

Project BRIGHT@EU

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Bright@EU

Short Description of the project

BRIGHT@EU

BRIGHT@EU project:

- has as main objective to develop a structured and standardised basic legal training and a validation methodology for legal literacy as a transversal skill for Europe will be developed.
- is required to give a solution to individual needs of European citizens, of companies, communities, policy makers, etc to be more and easier informed about European and national laws and mobility within Europe
- outputs enable young people to better adapt to new conditions, make potential career shifts and help them to be more open to mobility within the European Union.
- developed legal training can strengthen their entrepreneurial spirit and civic engagement because they know about related laws and the effectiveness of their actions.

TARGET GROUP of the project:

- citizen wishing to improve their legal literacy
- multipliers (teachers and those working in adult education) who want to use the new interactive educational tool for law teaching
- jobseekers to achieve knowledge about their rights in the EU work context

Stakeholders for the implementation and dissemination of BRIGHT@EU

- national Employment Service
- national Recruitment Agencies
- national further education institutions as well as welfare institutions with labour and social policy objectives

Description of O1

- The final output IO1 will be a tested, ready-to use CURRICULUM including a training design methodology for basic law education in Europe.

The developed materials in O1 should be:

- a synopsis of EU and national laws by our research partners to serve as a basis for the development of detailed curriculum content
- results of discussions with experts from legislation and education about important issues to be included in the curriculum
- the first version of the curriculum

European laws

European Union law is a system of rules operating within the member states of the European Union.

The EU has political institutions, social and economic policies, which transcend nation-states for the purpose of cooperation and human development.

The EU's legal foundations are the Treaty on European Union and the Treaty on the Functioning of the European Union, unanimously agreed by the governments of 28 member states.

The Commission has the initiative for legislation, the Council of the European Union represents member state governments, the Parliament is elected by European citizens, while the Court of Justice is meant to uphold the rule of law and human rights.

The European Union is based on the rule of law. This means that every action taken by the EU is founded on treaties that have been approved voluntarily and democratically by all EU member countries.

A treaty is a binding agreement between EU member countries. It sets out EU objectives, rules for EU institutions, how decisions are made and the relationship between the EU and its member countries.

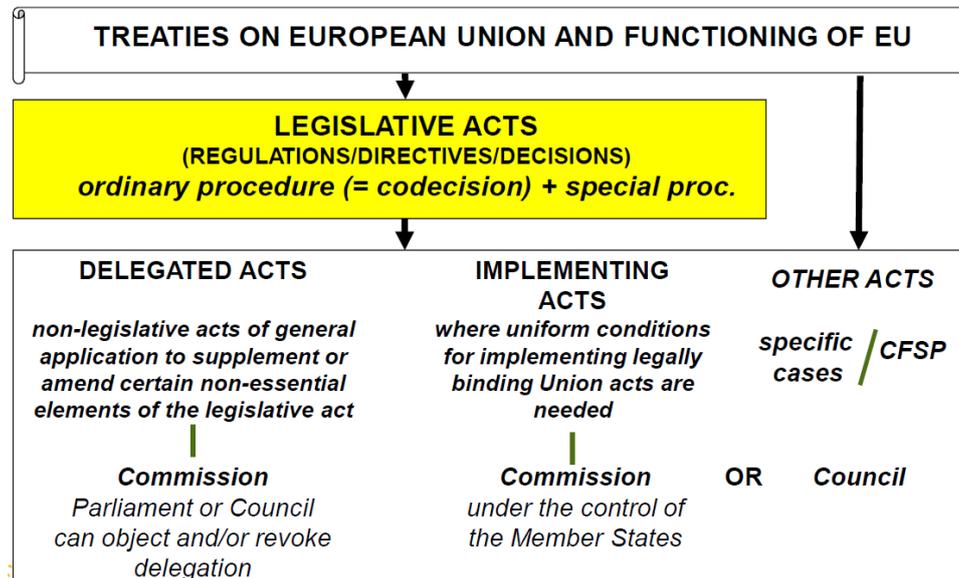
The most important treaty is the Treaty of Rome, which created the European Economic Community in 1957.

Other treaties:

The **Merger Treaty** in 1967, which merged the institutions of the three communities

- The **Single European Act** in 1986, which provided for completion of the single market
- The **Treaty on European Union** (the Maastricht Treaty) in 1992, which provided for political and economic union amongst the member states
- The **Treaty of Amsterdam** in 1997, which made some changes to the powers of the institutions of the EU and paved the way for EU enlargement

- The **Treaty of Nice** 2001 which made further changes to the powers and structures of the institutions to facilitate enlargement
- The **Treaty of Lisbon** 2007 which came into effect on 1 December 2009 made changes to how decisions are made at EU level.



There is a EU secondary legislation in the form of

- **Regulations**
- **Directives**
- **Decisions**
- Recommendations and opinions. These are not binding - they are simply recommendations.

Laws in the partner countries

CZECH REPUBLIC



- In Czech lands, the process of formation of modern legislation dates back to the era of enlightened absolutism, when they were a core part of the Austrian Empire.
- Reforms of government to the comprehensive codification of civil law in 1811, are known as the Allgemeines bürgerliches Gesetzbuch (ABGB). ABGB was received in 1918 by Czechoslovakia, among other successor states, but only for Czech lands (Bohemia, Moravia and Austrian Silesia), while Slovakia kept the customary law of Hungary.

- Albeit updated many times, this Austrian law was kept in Czechoslovakia, along with the legal duality, until 1950, when the "Middle Civil Code" was promulgated, soon to be superseded by the civil code of 1964, which will be in force until the "New Civil Code", enacted in 2009, will enter in force in 2014.
- Czech law, often referred to as the legal order of the Czech Republic, is the system of legal rules in force in the Czech Republic, and in the international community.
- The system of law and justice in the Czech Republic has been in constant development since the 1989 regime change. In 1993, the Constitution of the Czech Republic has been enacted, which postulates the rule of law, outlines the structure and principles of democratic government, and declares human rights and rights of the citizen. Since 2004, the membership in the EU means the priority of European Union law over Czech law in some areas. Recently, a brand new Criminal Code entered into force in 2010, and the Civil Code followed in 2014

GERMANY



- Germany, officially the Federal Republic of Germany is a federalparliamentary republic in central-westernEurope. It includes 16 constituent states, covers an area of 357,021 square kilometres (137,847 sq mi), and has a largely temperate seasonal climate.
- With about 82 million inhabitants, Germany is the most populous member state of the European Union
- Germany's capital and largest metropolis is Berlin. Other major cities include Hamburg, Munich, Cologne, Frankfurt, Stuttgart and Düsseldorf.
- Germany has a civil law system based on Roman law with some references to Germanic law. The Bundesverfassungsgericht (Federal Constitutional Court) is the German Supreme Court responsible for constitutional matters, with power of judicial review.

- Germany's supreme court system, called Oberste Gerichtshöfe des Bundes, is specialised: for civil and criminal cases, the highest court of appeal is the inquisitorial Federal Court of Justice, and for other affairs the courts are the Federal Labour Court, the Federal Social Court, the Federal Finance Court and the Federal Administrative Court.
- Criminal and private laws are codified on the national level in the Strafgesetzbuch and the Bürgerliches Gesetzbuch respectively.
- Many of the fundamental matters of administrative law remain in the jurisdiction of the states.



