

FRAMEWORK

regarding the European initiative for the exchange of young officers inspired by
Erasmus



INDEX

ARTICLE 1).....	3
DEFINITIONS	3
ARTICLE 2).....	4
AIM OF THE INITIATIVE.....	4
ARTICLE 3).....	4
PURPOSE OF THE DECISION.....	4
ARTICLE 4).....	4
SCOPE OF APPLICATION	4
ARTICLE 5).....	4
PRINCIPLES OF THE EXCHANGE.....	4
ARTICLE 6).....	5
FINANCIAL LIABILITIES	5
ARTICLE 7).....	7
TUTORING STAFF	7
ARTICLE 8).....	7
SUBORDINATION - DISCIPLINE.....	7
ARTICLE 9).....	8
COMMON DENOMINATOR: COURSE ON COMMON FOREIGN AND SECURITY POLICY (CFSP)	8
ARTICLE 10).....	8
WORKING TIMETABLE – LEAVE OF ABSENCE	8
ARTICLE 11).....	8
REPORTS	8
ARTICLE 12).....	9
CAREER SYSTEM	9
ARTICLE 13).....	9
IDENTIFICATION.....	9
ARTICLE 14).....	9
IMPLEMENTING ARRANGEMENTS.....	9
ARTICLE 15).....	9
JURISDICTION.....	9
ARTICLE 16).....	9
DISPUTE SETTLEMENT.....	9
ARTICLE 17).....	10
HANDLING OF WEAPONS	10
ARTICLE 18).....	10
STATUS OF FORCES.....	10
ARTICLE 19).....	10
SECURITY CLEARANCE	10
ARTICLE 20).....	10
REVIEW	10

Considering the General Affairs and External Relations Council's conclusions of 11 November 2008 and particularly the declaration on the European initiative on the exchange of young officers, modelled on Erasmus;

Considering the European Council's conclusions of 12 December 2008;

Desiring to improve the interoperability of the Member States' armed forces in order to realise, amongst others, the EU missions and operations;

Wishing to promote the European security and defence culture;

Agreed upon the following provisions:

ARTICLE 1) DEFINITIONS

The following definitions apply to this Decision:

- a. «**ESDC**»: European Security and Defence College;
- b. «**Exchange**»: Movement of one or several trainees or one or several teachers from a training institution A to a training institution B in exchange for a movement of one or several trainees or one or several teachers from a training institution B to a training institution A in accordance with this Decision;
- c. «**Training institution**»: any institution located on the territory of a Member State recognised by the Ministry of Defence of that Member State as providing initial military or vocational training and/or academic education for young officers and depending from this Ministry of Defence of that Member State or from any other competent governmental institution. If a training institution does not have legal capacity, its commitments under the present Decision are borne by the competent body of its Member State;
- d. «**Sending institution**»: training institution to which the trainee or the teacher belongs to ;
- e. «**Sending State**»: Member State to which the Sending institution belongs to;
- f. «**Receiving institution**»: training institution in which the trainee or the teacher is sent within the framework of this Decision;
- g. «**Receiving State**»: Member State to which the Receiving institution belongs to;
- h. «**Teacher**»: staff delivering military or vocational training and/or academic education in a training institution;
- i. «**Trainee**»: any cadet or young officer of a training institution, as defined in the General Affairs and External Relations Council Conclusions 15465/08 of 10 November 2008;
- j. «**Exchange trainee**»: trainee participating in the exchange;

- k. «**Exchange teacher**»: teacher participating in the exchange;
- l. «**Member State**»: Member State of the European Union;
- m. «**Tutor**»: staff of the Receiving institution in charge of assisting and advising exchange trainees or exchange teachers both on academic and administrative issues;
- n. «**Implementing arrangement**»: text to be signed on a bilateral or trilateral basis, if applicable, between training institutions at the appropriate level, in accordance with this Decision and the law in force in the Sending State, in the Receiving State, and, if applicable, in the Member State which does not possess a training institution eligible in the framework of this initiative, in order to set the implementation of the exchange.

