (DE) (EN) (FR) of 7 December 2010 on enhanced European cooperation in vocational education and training for the period 2011-2020

The Bruges Communiqué sets out long-term strategic objectives for European VET cooperation for the period 2011-2020.

2) REGARDING THE NON-EXISTENCE OF A PROCEDURE OR MECHANISM THAT ALLOWS THE BONUSES OR REDUCTIONS IN SOCIAL SECURITY FEES RECOGNIZED IN LEARNING CONTRACTS TO BE APPLIED IN THE OTHER COUNTRY

One of the greatest attractions of Dual Vocational Training for companies is the provision of specific bonuses and economic incentives.

**In Spain:**

Companies that hire workers in training and apprenticeships will obtain a reduction in business fees of 100 percent in companies with less than 250 workers and 75 percent in those with more than 250 workers.

Companies will also receive incentives for financing training, consisting of bonuses on business fees for a number of hours equivalent to the percentages of the working day. For all types of workers it will be 25 percent in the first year and 15 percent in the two successive years. For Youth Guarantee beneficiaries, it will be 50 percent for the first year and 25 percent for the two successive years.

There is also an additional bonus to finance the company's tutoring costs, with a maximum amount of 1.5 euros per student and hour of tutoring, with a maximum of 40 hours per month per student. In companies with less than five workers, the maximum amount will be two euros per student and hour of tutoring.

If the contract becomes permanent, the company will benefit from a reduction in Social Security contributions of 1,500 euros per year for men and 1,800 euros per year for women, for three years.

### **In Portugal:**

For its part, in Portugal, as already stated, the Government grants scholarships for students that include the payment of a monthly salary, transportation, food and other expenses such as training materials, accommodation, etc.

As can be seen, regarding the consequences of the participation of companies in the professional qualification of workers in an alternation regime, although in both countries the system provides for some type of benefit, they are not comparable or assimilated. While in Spain it is the company that directly benefits from a specific bonus, in Portugal this bonus is indirect, since the option chosen is for the worker to receive a scholarship for an amount that is equivalent to his salary and which, if applicable, some additional concept can be added.

### **III. Description of possible solution(s)**

Although in some cases the direction in which some of the possible solutions to the described obstacles would go has already been advanced, we proceed below to a final synthesis of them, it should be noted that, in the case at hand, the margin of possible action is reduced from the European point of view:

#### **1) REGARDING THE NON-EXISTENCE OF AUTOMATIC RECOGNITION OR APPROVAL OF DEGREES OBTAINED IN THE NEIGHBOR COUNTRY**

Any solution regarding this obstacle must necessarily involve developing mechanisms that avoid the fact that European regulations have not approved provisions in this regard.

As has been discussed in detail, at the European level the origin and need for recognition, if not of a title, at least of professional skills, has been expressly and repeatedly demonstrated, in order to facilitate the express mandate of promotion of international mobility of this group of students and graduates who are committed to alternating learning. In this sense, the applicant himself already states when writing the existing situation that there is a working group of which both the

Xunta de Galicia and the Portuguese Institute of Employment and Vocational Training (Instituto de Empleo y Formación Profesional - IEFP, Portugal) are part that attempts to address this problem and to this end has established equivalence study plans for some professional vocational training courses, such as those related to tourism and the automobile industry, among others.

Automatic recognition, as indicated by the applicant entity, would undoubtedly make dual vocational training in the cross-border area more attractive, reducing bureaucracy with a significant increase in the possibility of employment, but such a solution is, for the moment, unlikely If we look at two circumstances:

- The power to establish homologation procedures, as well as the equivalence of qualifications, lies with the member states, which is why it depends exclusively on the legislators of the states that contemplate or not the recognition of qualifications obtained abroad as well as , if applicable, the procedure to follow.

- The current Dual Vocational Training degree programs do not have sufficient similarity to understand that they could produce a real equivalence between study plans without a prior approximation of them.

It is for this reason that the practice that is being carried out, related to advancing in the equivalence of Training Training Plans, which introduces a great advantage for the homologation of FP titles, since it implies that for students it is much easier to complete the requirements of the other region/country, this expert considering it to be the most effective solution to the indicated obstacle, even being aware of the arduous task of working on the equivalence of each of the degrees.

The automatic recognition of these qualifications, although desirable, is not possible with the current state of the regulations and such diverse study plans. A

different thing would be if Spain and Portugal, within their powers, opted for one of the following options:

A - A bilateral supranational agreement between Spain and Portugal that harmonizes study plans and establishes reciprocity in recognition, this solution would require a profound modification that, in addition to the will of the legislators, is a complex strategy although legally and technically viable.