CYPRUS

- Cyprus is strategically located at the heart of three continents, Europe, Asia and Africa. Cyprus is the third largest island state and third most populous island in the Mediterranean.
- The Republic of Cyprus was established in 1960 when Cyprus obtained its independence, as several foreign powers previously occupied it, including the empires of the Assyrians, Egyptians and Persians, the Classical and Eastern Roman Empire, the Arab caliphates, the French Lusignan dynasty and the Venetians, the Ottoman Empire for nearly 300 years and lastly the British administration.
- This mix of civilizations is evident also in the Cypriot Legal System.
- The Courts of Justice Law provides basically for the District Courts and the Assizes Court as well as other courts for which separate provision is made and for which provision is made in section 3 of the Courts of Justice, such as the Rent Control Courts, the Family Courts, the Employment Tribunals.
- Section 29 of the Courts of Justice Law, provides for the Law which shall be applied in Civil and Criminal matters by the Courts.
- With Cyprus' accession to the European Union a lot of legislative amendments were introduced but the core subjects of the law as above described remain basically un-amended as applicable primarily in the first half of the 20th century in England.
- In addition to the applicable laws at the time of independence the principles of common law and equity as applied by the jurisprudence of the courts in England are applicable even today.



Spanish law

History in the context of law (La Constitución, s.f.)

The first Spanish constitution was composed in 1812 even though was not the first text elaborated with this purpose. Since then it has been changed several times in fact during our history, we have had 7 previous constitutional texts before the one which is currently working from 1978. “The pendulum effect” (el efecto péndulo) is the major remarkable characteristic which consists in that a liberal constitution was following a conservative constitution, thus repeatedly.

In 1808 a “given letter” was elaborated when the war with the French nation begun, Napoleon was the truly author of this text and it was written outside Spain with French characterization. It is not considered as a real constitution but a “given letter” owing to the fact that the courts could not contribute and had to be signed in France.

Therefore, in 1812 the first Spanish constitution known as “La Pepa” establish the idea of the Spanish nation, united and independent, under the authority of Fernando VII however parliamentary. Three more constitutions are published in 1845, 1878 and 1931. The constitution of 1931 has the particularity of being written under the second Spanish republic by different ideological figures, here it is adopted a democratic republic, social and secular causing the desertion of Alfonso XIII.

Subsequently, from 1936 with the start of the Spanish civil war to 1975 with the dead of the general F. Franco, it cannot be proved the existence of a Constitution but there were eight regulations called “Fundamental laws” (Leyes Fundamentales) which founded the basics of the state ordination during the civil war.

The process of change from the last regime to the actual constitutional regime was called “political transition” (Transición política) and was in this process where the actual constitution was elaborated and approved the 29th of December 1978 creating a democratic and social state. During these three years, continuous social movements were characterised by the population willingness to achieve a coexistence national framework. In fact, two of the biggest attainments during this process were first in 1975, a referendum for the political change and second in 1977, a reform that contained the celebration of democratic elections.

Economic data

(Banco de España, 2016)

Traditionally the weight of the industry and the energetic sector in Spain was the most relevant for the growth of the economy. Nevertheless, from 1970 the contribution of the industry to the GDP has been decreasing giving more importance to the services sector which nowadays represents the 74.9% of the GDP in 2015. This change towards the tertiary sector is usual for the economic development in the major countries. Although, there has been a continuous contraction of the contribution of industry and construction, today are the 22% of the GDP together. Putting the primary sector away with just a 2.5%.

The euro area faces a complex scenario, characterised by an outlook of moderate growth and low inflation and by still- high unemployment and debt levels in certain countries. In addition the need of absorption of migratory flows, the UK referendum on the EU and the latest terrorist threat create more uncertainty.

Despite lower global growth and the cyclical weakness of the euro area. Spanish economy has grown considerably in the last 2015.

The recent economic recession had a profound impact on the Spanish economy between 2008 and 2013, GDP fell by 9.3% and employment by 19.1%. Since the recovery began in middle 2013 GDP and employment regained 5.5% and 4.3% respectively, but they are still below the pre- crisis levels.

The current expansionary phase has been driven by a broad set of factors, some structural and other more temporary. The structural factors were build up during the most severe phases of the crisis and specially contributed to an improvement in competitiveness derived from the adjustment of relative prices and costs of goods and services, as the cost of the labour forces. The components that most contributed to the expansion have been Household consumption, business investment, the expansionary fiscal policies established and the reductions in prices, but most important in oil prices.

Over the year employment continued to grow sharply, however at the end of 2015 only around 30% of the jobs lost from 2008 to early 2014 had been recovered, the rise in employment was centred on temporary hires. Temporary contracts rose 8.3% against 1.9% for permanent contracts. Furthermore, the percentage of long- term unemployment stood at 57.7% in early 2016. Long- term unemployment is one of the main factors that explains the increase in income inequality in Spain.

The fall in financial costs has increased the funds available for expenditure providing a greater dynamism in the flow of credit. Among the national demand components household spending growth averaged 3.1% in 2015 due to the increase in labour income, fiscal stimuli and the fall in oil prices. This demand increase changed the situation of the housing market and a further reduction in the saving ratio which fell to 9.3% of disposable income. Business investment was also markedly dynamic, growing at a rate of 6.5% against 0.9% in 2014. In general government consumption spending grew 2.7%. The increase in net public sector employment creation, following several years of freezes or restrictions, and higher general government purchases appear to lie behind this upward trend in government consumption. Finally, public investment increased by 9% in nominal terms, due principally to the investment activity of the regional governments.

The public debt GDP ratio stood at 99.2% in 2015. Despite the reduction in private debt, Spain still has very high external debt, which is a significant factor of vulnerability. The improvements in lending capacity have not been reflected in a reduction on the external debit debt yet.

As is well known productivity is the key factor of long- term growth, doing an economy stable and providing a good structure for stand uncertainty. As concerns to technological capital, Spain is characterised by lower levels than other developed countries and below the euro area average, this can be explained by the excessive weight of small firms, which usually tend to invest less in innovation, and the limited development of alternative financial channels, widely used in other countries by technology- based start- ups. Spanish firms also have a limited technological absorption capacity.

The current recovery phase is helping to restore the main macro financial balance of the Spanish economy and all forecasts expect a continuous but moderate growth. This process is, however, far from complete and the challenges that remain are still significant. The government still must work to revert high dependence on imports, a substantial net external debt position and the challenge of reducing high unemployment for boosting stable jobs, so as to prevent it to become structural.

To achieve further progress in the long- term additional competitive adjustments will be needed to boost a more dynamic productivity performance. Among the range of factors behind the economic recovery, enhanced competitiveness is the key for a long- term stability and growth.

Migration policy

(Instituto Nacional de Estadística, 2016)

(Ministerio de empleo y seguridad social, 2016)

Spain's migration flows have changed completely. Until the half of the 20th century Spain was a traditionally sending country to the Americas first and later on to Northern Europe countries due to economic and political issues. It was not until the last third of the 20th century when Spain become a transit country for migrants headed north and thus a receiving country mostly from Northern Africa and Latin America. Although the structure of the immigrant's nationality has changed in the last decade.

Currently, foreigners with Visa or with a permanent residence permit sum up a total of 5,017,406 people, of which a 58.3% come from the EU due to their free circulation policy. Besides, the incoming population from EU countries has been constantly increasing though the years. Whereas non- European foreigners find Spain less attractive.

The major part of these immigrants come from Rumania, Morocco, UK and Italy, respectively. However Latin America population has decreased after the financial crisis, most of them are returning to their origin country or going to another less affected for the recession. In contrast with this, a 63.4% of the emigrants are Spanish and the major receiving countries are UK, France and Germany. These are young people with higher education and a lack of opportunities to find a stable job.