ARTICLE 2) AIM OF THE INITIATIVE

1. The aim of the "European initiative for the exchange of young officers inspired by Erasmus" (herein after the "initiative") is to strengthen the interoperability of the armed forces of the Member States and promote a European Security and Defence Culture.
2. In accordance with the Member States' notice on the means allowing to attain this purpose, this Framework aims to provide concrete modalities for exchanges of trainees and teachers between training institutions and, thus, to promote shared approaches regarding education and training of Member States' young officers, in particular in the field of the Common Security and Defence Policy (CSDP). This Framework should be used by the Member States participating in the initiative on a voluntary basis for their mutual exchanges.

ARTICLE 3) PURPOSE OF THE DECISION

This framework establishes the general conditions of the initiative, dealing with the exchange of trainees and teachers between training institutions.

ARTICLE 4) SCOPE OF APPLICATION

This Decision applies to the exchange of trainees and teachers from a training institution.

ARTICLE 5) PRINCIPLES OF THE EXCHANGE

1. Member State wishing to participate in the initiative according to the conditions defined in this decision shall opt in by sending a declaration to the ESDC Secretariat, in order for this framework to be an option for the training institutions.
2. Whenever possible the Sending and Receiving institutions shall use external funding for

exchanges – such as the ERASMUS+ programme.

3. The initiative is based on the exchange of trainees and/or teachers between training institutions according to the principle of reciprocity defined in article 1) b. However, the Receiving institution, with the Sending institution's consent, may decide to accept exchange trainees or exchange teachers under the conditions of this Decision without any reciprocity of the Sending institution.
4. The Sending institution and the Receiving institution agree on the conditions of recognition of the education provided to its exchange trainees in the Receiving institution and on the conditions to accredit them with full equivalence. If possible, credit transfer systems such as European Credit Transfer and Accumulation System (ECTS) or the Users' Guide for Workloads' Calculation of Non-Academic Basic Officer Education should be used.
5. Exchange trainees and exchange teachers shall only carry out the missions agreed upon by the Sending and Receiving institution in the implementing arrangements.
6. Every exchange trainee or exchange teacher is a representative of his or her Member State.
7. If the exchange concerns a trainee or a teacher, citizen of a Member State which does not possess a training institution eligible in the framework of this initiative, the exchange shall be arranged in accordance with the will of this Member State:
 - a. Either by a trilateral arrangement at the appropriate level between this Member State, the Sending institution, and the Receiving institution;
 - b. Or by informing this Member State of the arrangements taken between the Sending institution and the Receiving institution.

This Member State will bear all costs listed in article 6, unless otherwise provided for.

ARTICLE 6) FINANCIAL LIABILITIES

1. The Sending institution, in accordance with the law in force in its Member State, shall take care of the following during the entire period of the exchange, unless otherwise provided for:
 - a. The pay and cash compensations owed to exchange trainees or exchange teachers;
 - b. Any charges resulting from the transfer from the Sending State to the Receiving State and vice-versa as well as specific travelling compensations for any trip made on behalf of the Sending institution;
 - c. Charges resulting from repatriation of exchange trainees or exchange teachers for health or disciplinary reasons;
 - d. Funeral expenses and transport of corpses as well as any other charges to bear in case any exchange trainee's or exchange teacher's death would occur;