B - Create a cross-border diploma agreed upon by the competent entities or organizations, which have been previously indicated in this report for each of the two countries.

## 2) REGARDING THE NON-EXISTENCE OF A PROCEDURE OR MECHANISM THAT ALLOWS THE BONUSES OR REDUCTIONS IN SOCIAL SECURITY FEES RECOGNIZED IN LEARNING CONTRACTS TO BE APPLIED IN THE OTHER COUNTRY

As already stated, although in both countries bonuses, scholarships or economic incentives are recognized as determining the success of this type of training, the benefits are neither comparable nor is there currently any mechanism that in a generic way allows them to be transferred beyond national borders.

There is neither uniformity in this aspect nor regulations or mandate regarding such a possibility, so it is another inevitable obstacle with the current state of the regulations, understanding that any possibility in this regard would involve articulating a system of direct aid to companies that hire workers on an apprenticeship basis in the neighboring country.

This direct aid system could be articulated through several financing alternatives:

- With private funds
- Through the use of public funds:
  - National or regional funds
  - European funds

The main responsibility for education and training policies, taking into account the principle of subsidiarity, lies with the Member States. Therefore the European Union would play exclusively a supporting role. However, faced with a series of challenges common to all EU countries (including population aging, lack of qualified workers, global competition and early childhood education), joint work at the national level makes complete sense. European. To this end, it is worth highlighting the Communication of September 2020, a "European Education Area" that establishes six dimensions: quality of education and training, inclusion, ecological and digital transition, teachers and trainers, higher education and geopolitical dimension. In February 2021, a resolution was adopted on a strategic framework for European cooperation in the field of education and training, with a view to the European Education Area and beyond (2021-2030).

Therefore, leaving aside the private initiative and taking into account the nature of the project for the implementation of Dual Cross-Border Vocational Training Galicia Northern Portugal and the b-solutions program itself, the case of European Union funds will be analyzed. Both regions, given their categorization based on their socioeconomic situations, have financing from European structural and investment funds within the cohesion policy of the European Union.

Cohesion policy is the main investment policy of the European Union. It contributes to strengthening economic, social and territorial cohesion and its objective

is to correct imbalances between countries and regions, following community political priorities. Cohesion policy is developed through the following specific funds:

1. The European Regional Development Fund (ERDF) to invest in the social and economic development of all regions and cities in Europe.
2. The Cohesion Fund (CF), to invest in the environment and transport in the least prosperous countries of the EU.
3. The European Social Fund Plus (ESF+) to support employment and create a fair and socially inclusive society in EU countries.
4. The Just Transition Fund (JTF) to support the regions most affected by the transition towards climate neutrality.

Furthermore, along with the funds from the Community Cohesion Policy, both Galicia and the North of Portugal also receive resources within the framework of the following funds:

5. European Maritime, Fisheries and Aquaculture Fund
6. European Rural Development Fund, within the framework of the Common Agricultural Policy.
7. Next Generation EU Mechanism, an exceptional instrument to overcome the consequences of the COVID-19 pandemic.

Although it may seem that these last funds are not so aligned with Vocational Training, they fall on sectors of activity in which VET is very present for their training. Therefore, any item for the formation of said funds could be related to FP and Dual FP.

The resources for economic, social and territorial cohesion available for budgetary commitments in the period 2021-2027, within the Multiannual Financial Framework, amount to 324,547 million euros at current prices, for the ERDF and the ESF+, and 8,453 million euros at 2018 prices for the Just Transition Fund (JTF). The JTF resources are completed with 10,868 million euros that will constitute external income from the European Recovery Instrument (Next Generation EU), and as such, will be available in the period 2021-2023. EAFRD and FEMPA have been allocated a total of 93,549 million euros, to which 8,070 million are added in the EAFRD from the MRR. Finally, there will be 338,000 million euros in the Recovery and Resilience Mechanism Framework and 50,577 million euros corresponding to the 2021 and 2022 annuities of the REACT-EU. In short, the total resources of the Cohesion Policy for the period 2021-2027 amount to 834,064 million euros (current prices).

Of the total figures mentioned:

The North of Portugal has an allocation of 3,395 million euros for the Northern Regional Program 2021-2027 (Norte2030), with the following distribution:

- a) 2,973 million euros from ERDF
- b) 361 million euros for the ESF+
- c) 59 million euros from the Just Transition Fund

In addition to the specific program for the Northern region, there are funds managed by other programs at the national level and also with regional application (Compete2030, Pessoas2030, Sustentável2030 and Mar2030) with financing from ERDF, FEADER, ESF+ and FEAMPA and with impact in the Northern region

.