Since Spain joined the EU the concern for the situation of immigrants has increased noticeably, in this way migratory polices have focused more on their integration and many national and European funds have been established as well as international policies and agreements that regulate immigrant's situation. However

illegal immigration has been always a matter of concern in Spain owing to our proximity to Africa, it has become worse in the last years with the refugee's crisis. So, in order to avoid the congestion of population waiting for asylum Spain has accepted the EU international protection program assuming a 3.89% of the 160,000 people which will be relocated in the next two years, from these just 363 persons have been actually welcomed.

Spanish law

(European Union, 2015)

The Spanish contemporary legal systems follow what is known as the continental model. This model consists on the separation between the public and private sectors of the legal system, which is divided into sections covering constitutional, criminal, administrative, tax, civil, commercial, labour and procedural matters; primacy of statute law and written law and the hierarchical organization of the judiciary system.

The institutional framework in Spain is based on the principle of separation of power, with legislative power being attributed to the General Courts (Cortes Generales) and to the Legislative Assemblies of the Autonomous Communities. The government has the executive power, including the power to regulate and under determinate occasions exercises legislative power by delegation from the General Courts. Local authorities are in charge of the regulatory power and finally, the legislative initiative lies with the government, the congress and the senate, the assemblies of the autonomous communities and the popular initiative.

Sources of law

Sources of law are the combination of written laws or not written, with the purpose of regulate the society; their compliance is mandatory for every citizen. The Spanish sources of law are:

1. The Law

- The Spanish constitution
- International treaties; approved with the organic law.
- Organic laws; an absolute majority is needed to approve them, and the matters that regulate are written in the constitution.
- Ordinary laws; a relative majority is needed to approve them, never regulates a matter that belongs to the organic laws and a posterior ordinary law repeal the previous law.

- Legislative decrees; once approved has the status of an ordinary law and indicates a guideline for the government to follow.
- Decree- law; the Senate does not need to approve it. These are created by the government in case of an extreme need and it never regulates a matter of organic law.
- Regulations; used to develop the law.

2. Customs and traditions

3. Law general principles

Constitutional law

The Spanish constitution of 1978 states that Spain is a social and democratic state subject to the rule of law, which advocates liberty, justice, equality and political pluralism as the values of its legal system.

The Constitution is based on the indissoluble unity of the Spanish Nation and it recognizes and guarantees the right to self-government of the nationalities and regions of which it is composed, and solidarity among them all. Our constitution is the state supreme regulation and its main characteristics are:

- Define the model of state (Spain is constituted in a parliamentary monarchy, which model of state is the social and democratic ambit)
- Establish a catalogue of rights and duties
- Regulate the state powers (legislative, executive and judicial) and establish its separation as guarantee of freedom and justice
- Regulate some fundamental state bodies (Constitutional tribunal, court of audits, commissioner of the state, etc.)
- Define a territorial organization of the state (state of the nation, autonomous communities, municipalities and provinces)
- Establish control mechanisms for the ordinary law constitutionality.

It is considered that Spanish Constitution has a protective mechanism for introducing reforms and renovations doing the process slightly difficult. In the title X of the constitution two possible methods to reform it are mentioned depending on the matter that wants to be reformed. The easiest path needs 3/5 of favorable votes from the two chambers (Senate and Parliament). In the case that the members from the chambers want a referendum, a tenth either from the Senate or the Parliament can request it 15 days after its approval. In the event that the needed votes are not achieved the process would start to be more complicated and long. Currently the Spanish Constitution is one of the most originals among other European countries that have adapted it more to the actual society. Until now the constitution has been reformed two times:

- Article 13.2; in 1992 was included the right of European foreigners to vote in municipal elections. This change was a demand from the “Treaty of Maastricht” where every European citizen has the right to vote and be selected in the municipal elections.
- Article 135; in 2011 the constitution was urgently reformed so as to establish a limit to the financial deficit. This reform was added during the years of major financial instability with the purpose of relieve financial markets.

International treaties

All the countries that belong to the EU have their own legislation and constitutional procedures for the elaboration of the same. However, all of them are connected to EU law and international law.

International treaties which have been validly entered become part of the internal order, once they have been officially published in Spain. Their provisions can only be derogated, modified or suspended in the treaties themselves or with the general rules of international law.

Bibliography

Banco de españa. (2016). *Annual report 2015*. Banco de españa. Madrid: Banco de España.

European Union. (31 de 08 de 2015). *e- justice europa*. Obtenido de e- justice europa judicial systems: https://e-justice.europa.eu/content_judicial_systems_in_member_states-16-es-en.do?init=true&member=1

Instituto Nacional de Estadística. (2016). *Estadística de migraciones 2016*. INE. Madrid: INE.

La Constitucion. (s.f.). *la constitución*. Obtenido de la constitución . org: <http://www.laconstitucion.org/es/left/¿que-es-una-constitucion/>

Ministerio de empleo y seguridad social. (2016). *Extranjeros residentes en españa*. Madrid: Gobierno de españa.

Comparative analyse of laws in project partner countries

countries laws	Czech Republic	Germany	Cyprus	Spain
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private law	-The civil code (new) -Labour Code - Copyright - The Law on Protection of Personal data	- The civil code - Law of obligations - Family law - Building law - Freedom of information laws of country - Labour code - Occupational Health and Safety Act - Employment Protection Act - Vocational Training Act - Copyright Act - Data Protection Act	-Contracts Law -Termination of employment law -The Equal Treatment between Men and Women in Professional Education Law - The Equal Treatment between Men and Women in Professional Schemes of Social Insurance Law - Companies Law - Consumer Rights Law - Rent Control Law - Immovable Property Acquisition (Aliens) Law - Immovable Property (Tenure, Registration and Valuation)	- Fixed and part time work including employment contracts - Maternity rights - Paternity rights - Parental leave - Personal data - Transfer of undertakings - Information and consultation of employees - Real state law - Consumer protection - Marriage
public law	- Tax Code - Civil Procedure Code - Administrative Procedure - Criminal Procedure - The criminal Code - VAT law - The Law on Free Access to Information - The Law on the Social Insurance - Health Insurance Act -The law on public health insurance	- Tax regulations - Federal Constitutional law - Basic law -Administrative law - Criminal law - VAT law - Income Tax Act - Residence Act - The Act on the General Freedom of Movement - Asylum Act - Equal Treatment of women and men - Accounting Directives Act - Trade act - Trade Tax Act -civil procedure law -criminal trial law	-Income Tax Law -Protection of Wages Law - Social Insurance Law - Annual Paid Leave Law - Protection of Maternity Law - Law on the Protection of Employees' rights in case of employer bankruptcy -Foreign Marriage Law - Foreigners and Immigration Law - Refugee Law - The recognition of Academic Titles of Higher Education and relevant information Law - The Law on the right of EU nationals and their families to move and stay freely within the Republic,	- Equal treatment of women and men - Anti-discrimination - Social Security and pension rights - Education laws - Traffic regulations - Access to health - Immigration - Access to public offices
Civil law			-The Marriage Law - The Civil Law Weddings Law -	
Business law	-Business Corporations Act - Trade Act			
Specific law				- Rights and duties of the workers in Spain
Public and private law	-Building law - The law on Income Tax			
Private and business law	- Accounting Act			

Results of interviews with law and education experts

- The project partnership decided to carry out interviews in each partner country with 1-2 experts with deep knowledge in national and European laws and 1-2 experts working in educational legislative context.

- The results of discussions with experts will be used in the development of the planned project output Modular Curriculum referring the content and the training methodology to be used in order to help citizen to acquire necessary legislative knowledge for being mobile in Europe.
- The partnership discussed some issues to orientate the discussions with experts.
- The project partners sent to the experts information about the project as well as the issues 2 weeks before the interviews.
- It is planned to contact the experts during the whole process of curriculum development and training program.