- e. Potential expenses linked to any specific service provided during the exchange on demand of the Sending institution;
 - f. Emergency or basic medical care, not borne by the healthcare services of the Receiving institution for its own trainees and teachers;
 - g. Ensuring that exchange trainees and exchange teachers are in possession of a civil liability insurance, valid during the entire exchange, covering them on the territory of the Receiving State.
2. The Receiving institution, in accordance with the law in force in its Member State, shall take care of the following during the entire period of the exchange, unless otherwise provided for:
 - a. The expenses linked to education (particularly tuition, registration, and examination fees, as well as training facilities and sport facilities expenses) under the same conditions as those provided to trainees or teachers of the Receiving institution;
 - b. The supply of class material, documentation, computer equipment, access to documentation, laboratories, and Internet for educational purposes and research activities under the same conditions as those provided to trainees or teachers of the Receiving institution. Before their departure, the exchange trainees and exchange teachers shall return all computer equipment and manuals owned by the Receiving institution. The exchange trainee or exchange teacher who failed to return these equipment and manuals is exposed to an injunction to pay the price of these equipment and manuals, in accordance with the regulatory provisions of the Receiving State with the assistance of the Sending State;
 - c. The supply of accommodation, food, and access to social activities under the same conditions as those provided to trainees or teachers of the Receiving institution;
 - d. Transportation within the territory of the Receiving State for educational purposes under the same conditions as those provided to trainees or teachers of the Receiving institution;
 - e. The costs linked to possible national language courses of the Receiving State within the Receiving institution, if the latter decides to provide such course;
 - f. Emergency medical care, under the same conditions as those provided to trainees or teachers of the Receiving institution;
 - g. Access to military associations, to officers' clubs and their sport facilities and other services under the same conditions as those provided to trainees or teachers of the Receiving institution.
 3. The costs linked to potential loss and damage of personal belongings, clothes and individual equipment, provided by the Sending institution, are borne by the exchange trainee and exchange teachers in accordance with the rules in force in the Sending institution.
 4. There shall be no resource implications, financial or otherwise, for a Member State not participating in the initiative.

**ARTICLE 7)
TUTORING STAFF**

1. For day to day administrative issues, the Receiving institution shall appoint a representative, who shall have the position of « tutor », for liaison with the Sending institution. This tutor shall be responsible for coordinating academic and disciplinary issues that may arise during an exchange.
2. The tutor is in charge of informing the exchange trainees or exchange teachers of the Receiving institution's regulations, orders, instructions and customs, at their arrival, as well as assisting and advising them during the exchange period. The tutor deals with the requests for leave of absence.
3. The tutor takes the responsibility for informing the Sending institution on all the above mentioned duties.

**ARTICLE 8)
SUBORDINATION - DISCIPLINE**

1. During the training period in the Receiving institution, exchange trainees or exchange teachers shall follow the instructions of the Receiving institution's director or commandant.
2. Exchange trainees or exchange teachers shall follow the Receiving institution's regulations, orders, and instructions. In case of incompatibility, the Sending institution and Receiving institution shall find an agreement on the most appropriate solution.
3. The Receiving institution is not authorised to take disciplinary measures towards exchange trainees or exchange teachers. Any breach of discipline involving an exchange trainee or an exchange teacher shall be brought to the attention of his/her relevant national authorities without delay. Sending institution and Receiving institution shall cooperate in the carrying out of the necessary disciplinary or administrative measures, ordered by the Sending institution. In the impossibility to do so, Sending institution and Receiving institution will cooperate on the repatriation of the exchange trainee or the exchange teacher.
4. Under the responsibility of the Receiving institution after the consent of the Sending Institution, exchange trainees or exchange teachers may be designated to carry out command duties within the framework of their training, and to this regard, may be subject to the same obligations as their counterparts of the Receiving institution carrying out the same duties. Exchange trainees or exchange teachers may be entitled with disciplinary power towards the Receiving institution's personnel thus under their command, if the Receiving institution, in accordance with the Sending institution, deems it necessary and if this is permissible under the national law of both the Receiving State and the Sending State.
5. The Receiving institution shall officially inform the Sending institution of any medal, distinction, reward awarded to the exchange trainee or exchange teacher.

ARTICLE 9)
**COMMON DENOMINATOR: COURSE ON COMMON FOREIGN AND SECURITY
POLICY (CFSP)**

Every exchange trainee should attend, if possible, one course on CFSP during his/her exchange.