For its part, Galicia has an allocation of 4,981 million euros distributed as follows:



- a) 2,132 million euros from ERDF.
- b) 1,018 million euros for ESF+
- c) 913 million euros for EAFRD
- d) 366 million euros from FEMPA
- e) 111 million euros from the Just Transition Fund allocated to the province of A Coruña
- f) 441 million euros from REACT for the 2021 and 2022 annuities.

Focusing on the ERDF, the largest in both cases and the most suitable for cross-border cooperation, both Galicia and the North of Portugal include vocational training in their operational programs within priority 4A (“Social Transformation” in the Galician Plan and “North more Social” in Portuguese). Specifically, within the specific Objective: *“RSO4.2. Encourage equal access to inclusive and quality services in education, training and lifelong learning through the development of accessible infrastructure, including building resilience in online and distance education and training”*. Its focus is oriented towards educational infrastructure in the physical sense in both cases, which only considers financing actions focused on improving the provision of educational infrastructure and spaces. Furthermore, both documents point out that the actions selected under this priority do not provide support for projects or initiatives of an interregional, cross-border or transnational nature. Therefore, to use these funds, we would have to wait for the next community programming period 2028-2034, as long as actions such as the intended mechanism to finance Social Security business bonuses for cross-border Dual Vocational Training programs were contemplated.

With a smaller budget, especially in the North of Portugal, are the actions financed with the ESF+ (in Galicia with the specific program ESF+ 21-27 and in North Portugal within the Norte2030 program). The measures presented below

stand out. In Galicia, especially those in which training practices abroad are explicitly indicated. In the Norte2030 program they would be more aligned with the most disadvantaged territories, generally in the interior, with low rates of economic activity and high rates of aging. These characteristics coincide with the border territories between both countries. On the negative side, the Norte2030 program does not contemplate support for cross-border actions in its actions.

#### ESF+ Galicia Program 2021-2027

- Measure 3.E.01. Implementation of cycles of intermediate degree, higher degree and specialization courses, especially in less rural environments
- towns.
- Measure 6.A.01. Training practices in European countries. ALMA Initiative.
- Measure 5.A.05. Training practices in European countries or in Galicia.

#### North2030

- Specific objective: ESO4.1. Improve access to employment and activation measures for all job candidates, especially young people, especially through the implementation of the Guarantee for Youth, long-term unemployed and disadvantaged groups in the labor market, and inactive people, bem how to promote or undertake on one's own initiative the social economy; (ESF+)
- Specific objective: ESO4.6. Promote equal access and completion, especially on the part of two disadvantaged groups, of an inclusive and quality education and training path, from early childhood education and support to higher education, passing through ensino and training to future and vocational education, as adult education and learning, facilitating, in particular, mobility for learning purposes for all and accessibility for people with disabilities; (ESF+)

Another additional option is to resort to calls for projects within the European co-operation programs applicable in both territories. This option would be less appropriate because it would only allow, if selected, to finance a specific project and only the institutions, educational centers, companies or associations that are involved in said project.

The Erasmus+ program is the EU program to support education, training, youth and sport in Europe that offers mobility and cooperation opportunities among others for vocational education and training. It is the main way to facilitate the mobility of interns within the European Union in Vocational Training. Although it could constitute a financing source for some initiative under the present case, as has already been mentioned, it would not meet all the expectations that cross-border Dual Vocational Training requires.

Finally, there would be the territorialized FEDER funds related to European territorial cooperation to which both regions (public or private institutions based in the territory) could participate.

It is worth highlighting the funds allocated to the Interreg VI Program to Spain Portugal, where one of its areas of action is specifically the Northern region of Portugal – Galicia. In this program, political objective 4 “A more social and inclusive Europe” contemplates priority 5 “Demographic challenge and access to services”, where specific Objective OE 4.2 Education, lifelong training should be highlighted. Among the actions that could be financed by this OE, in the program itself, among others, are:

Cross-border actions to support the creation of a Vocational Training offer (with special interest in Dual Vocational Training) linked to economic activities with

clear synergies in the cooperation space and with the capacity to attract companies from the cross-border area to that participate by welcoming students in internships from both sides of the border.

The proposed solution would require, in any case, the orientation and/or adaptation of the resources and programs described, so that, through them, since they are all aligned with the common objectives of cohesion and development, they can also be directed to cover possible bonuses, scholarships or economic incentives that facilitate the equalization of the benefits that dual training implies for agents from both countries.