In the following we present some results which could be considered in the project:

1. Requirements within national laws and legislation systems to address national needs, requirements and citizen problems and what is necessary to be known and realised:

- Civil law which covers a wide range of situations from civic life.
- Work- and social rights referring contracts, protection against dismissal, health insurance.
- The penetrability of the legal, their compatibility in Europe i.e. how could a person own pension in another country?

Important aspects

- Citizens unite justice to law responsibility
- Basic notions of politics and legality in own country
- Citizenship implication in the legislation or the procedure itself that allows it to stay blocked
- The increasing of the level of citizen information about national and European laws
- A more practicability of legislative initiatives which contribute also to the citizen implication
- The accessibility of laws so that citizen could be familiar with them in short time.

The experts underlie to include in the Curriculum

- Labor laws,
- Health and social system laws,
- School education laws,
- Citizen laws, Permission for living,
- Taxes , Establishment of the private business

2 Special problems in context with laws and national requirements and also the corresponding institutions

- Not having enough legal knowledge and the high economic costs that come with looking for an adequate advice in different countries, due to the lack of specific channels to help migrants.
- Immigrants have to do with adaptation to the labour market conditions, which include a strong presence of informal economy, and with the access to housing, education and sanity.
- There is not enough qualified staff to help immigrants to know their rights and particularly duties
- The responsibilities of legal bodies in connection with immigrants are not clear

- In Germany due to some independent legislation of the Lander and of huge number of immigrants there are many difficulties with the central registration and information of them about national legislation

3. Stakeholders involved in the process of knowing legislation

- All implied on this subject, the Administration, the law experts and the citizens
- Public-private collaboration are necessary to explore roads to benefit both
- The schools and other educational companies should also try to put the “human” education on the law to their education

4. Training methods and tools suitable for attracting people to participate in legislation oriented training

- An ICT supported platform user friendly, interactive with many games and practical examples, The texts should be simple, understanding for citizen not in the language of the laws.
- An education module with Instructional texts and many pictures,
- Practical examples – situations of the family, issues which they need to solve,
- Testing questions for users, summary of the topic, final test of the module
- Case studies in each partner country with special check list which has to be worked. Individual problems have to be considered like married, children, etc.
- Collection of web-pages and putting together those giving information about laws and corresponding responsible bodies.

5. Connections between educational laws and systems and other national laws

- In all partner countries the school system does not support the students to achieve knowledge about laws. This is also the situation in VET programmes.
- Only special faculties of universities prepare the students in this context.
- Referring educational laws there is no political agreement related to it that allows the lasting approval and application of an educational law regulating all aspects related to education.

Conclusions for Curriculum

Modul1: EU Law Making, Legislation and Language

1.1 Introduction to EU legislative drafting

Basic legislative and regulatory theory:

What is legislation?

What kinds of legislation are there?

How does legislation work?

Constitutional aspects:

Legislative competence:

Parliamentary sovereignty and constitutional sovereignty

EU: principles of conferral, subsidiarity and proportionality

Multi-layered law: regional, national, supranational

1.2. Drafting and the EU legislative process

Organisation of the legislative process:

Roles of government and parliament
EU legislative process

Organisation of the drafting process:

Central drafting office or decentralised system
EU drafting process

Drafting rules, principles and guidance

EU drafting rules: Joint Practical Guide and others

1.3. Drafting and the EU policy process

Identifying and analysing problems

Identifying and weighing up options

Consultation

Regulatory Impact Assessment

1.4. Structure of EU legislation

Organisation of EU laws: codes or individual acts

Organisation of the EU acquis

Organisation of an act: divisions and order of provisions

Structure of EU acts

1.5. Language of legislation

Choice of words

Clarity and ambiguity

Clear writing

Gender neutrality

Multilingual legislation

Language of EU legislation

1.6. Amendment, codification and repeal

Types of amendments

Amendment in the EU system

Keeping the statute book up to date

Codification, recasting and repeal in the EU system

Modul 2: Data Protection Overview

2.1. Basics

The Data Protection Act 1998

What is personal data?

The difference between sensitive and non-sensitive data

Who is responsible for applying the Data Protection Act?

The main principles of the Data Protection Act

Collecting personal information – fair collection notices, rights and obligations

Freedom of Information Act 2000

2.2 Data Protection Codes of Practice

Understanding and applying the codes

Employees health

Drug and alcohol testing at work

2.3. Beginning and During Employment

Recruitment and selection

Including advertising, applications, shortlisting, selection testing, references, medical records, vetting, verification, validation, access to interview notes, retention of records

Collection and storage of information

Equal opportunities monitoring

Pensions and insurance schemes

Disclosure policy

2.4. Monitoring and Surveillance

Link to human rights issues

Regulation of Investigatory Powers legislation and privacy

Changes to improve the protection of workers' personal data

Monitoring communications – telephone, internet and email policies

Modul 3: Basic legal knowledge in key areas of national laws

3.1 Fundamental aspects of national laws

Main types of national laws

Public

Private

Procedural

Comparative aspects in national legislation of European Countries

Requirements within national laws and legislation systems to address national needs, requirements and citizen problems and what is necessary to be known and realised

3.2 Most important national laws

Administrative Law

Asylum/ Refugee Law

Business and Commercial Law

Civil Code

Constitutional Law

Criminal Law and Procedure

Labor law

A. The employment relationship

B. Legal sources of labor law

C. The justification of the employment relationship (the conclusion of the employment contract, the prohibition of discrimination, the participation of the works council).

D. Rights and obligations in the employment relationship (The worker's obligation to work, additional obligations of the employee, breach of duty on the part of the employer, the employer's remuneration, the employment law, the principle of equal treatment,

The termination of the employment relationship (the fixed-term employment relationship, the basis of the termination, protection of the protection under the KSchG, special protection, the extraordinary termination, the notice of change, the termination protection act, the termination agreement).

3.3 Special problems in context with national legislation

Citizens unite justice to law responsibility

Basic notions of politics and legality in own country

Citizenship implication in the legislation or the procedure itself that allows it to stay blocked

The increasing of the level of citizen information about national and European laws

A more practicability of legislative initiatives which contribute also to the citizen implication

The accessibility of laws so that citizen could be familiar with them in short time.

3.4 Stakeholders involved in the process of knowing legislation

3.5 5. Connections between educational laws and systems and other national laws

Modul 4 containing practical exercise sessions in which students learn

to interpret laws and court rulings,

to find solutions to fundamental legal problems,

to recognise the significance of current legal discussions for everyday legal practice.

attachment

national laws

- Cyprus
- Czech
- Germany
- Spain

Interviews

- Cyprus
- Czech
- Germany
- Spain

Report of national laws

Country: Republic of Cyprus

Legal System: The legal system of the Republic of Cyprus is a mixed legal system, comprising elements of common law and civil law. In light of its common-law tradition, Judges have law-making capacity to formulate legal rules in the form of precedent which is binding on all (lower) courts. On the other hand, civil law elements can be envisaged by the supremacy, over all other national laws, of the Cypriot Constitution ratified on August 16, 1960 which regulates the formation and operation of the State Organs and sets a list of fundamental rights and freedoms. The Constitution was amended in 2006 with the insertion of Art. 1A that recognises the supremacy of EU law over the Constitution, essentially allowing for the amendment of the Constitution through EU law.