ARTICLE 10)
WORKING TIMETABLE – LEAVE OF ABSENCE

1. The working timetable that exchange trainees or exchange teachers shall adopt during their activity is the one in force in the Receiving institution.
2. Exchange trainees or exchange teachers may take a leave of absence and stay away from their duty in accordance with the provisions in force in their Receiving institution. The requests for leave of absence shall be presented to the tutor in the Receiving institution for approval by the appropriate person within the Receiving institution in close coordination with the chain of command of the Sending institution.
3. Exchange trainees or exchange teachers may benefit from the public holiday regulation in force in the Receiving State. The Receiving institution's director or commandant may also grant leave of absence to exchange trainees or exchange teachers for public holiday of the Sending State or a Member State referred to in article 5.5, if applicable. These leaves of absence do not constitute a right.

ARTICLE 11)
REPORTS

1. Individual reports drafted by exchange trainees or exchange teachers, on their own initiative, or by order of their Sending or Receiving institution shall be transmitted to the Sending institution and/or to the relevant national authority. The latter is in charge of their possible transmission to the Receiving institution.
2. The Receiving institution shall draft an individual evaluation report to the Sending institution for every exchange trainee or exchange teacher at the end of the exchange period, if required by the Sending institution.
3. The Receiving institution shall draft an annual general evaluation report on the different exchanges that took place in that Receiving institution to be send to the ESDC secretariat by a date determined by the Chairman of the Implementation Group.
4. The ESDC shall report to the Political and Security Committee (PSC) once a year on progress achieved in the implementation of the initiative as part of the GAREA.

**ARTICLE 12)
CAREER SYSTEM**

Rank promotion of exchange trainees or exchange teachers shall take place exclusively according to the Sending State's career system.

**ARTICLE 13)
IDENTIFICATION**

The Receiving institution shall provide a valid identification document for the time of the exchange, in order to allow normal access to authorised facilities based on this Decision.

**ARTICLE 14)
IMPLEMENTING ARRANGEMENTS**

1. Member States wishing to participate in the initiative agree to establish, at the appropriate level, implementing arrangements as necessary.
2. Implementing arrangements, agreed upon at the appropriate level according to national law, specify the exact conditions of each exchange and make reference to the present framework.
3. Amongst those conditions may appear, in particular, the terms and conditions of selection, the number of exchange trainees or exchange teachers, the duration of the exchange, the disciplines taught, the teaching language, the applicable status of forces agreement (SOFA), the jurisdiction, and the security clearance.

**ARTICLE 15)
JURISDICTION**

Jurisdiction about exchange trainee's and exchange teacher's liability during the exchange shall be provided for in the implementing arrangement. It may be based on a SOFA.

**ARTICLE 16)
DISPUTE SETTLEMENT**

1. Any dispute regarding the application or interpretation of this Framework Decision shall be resolved by means of negotiation between the Member States concerned.
2. The Member States concerned shall inform the ESDC secretariat of the disagreement in order to constitute a return of experience on the implementation of this Decision.

**ARTICLE 17)
HANDLING OF WEAPONS**

The handling of weapons by exchange trainees or exchange teachers shall be governed by relevant national law and if appropriate included in the implementing arrangement.

**ARTICLE 18)
STATUS OF FORCES**

The implementing arrangement identifies the SOFA applicable to the exchanges taking place within the scope of this Decision.

**ARTICLE 19)
SECURITY CLEARANCE**

The exchange trainees and exchange teachers shall benefit from a security clearance adapted to the needs of the training, followed and given in accordance with the law of the Receiving State.

**ARTICLE 20)
REVIEW**

1. This Framework may be reviewed and revised as appropriate at any time on request of a Member State or the ESDC Secretariat and discussed within the Implementation Group, in particular in the light of the institutional evolution.
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