Although this solution would not necessarily mean the elimination of the obstacle from a legal point of view, it would instead allow the conditions to be assimilated to the point that it would be equivalent, in practice, to the extension of the conditions to the other side of the border by the compensatory effect that financing through this type of European funds and programs would introduce.

### **Possibility of articulating bilateral mechanisms between Spain and Portugal**

Finally, it is appropriate to indicate, as has already been pointed out in relation to the automatic recognition of degrees, an alternative solution, which is a bilateral agreement between Spain and Portugal that, within its powers, would establish a mechanism agreed upon between both countries for the recognition and mutual application of the benefits recognized in the neighboring country.

### **- A REFERENCE FOR TRANSNATIONAL DUAL TRAINING**

It is appropriate, due to its interest for this report, to conclude this report with a mention of the operation of the Dual Vocational Training Project (Transnational Dual Project) for the Higher Degree Training Cycle of Industrial Chemistry, at the IES Comte de Rius (Tarragona) and BASF in Germany as a plant operator, within a transnational Dual Vocational Training program, is a unique and pioneering project for a higher degree training cycle in Industrial Chemistry that began in

2012 and can serve as a model or reference for other experiences. transnation-  
als.

This program, which is based on an “ad hoc” agreement, is a pioneer in offering students the possibility of carrying out paid internships at BASF facilities in Ger-  
many and opting for a work contract in Germany.

BASF Española annually carries out student exchanges for German and Spanish  
plant operators in periods of two to three weeks. Likewise, in its centers in Spain,  
an average of 150 students are trained in internships each year. For its part,  
BASF SE (parent company of the Group), has established a solid model in the  
field of dual training. Currently, one thousand apprentices from different special-  
ties carry out their dual training in the company's production plants in Germany.

The professional training in cooperation with BASF Española and the Institut  
Comte de Rius in Tarragona is comparable to a training degree in Industrial  
Chemistry in Germany.

Regarding its operation, during the months of stay in the company the students  
receive a scholarship from the company. In addition, BASF covers travel and ac-  
commodation costs during the six months that the students remain in Germany.

Upon successful completion of the training, apprentices obtain the Higher Tech-  
nician Degree in Industrial Chemistry, the B1 level Certificate in German from the  
Common European Framework of Reference for Languages (CEFR) of the Coun-  
cil of Europe, and the possibility of opting for a permanent employment contract  
as a plant operator in Germany.

This model and good practice of transnational training can constitute a precedent  
to follow in the Galicia-Portugal area.

#### **IV. A full list of all legal provisions relevant to the case**

##### **European regulations**

- Treaty on the Functioning of the European Union (TFEU) (articles 20, 26 and 45 to 48), signed in Rome in 1957 as the Treaty establishing the European Economic Community, although since the entry into force of the Treaty of Lisbon (2009) It is known as the Treaty on the Functioning of the EU.

(Official Journal of the European Union 30.3.2010, C 83/50)

- Treaty of the European Union of February 7, 1992 signed in Maastricht (Article 3, paragraph 2).

(Official Journal of the European Communities. 29.07.1992, C191)

- Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems.

(Official Journal of the European Communities 30.4.2004 L 166/1)

- Decision No 2241/2004/EC of the European Parliament and of the Council of 15 December 2004 on a single Community framework for the transparency of qualifications and competences (Europass)

(Official Journal of the European Union 31.12.2004 L 390/6)

– Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications.

(Official Journal of the European Union 30.9.2005 L 255/22)

- Recommendation of the European Parliament and of the Council of 18 June 2009 on the creation of the European Credit System for Vocational Education and Training (ECVET).

(Official Journal of the European Union 8.7.2009 C 155/11)

– Regulation (EC) No 987/2009 of the European Parliament and of the Council of 16 September 2009 adopting the rules for the implementation of Regulation (EC) No 883/2004 on the coordination of social security systems.

(Official Journal of the European Union 30.10.2009 L 284/1)

– Regulation (EU) No 492/2011 of the European Parliament and of the Council of 5 April 2011 on the free movement of workers within the Union.

(Official Journal of the European Union 27.5.2011 L 141/1)

– Directive 2014/54/EU of the European Parliament and of the Council of 16 April 2014 on measures to facilitate the exercise of the rights conferred on workers in the context of the free movement of workers.

(Official Journal of the European Union 30.4.2014 L 128/8)

– Regulation (EU) 2016/589 of the European Parliament and of the Council of 13 April 2016 on a European network of employment services (EURES), workers' access to mobility services and the further integration of labour markets and amending Regulations (EU) No 492/2011 and (EU) No 1296/2013.