Where has been published: Laws can only become effective following the approval of the relevant bill by the Parliament, the ratification of the bill by the President of the Republic and the publication of the bill on the Government's Gazette. Unless, otherwise stipulated in the body of the law, laws are effective as of the date of this publication. The Government's Gazette is available online at: http://www.mof.gov.cy/mof/gpo/gpo.nsf/dmlgaz_NEW_gr/dmlgaz_NEW_gr?OpenDocument. Laws are also publicly available at the database developed by the Cyprus Bar Association, where one can search laws and court decisions by name, year and subject. The database is available at: <http://www.cylaw.org/index.html>

Name of the law (English)	Name of the law (original name in partners language)	Description	Year of development (Nr. of law)	Valid from	Structure
Income Tax Law	Ο περί Φορολογίας του Εισοδήματος Νόμος του 2002	It regulates the subject and object of Income Tax as well as the rights and obligations of taxpayers and third parties associated with Income Tax. Lastly it regulates penalties and the relevant proceedings in the tax administration.	LAW 118(I) /2002	1.1.2003	Public law
Contracts Law	Ο περί Συμβάσεων Νόμος	The law regulates the formation, operation termination and breach of contracts, as well as sets specific requirements for particular forms of contracts, such as bonds, bailment and guarantees.	Cap.149	16.08.1960	Private law
Termination of employment law	Ο περί Τερματισμού Απασχολήσεως Νόμο	The law is one of the most important employment laws as it regulates the employer and employee's right to terminate the employment and rights of	Law 24/1967 as amended	1.1.2014	Private law

		the parties stemming from wrongful termination.			
Protection of Wages Law	Ο περί Προστασίας των Μισθών Νόμος του 2007	The Law transposes into Cyprus national law the provisions of Convention No. 95 of ILO for the protection of wages.	Law 35(I)/2007)	21.3.2007	Public Law
The Equal Treatment between Men and Women in Professional Education Law	Ο Περί Ίσης Μεταχείρισης Ανδρών και Γυναικών στην Απασχόληση και στην Επαγγελματική Εκπαίδευση Νόμος του 2002	The Law transposes into Cyprus national law the Directive 76/207/EC for the application of the principle of equal treatment between men and women in relation to access to employment, professional education and employment conditions.	Law 205(I)/2002	06.12.2002	Private Law
The Equal Treatment between Men and Women in Professional Schemes of Social Insurance Law	Ο Περί Ίσης Μεταχειρίσεως Ανδρών και Γυναικών στα Επαγγελματικά Σχέδια Κοινωνικής Ασφάλισης Νόμος	The Law transposes into Cyprus national law the Directive 96/97/EC for the application of the principle of equal treatment between men and women in relation to social insurance schemes	Law 133(I)/2002)	19.07.2002	Private Law
Social Insurance Law	Ο Περί Κοινωνικών Ασφαλίσεων Νόμος	The Law sets out the conditions for the granting of social insurance benefits.	Law 59(I)/2010	2.7.2010	Public law
Annual Paid Leave Law	Ο περί Ετησίων Αδειών μετ' Απολαβών Νόμος	The Law provides for the creation of a Fund, funded by all employers, that will be responsible for the payment of compensation to the employees during the period of their permitted annual leave.	Law 8/1967	3.3.1967	Public law
Protection of Maternity Law	Ο περί Προστασίας της Μητρότητας Νόμος	The Law safeguards the employment rights of women during and after pregnancy.	No. 100(I)/97	19.12.1997	Public Law
Companies Law	Ο Περί Εταιρειών Νόμος	The Law regulates the incorporation and operation requirements of Companies in Cyprus.	Cap. 113	29.01.1968	Private Law
Law on the Protection of Employees' rights in case	Ο Περί της Προστασίας των Δικαιωμάτων των	The law safeguards the rights of employees (wages, social insurance, compensation) in case the employer bankruptcy	Law 25(I)/2001)	01.01.2000	Public law

of employer bankruptcy	Εργοδοτούμενων σε Περίπτωση Αφερεγγυότητας του Εργοδότη Νόμος				
The Marriage Law	Ο περί Γάμου Νόμος του 2003	The law sets the conditions for the lawful conduct of weddings in Cyprus	Law 104(I)/2003	25.07.2003	Civil Law
The Civil Law Weddings Law	Ο περί Πολιτικού Γάμου Νόμος	The law sets the conditions for the lawful conduct of civil law weddings in Cyprus	Law 21/1990	02.03.1990	Civil Law
Foreign Marriage Law	Ο περί Γάμων στην Αλλοδαπή Νόμος	The law regulation recognition of marriages conducted abroad.	Cap.276	06.12.1996	Public Law
Foreigners and Immigration Law	Ο περί Αλλοδαπών και Μεταναστεύσεως Νόμος	The Law regulates the conditions that need to be met for the issuance of a residence and work permit to the Republic, as well as the rights and obligations of foreigners.	Cap. 105		Public Law
Refugee Law	Ο περί Προσφύγων Νόμος του 2000	The Law regulates the conditions for the granting of refugee status to aliens in the Republic, as well as the rights and obligations of refugees.	LAW 6(I)/2000	28.01.2000	Public Law
Consumer Rights Law	Ο Περί Δικαιωμάτων των Καταναλωτών Νόμος	The Law regulates consumer rights, mostly in case of distant and online sales.	Law 133(I)/2013		Private Law
Rent Control Law	Ο περί Ενοικιοστασίου Νόμος του 1983	The law sets limitations on the landlords' rights to secure the rights of tenants in certain areas.	Law 23/1983	22.04.1983	Private Law
Immovable Property Acquisition (Aliens) Law	Ο περί Κτήσης Ακίνητης Ιδιοκτησίας (Αλλοδαποί) Νόμος	The law regulates aliens' right to obtain property within in the Republic	Cap.109	16.08.1960	Private Law
Immovable Property (Tenure, Registration and Valuation)	Ο περί Ακίνητης Ιδιοκτησίας (Διακατοχή, Εγγραφή και Εκτίμηση) Νόμος	The law sets the requirements for land registration of ownership	Cap.224	16.08.1960	Private Law
The recognition of Academic	Ο περί Αναγνώρισης Τίτλων	The law sets the procedure for the recognition of	Law 68(I)/1996	03. 05.1996	Public Law

Tittles of Higher Education and relevant information Law	Σπουδών Ανώτερης και Ανώτατης Εκπαίδευσης και Παροχής Σχετικών Πληροφοριών Νόμος	degrees issued from institutions outside Cyprus			
The Law on the right of EU nationals and their families to move and stay freely within the Republic,	Ο περί του Δικαιώματος των Πολιτών της Ένωσης και των Μελών των Οικογενειών τους να Κυκλοφορούν και να Διαμένουν Ελεύθερα στη Δημοκρατία Νόμος του 2007	The law transposes and implements the freedom of movement of EU nationals in Cyprus.	Law 7(I)/2007)	09.02.2007	Public Law

Country: Czech republic

Basic law for the country: The Czech Republic is mainly ruled by the Constitution of the Czech Republic approved in 16. 12. 1992 and Charter of Fundamental Rights and Freedoms, those documents together develop “constitutional order”

Where has been published: All Czech laws and procedures are published at “Collection of Laws”, which is developed and published by Ministry of Interior. In year 2000 was developed also the Collection of the international contracts”, where the valid international contracts are published.

Name of the law (English)	Name of the law (original name in partners language)	Description	Year of development (Nr. of law)	Valid from	Structure
Tax Code	Daňový řád	Regulation of the procedure of tax authorities, rights and obligations of taxpayers and third parties who incur in tax proceedings in the tax administration.	280/2009 Sb. 2009	1.1.2011	Public law
Civil Procedure Code	Občanský soudní řád	Code of Civil Procedure is the basic source of civil procedural law containing the main legislation. It is a rule of private law and process. Substantive legal content is the Civil Code.	99/1963 Sb.	1.1.1964	Public laws
The civil code (new)	Občanský zákoník (nový)	Provision of the law governing the mutual rights and obligations of the parties created a whole private law. Private law protects the dignity and freedom of man and his natural right to take their own happiness and the happiness of his family or people close to him in a way that does not unduly harm others	89/2012 Sb. 2012	1.1.2014	Private laws
Administrative Procedure	Správní řád	This law regulates the procedures of the executive branch, local governments and other authorities, legal entities and individuals if they carry responsibilities in	500/2004 Sb.	24.6.2004	Procedural law

		the field of public administration			
Building law	Stavební zákon	This law regulates matters of building regulations in particular, permitting structures and their changes, landscaping and equipment, use and removal of buildings, supervision and special powers of building offices, position and privileges of authorized inspectors, system building authorities, duties and responsibilities of people in the preparation and execution of works .	183/2006 Sb.	14.3.2006	Public and private law
Criminal Procedure	Trestní řád	The purpose of the Code of Criminal Procedure is to adjust the procedures of law enforcement so that crimes are properly identified and their perpetrators justly punished according to law. While management must work towards strengthening the rule of law, to prevent and deter crime, the education of citizens in the spirit of rigorous observance of laws and rules of civil cohabitation and honorable fulfillment of obligations to the state and society.	141/1961 Sb.	29.11.1961	Public laws
The criminal Code	Trestní zákoník	The Criminal Code regulates the concept of criminality of the act. For the criminal act is sufficient to meet all of the constituent elements, although it is still required to meet such a degree of social harm when it is not sufficient to establish the liability under other legislation	40/2009 Sb.	1.1.2010	Public law
VAT law	Zákon o dani z přidané hodnoty	The Act transposes the relevant EU legislation and regulates value added tax.	235/2004 Sb.	1.4.2004	Public laws

The law on Income Tax	Zákon o daních z příjmů	The Act transposes the relevant EU legislation and regulates tax on personal income tax and corporate income tax.	586/1992 Sb.	1.1.1993	Private and business laws
Business Corporations Act	Zákon o obchodních korporacích	It is a law that partially replaced the previous Commercial Code. He is primarily adjusting companies and cooperatives, the law of contracts is included in the new Civil Code	90/2012 Sb.	1.1.2014	Business law
The Law on Free Access to Information	Zákon o svobodném přístupu k informacím	The Law on Free Access to Information is a legislative decree that guarantees access to information held by the state. Establishes the process by which they can be raised demands for government-held information.	106/1999 Sb.	1.1.2000	Public law
Accounting Act	Zákon o účetnictví	This Act transposes the relevant legislation of the European Union and provides the scope and manner of accounting requirements on its conclusiveness, scope and method of disclosure of accounting and conditions of transfer of accounting records for the state. Valid for individuals and companies.	563/1991	1.1.1992	Private nad Business Law
Labour Code	Zákoník práce	The Labour Code is a code governing the major part Czech individual labor law.	262/2006 Sb.	1.1.2007	Labour Law
Trade Act	Živnostenský zákon	This law regulates the Czech Republic in terms of trading. Defines trade as continuous activities carried out independently, in their own name, on his own responsibility for profit, and also sets out which actions are contrary trades.	455/1991 Sb.	1.1.1992	Business law
Copyright	Autorský zákon	This law addresses the copyright and legal issues related to it. Czech Copyright Act is based on	121/2000 Sb.	1.12.2000	Private law

		the principles of continental law, with the addition of Czech traditional concept focuses especially on the German and French concept of copyright. It is obvious that the basic building block of this law is the law of the European Union and international treaties ratified by the Czech Republic.			
The Law on Protection of Personal data	Zákon na ochranu osobních údajů	The law on protection of personal data is a fundamental law governing the protection of personal data and the activities of the Office for Personal Data Protection. The purpose of the Act on the Protection of Personal Data is the Charter of Fundamental Rights and Freedoms guaranteed right to protect the citizen against unauthorized intrusion into his private life unauthorized gathering, publication or other abuse of personal data	101/2000 Sb.	1.6.2000	Administrative Law
The Law on the Social Insurance	Zákon o pojistném na sociální zabezpečení	This Law regulates the insurance and social security, which includes pension insurance and sickness insurance, and contributions to the state employment policy	589/1992 Sb.	1.1.1993	Social law
Health Insurance Act	Zákon o nemocenském pojištění	This Act regulates health insurance in case of temporary incapacity, ordered quarantine, pregnancy and maternity and nursing household member or care for it.	187/2006 Sb.	1.1.2007	Social Law
The law on public health insurance	Zákon o veřejném zdravotním pojištění	Health insurance for sickness, from which the policyholder pays the necessary health care to the extent provided by law. The Czech Republic is built on the principle of compulsory payments levied redistribution of income	48/1997 Sb.	1.4.1997	Social law

		level, the principle of free elections and the principle of national insurance to be insured			
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	Name of law (german)	Description	Year of development/ Nr of law	Valid from	Structure
Tax regulations	Steuerrecht	The totality of all tax laws is an outflow of fiscal sovereignty and forms the legal basis for the levying of taxes on the basis of the Xth section of the Basic Law Tax law governing the setting and collection of taxes. The method of tax assessment and assessment is largely defined by the tax rules which contain the essential provisions of the fiscal procedural law, while substantive tax law is enshrined in numerous individual laws.	BGBI. S. 1	23. Mai 1949	Public law
Federal Constitutional law	Bundesverfassungsr echt	The constitutional law deals mostly with the German constitution and the rights and duties of the various institutions. A major part are the civil rights which are first in the basic law and from which everything else derives.	BGBI. I Nr. 194/1999	1999	Public law
Basic law	Grundgesetz	The basic law for the Federal Republic of Germany is the legal and political basic order of the Federal Republic of Germany.	BGBI. S. 1)	1949	Public law
The civil code	Zivilrecht	The most important reference of this area is the Civil Law Book which consists of 5 major parts: the common/ general part, the law of obligations, property law, family law and law of succession	BGB	1949	Privat law
Law of obligations	Schuldrecht	Law of obligations deals with the right of a legal or natural person to demand a benefit from another person on the basis of a legal special relationship (see claim).	1999/44/EG, 2000/35/EG	1999, 2000	Privat law
Family law	Familienrecht	Family law regulates the legal relationships of persons connected by marriage, partnership, family and kinship. In addition, there are also statutory functions of representation outside the kinship: guardianship, care and legal support.	1297 - 1921 BGB	14. Juni 1976	Privat law
Administrative law	Verwaltungsrecht	Administrative law forms a substantial part of public law. Administrative law covers all legal acts applicable to administrative activity, administrative procedure and administrative organization.	BGBI. I S. 1253	1. Januar 1977	Public law

Building law	Baurecht	Usually the construction law is divided into private construction law and public construction law. The former defines legal norms of civil law, property ownership and neighboring rights, works contracts which are concluded for the preparation and execution of a construction project (contract for the construction of a building with contractors, etc.), as well as the neighboring laws of the Länder. Public building law governs those parts of the public law that relate to construction projects	BGBI. I S. 341)	30. Oktober 1960 bzw. 30. Juni 1961	Privat law
Criminal law	Strafrecht	Part of criminal law is, in particular, the law of criminal prosecutions and their characteristics, the nature and severity of the related penalties, the institutions responsible for the enforcement of criminal law and their functioning. With regard to these aspects, the admissible penalties, the assessment of the criminal offense, the nature and scope of the legal bases and the classification of criminal law in the legal system, there are, however, in some cases considerable differences between the legal systems of individual countries.	RGGI. S. 12 7	1. Januar 1872	Public law
VAT law	Umsatzsteuerrecht (UStG)	The VAT Act regulates the turnover taxation of deliveries for consideration.	(BGBI. I S. 1953)	26.11.1979	Public law
Income Tax Act	Einkommensteuergesetz (EStG)	The Income Tax Act of the Federal Republic of Germany regulates the taxation of the income of natural persons. Any income from the following categories counts as taxable income: income from agriculture and forestry; income from trade or business; income from independent personal services; income from employment, including compensation from past employment; income from capital investment; rental income from immovable property and certain tangible movable property; income from royalties; and other income (gains from private transactions, alimony, annuities, etc.	RGGI. I S. 1005	25. Oktober 1934	Public law