(Official Journal of the European Union 22.4.2016 L 107/1)

- Council Recommendation of 22 May 2017 on the European Qualifications Framework for lifelong learning and repealing the Recommendation of the European Parliament and of the Council of 23 April 2008 on the creation of the European Qualifications Framework Qualifications for lifelong learning.

(Official Journal of the European Union 15.6.2017 C 189/15)

- Commission Implementing Decision (EU) 2018/170 of 2 February 2018 on uniform detailed specifications for the collection and analysis of data to monitor and evaluate the functioning of the EURES network.

(Official Journal of the European Union 3.2.2018 L31/104)

- Regulation (EU) 2019/128 of the European Parliament and of the Council of 16 January 2019 creating a European Center for the Development of Vocational Training (Cedefop) and repealing Regulation (EEC) No 337/75 of Council.

(Official Journal of the European Union 31.1.2019 L 30/90)

– Regulation (EU) 2019/1149 of the European Parliament and of the Council of 20 June 2019 establishing the European Labor Authority, amending Regulations

(EC) No 883/2004, (EU) No .º 492/2011 and (EU) 2016/589 and Decision (EU) 2016/344 is repealed.

(Official Journal,of the European Union 11 July 2019 L 186)

– Council Decision (EU) 2019/1181 of 8 July 2019 on guidelines for the employment policies of the Member States.

(Official Journal of the European Union 11.7.2019 L185/44)

### **Spanish regulations (including applicable regional regulations)**

- Royal Decree 1224/2009, of July 17, on the recognition of professional skills acquired through work experience.

(«BOE» n. 205, 25.08.2009)

- Decree 114/2010, of July 1, which establishes the general organization of vocational training in the educational system of Galicia.

(DOG n. 131, 12.07. 2010)

- Royal Decree 1529/2012, of November 8, which develops the contract for training and learning and establishes the bases of dual vocational training.

(«BOE» n. 270, 9.11 2012)

- Order ESS/2518/2013, of December 26, which regulates the training aspects of the contract for training and learning, in development of Royal Decree 1529/2012, of November 8, which develops the contract for training and learning and establishes the bases of dual vocational training.

(«BOE» n. 10, 11.01.2014)

- Royal Decree Law 32/2021, of December 28, which introduced a new Labor Reform that affected several types of contracting, including the training contract, implying the modification of the Workers&#39; Statute and the modification



of the name itself. of the training and apprenticeship contract, which was renamed the alternation training contract.

(«BOE» n. 313, 30.12.2021)

- Organic Law 3/2022, of March 31, on the organization and integration of Vocational Training, which aims to establish and organize a single and integrated vocational training system.

(«BOE» n. 78, 01.04.2022)

### **Portuguese regulations**

- Decree-Lei No. 396/2007, of December 31, which establishes the legal regime of the National Qualification System and defines the structures that regulate its operation.

(Diário da República n.º 251/2007, Série I 2007.12.31)

- Decree-Lei No. 13/2015, of January 26, which establishes the legal regime for vocational training in the vocational education and training system.

(Diário da República, 1.ª série — N.º 17 — 26.01.2015)

- Portal No. 70/2022. Education and Work, Solidarity and Social Security. Regulates the learning courses planned in line b) of number 1 of article 9.

(Diário da República n.º 23/2022, Série I de 2022.02.02)

- Dispatch No. 11930/2022 from the Cabinet of the Secretary of State of Labor that Regulates the financing model of the Instituto do Emprego e da Formação Profissional, I. P., to the certified external training entities that develop Apprenticeship courses and Aprendizagem + courses.

(Diário da República, nº 196 2.ª série 11.10.2022)

## V. **References and Appendix/Appendices if any**

European Pillar of Social Rights proclaimed by the European Council, Parliament and Commission in November 2017

European Center for the Development of Vocational Training (Cedefop)

ENIC-NARIC Networks

ENIC (European Network of Information Centers in the European Region) NARIC (National Academic Recognition Information Centers in the European Union)

Council conclusions of 8 June 2020 on vocational retraining and further training as a basis for increasing sustainability and employability, in the context of supporting economic recovery and social cohesion

European Parliament resolution of 20 May 2021 on the impact of Union rules on the free movement of workers and services: the mobility of workers within the Union as a tool to meet the needs of the labor market and capabilities are combined

Annual report on labor mobility within the EU 2021 completed in February 2022

General Directorate of Employment and Work Relations (DGERT)