Residence Act	Aufenthaltsgesetz - AufenthG	law about the stay, the employment Integration of foreigners in the federal territory	BGBI. I S. 162	30.07.2004	Public law
	Freizügigkeitsgesetz/ EU	The Act on the General Freedom of Movement of Union Citizens regulates the residence of unions and their family members in Germany.			Public law
Freedom of information laws of country	Informationsfreiheitsgesetz	The Federal Law on the Access to Information on the Information Society (IFG) provides citizens with a right to free access to official information of the public authorities of the Federation, such as the Federal Ministries and their subordinate federal authorities, Deutsche Rentenversicherungsbund, Bundesagentur für Arbeit as well as the Jobcenter (§ 1 Abs. 1 Satz 1 IFG).	1. Januar 2006	(BGBI. I S. 2722)	Privat law
	Asylverfahrensgesetz	Since October 24, 2015, the Asylum Act has been the new name for the Asylum Procedure Act, which came into force on August 1, 1982. It regulates the legal requirements for the protection of asylum seekers in Germany as well as the asylum procedure and procedural law.	01.08.1982	BGBI. I S. 1798	Public law
Equal Treatment of women and men	allgemeiner Gleichheitssatz	Law related to the application of equal treatment among women and men, related to work, access to goods/services and all conditions		3 Absatz 1 des Grundgesetzes	Public law
Accounting Directives Act	Bilanzrichtlinien-Gesetz	The Directive Implementing Act (BilRUG) transposed the requirements of EU Directive 2013/34 / EU into German law	23. Juli 2015		Public law
Labour code	Arbeitsrecht	A labour code, (also called a "code of labour laws") is a codification of labor laws in legislative form. Collective labor law contains the	Ein zusammenfassendes	Arbeitsges	Privat law

		right of labor-law coalitions (trade unions and employers' organizations), collective bargaining rights, labor rights (strikes and lockouts), and co-determination rights in companies and enterprises. Work protection is an important component of labor law.	etzbuch existiert nicht.		
Occupational Health and Safety Act	Arbeitsschutzgesetz	Act on the implementation of measures of occupational safety and health to improve the safety and health of workers at work.	(BGBI. I S. 1246	21. August 1996	Privat law
Employment Protection Act	Kündigungsschutzgesetz	The German law on the protection of the right to dismissal regulates the principle of the freedom to terminate contracts with a longer term in favor of the employee.	(BGBI. I S. 499	14. August 1951	Privat law
Vocational Training Act	Berufsbildungsgesetz	The Vocational Training Act (Berufsbildungsgesetz - BBiG) regulates vocational training (Duales System), vocational training preparation, advanced training and vocational retraining in Germany.	BGBI. I S. 1112	1. September 1969	Privat law
Trade act	Handelsrecht	The trade act contains the regulations for the OHG, the KG and the silent company. For corporations, the HGB contains regulations on financial statements and reports. Supplementary provisions apply to insurance companies, credit institutions and cooperatives. With few criminal codes the HGB is a subsidiary criminal law.	BGBI. I S. 1578, 1580	1. Januar 1900	Public law
Trade Tax Act	Gewerbsteuergesetz	The trade tax is levied as trade income tax on the objective profitability of a business enterprise of at least 7% of the income.	RGGI. I S. 979	1. April 1937	Public law
Copyright Act	Urheberrechtsgesetz	Copyright firstly means the subjective and absolute right to the protection of intellectual property in ideal and material terms	BGBI. 1965 I S. 1273;	9. September 1965	Privat law
Data Protection Act	Datenschutzgesetz	The Federal Data Protection Act contains a number of security requirements restricting for example access to data processing facilities. Priorities lie increasingly on avoiding the storing of data and on promoting the use of it sparingly.	BGBI.I 1990 S.2954	20 Dezember 20, 1990	Privat law

civil procedure law	Zivilprozessrecht	The most important legal sources of the German civil procedure law are the Civil Procedure Code (ZPO) and the Court of Appeals Act (GVG)			Public law
criminal trial law	Strafprozessrecht	In Germany the basis for the criminal process (also called criminal proceedings) is the Code of Criminal Procedure (StPO); It is not an ordinance, but a formal law created in the nineteenth century. The Code of Criminal Procedure has more than 400 paragraphs.			Public law

Report of national laws

Country: Spain

Basic law for the country: Spain is mainly ruled by the Spanish Constitution, approved in 1978.

Where has been published: all laws and procedures are published at BOE, the Official State Gazette.

Name of the law (English)	Name of the law (original name in partners language)	Description	Year of development (Nr. of law)	Valid from	Structure
Equal treatment of women and men	Ley Orgánica 3/2007, de 22 de marzo, para la igualdad efectiva de mujeres y hombres	Law related to the application of equal treatment among women and men, related to work, access to goods/services and all conditions.	22/03/2007 BOE-A-2007-6115	24/03/2007	Public law
Anti-discrimination	Artículo 14 Constitución Española	Equality of all Spanish against law without mattering their sex, religion, birth...	1978	1978	Public law
Fixed and part time work including employment contracts	Real Decreto-ley 17/1977, de 4 de marzo, sobre relaciones de trabajo.	Law regarding all parts related to working relationships	BOE-A-1977-6061		Private law
	Ley del Estatuto de los Trabajadores.	Rights and duties of the workers in Spain	BOE-A-2015-11430 24/10/2015	2015	Private law
Maternity rights	Estatuto de los Trabajadores (R.D. Leg. 2/2015, de 23 de octubre). (Artículo 45.1.d, artículo 48 apartados 4 a 7 y	Conditions to which women are allowed after giving birth	BOE-A-2015-11430 24/10/2015	2015	Private law

	disposición transitoria 7ª)				
Paternity rights	Ley 9/2009, de 6 de octubre, de ampliación de la duración del permiso de paternidad en los casos de nacimiento, adopción o acogida.	Related to the father's rights in case of birth, adoption or fostering.	BOE núm. 242, de 7 de octubre de 2009	2009	Private law
Parental leave	Ley Orgánica 10/1995, de 23 de noviembre, del Código Penal	Law related, among other things, to the duties of parents and the actions against any type of felony related to it.	1995 BOE núm. 281 de 24 de Noviembre de 1995	24/05/1996	Private law
Social Security and pension rights	Ley General de la Seguridad Social. RDL 8/2015	General regulation related to the Social Security	BOE núm. 36, de 11 de febrero de 2016	2016	Public law
Personal data	Ley Orgánica 15/1999, de 13 de diciembre, de Protección de Datos de Carácter Personal.	Law regulating the protection of personal data	BOE núm. 298 de 14 de Diciembre de 1999	2000	Private law
Transfer of undertakings	Directiva 98/50/CE del Consejo, de 29 de junio de 1998, por la que se modifica la Directiva 77/187/CEE sobre la aproximación de las legislaciones de los Estados miembros relativas al mantenimiento de los derechos de los trabajadores en caso de traspaso	Directive of the EU related to the transfer of undertakings in EU countries, including the legislation regarding the maintenance of employees' rights in the case of transfer of undertakings.	DOUE-L-1998-81313 17/07/1998	17/07/1998	Private law

	de empresas, de centros de actividad o de partes de centros de actividad.				
Information and consultation of employees	Código Civil; Ley del Estatuto de los Trabajadores. Título 1, Capítulo 1, Sección 2ª, Artículo 4. Derechos laborales.	Law regarding the rights of employees in Spain, including their rights for information and consultation.	BOE-A-2015-11430 1995	1995	Private law
Education laws	LOMCE; Ley Orgánica 8/2013, de 9 de diciembre, para la mejora de la calidad educativa.	Law regulating education in Spain	BOE-A-2013-12886 10/12/2013	20/12/2013	Public law
Real state law	Ley 4/2013, de 4 de junio, de medidas de flexibilización y fomento del mercado del alquiler de viviendas.	Law intending to make the real estate market more flexible in order to improve and speed its situation in Spain.	BOE-A-2013-5941 2013	4/06/2013	Private law
Traffic regulations	Real Decreto Legislativo 6/2015, de 30 de octubre, por el que se aprueba el texto refundido de la Ley sobre Tráfico, Circulación de Vehículos a Motor y Seguridad Vial.	Law regulating traffic, vehicle circulation and security regarding traffic.	BOE-A-2015-11722 2015	2015	Public law
Access to health	Real Decreto-ley 16/2012, de 20 de abril, de medidas urgentes para	Law regulating public access to health in Spain, as long			Public law

	garantizar la sostenibilidad del Sistema Nacional de Salud y mejorar la calidad y seguridad de sus prestaciones	as they are workers affiliated to Social Security; any aid from the Social Security; Spanish or EU Nationality with a maximum wage.			
Immigration	Ley Orgánica 4/2000, de 11 de enero, sobre derechos y libertades de los extranjeros en España y su integración social.	Law regulating rights and duties referring to immigrants in Spain.	«BOE» núm. 10, de 12/01/2000 2000	2000	Public law
Access to public offices	Real Decreto Legislativo 5/2015, de 30 de octubre, por el que se aprueba el texto refundido de la Ley del Estatuto Básico del Empleado Público.	Law regulating the bases, rights and duties of the public employee; all citizens have right to access to public offices as long as they have the Spanish nationality, more than 16 years old, the required studies, and the concrete things required for the job.	BOE-A-2015-11719 2015	2015	Public law
Consumer protection	Real Decreto Legislativo 1/2007, de 16 de noviembre, por el que se aprueba el texto refundido de la Ley General para	Law establishing protection for the consumers regarding the Spanish Constitution;	BOE-A-2007-20555 2007	01/12/2007	Private law

	la Defensa de los Consumidores y Usuarios y otras leyes complementarias.	including protection of their health, security, economy, a correct information...			
Marriage	Ley 13/2005, de 1 de julio, por la que se modifica el Código Civil en materia de derecho a contraer matrimonio.	Legislation regulating marriage, including equal rights for marriage among people of the same sex and of different sex.	BOE-A-2005-11364-2005	2005	Private law

- **Interviews**

- **Country:** Republic of Cyprus

A. BRIGHT QUESTIONNAIRE – EUROPEAN UNIVERSITY OF CYPRUS

Name: Petros Vrachas

Short CV: Petros obtained his law degree from the National Kapodistrian University of Athens in 1984. He was admitted as a Member of the Cyprus Bar Association in 1985 and started practicing the same year. His areas of practice include amongst others: company law, trusts, trademarks, probate, shipping and litigation matters. He is a Member of the Rotary Club of Kyrenia, the Secretary of the Kyrenia Bar Association and the Legal Committee of the Democratic Rally. He is a Member of the Board of the Cyprus-Slovak Business Association (CSBA). He is a Member of the Cyprus Investment Fund Association (CIFA).

What is required by national laws to address national needs, requirements and citizen problems?

I think the main concern is lack of transparency and consequently I think that more transparency would lead to addressing the requirements of all persons with the Republic more effectively. By “transparency” I refer to the absence of hidden agendas and the inclusion of the people or at least representatives of all interest groups in the decision-making process.

What is necessary to be known by citizen and how could they be helped to achieve such knowledge?

Citizens need to care more about their rights and this stems from proper education. They need to be educated of their rights and obligations as citizens from a young age. To this respect I believe that the education of law should start from a very young age in primary schools. Additionally, there should be available information and free consultation by respective authorities such as the Chambers of Commerce, Centers for Citizens etc.

Do you know difficulties that refugees have in context with laws and national requirements?

I know that some time refugees do not have adequate identification documents, which essentially doesn't allow them to obtain refugee status and as such they are forced to be illegal immigrants without any rights and fugitives from the law.

Which are public bodies where refugees could receive information about national laws?

The Civil Registry and Migration Department and the Civil Service Center

What is desired by the body seeking to adopt or propose the legislation?

The Government as well as the Parliament need to plan ahead carefully and take decisions regarding proposed legislation after assessing all consequences as well developments in the international plane.

What particular problems with current national laws or related laws did you noted in your country?

The main problem is complexity and often the language of the law is not clear. The legal texts regulating one field of the law, especially tax law and public law in general can be many and contradicting one another, making it possible even for the trained professional to come to a conclusion. Additionally, some other aspects of daily life, e.g. regulation and incentives for incubators and entrepreneurs are not regulated.

What stakeholders are involved and what interests or incentives might apply to them?

I am not sure I understand this question. Efficiency in the law benefits us all. Especially providing incentives for entrepreneurship would limit unemployment and would benefit young adults and women.

B. Educational Expert-European University of Cyprus

Name: Katerina Kalapouti, Educational Advisor for 20 years in Greece and Cyprus

1. Which are the educational procedures in your country for supporting citizen to know national and European laws?

Legal education starts at primary school but only as a general reference in the subject of Civil Education (“Αγωγή του Πολίτη»). The course only offers an introduction to some basic notions of the law but not real, legal insight or skills. For one to obtain real, legal knowledge, one would need to follow a law course that can be offered as part of the curriculum of a business degree or by studying the law in the University. Currently, there is one public laws school in Cyprus operating from the University of Cyprus and there are 5 private law schools. The number is remarkable taken into account the population of Cyprus, but taking into account that access to this facilities depends on academic or financial status, one can understand that those more in need of the law have less access to learn it.

What topics could be included in a curriculum dedicated to this scope?

In a multicultural Europe, the active citizen is what its all about. In our days, the active citizen is a person who actively participates in the events of the world in which he lives, exercising consistently democratic rights and respective obligations, demonstrating self-respect and mutual respect, which accept diversity, peaceful coexistence of people and peoples. In Cyprus, the students of other nationalities increased sharply both in primary and secondary education. This social reality requires a new citizenship, configuration namely a new global citizen, which will be marked by new qualities to be able to cohabit with their fellows in this new multicultural society. Therefore, intercultural education in Cyprus is considered imperative. To this end the following topics should be addressed:

- Comparative Law
- Constitutional law and human rights
- Labour law
- Contracts Law
- Criminal Law

2. Which training methods are suitable for attracting people to participate in an oriented training?

I would suggest an interactive platform that is based on a reward system. In particular, I suggest you break the curriculum down in modules and that for the completion of each module a test should be successfully completed. Before the test is taken the applicant would be given the option to train, but he will be able to sit the test only once. Upon passing the test, the applicant should be given a certificate testamenting to his knowledge. I suggest the platform be multilingual and the applicant should be given some practical examples based on some preliminary question about his age, marital condition, nationality, and civil status.

3. Which are the connections between educational laws and other national laws?

Educational laws are one specific field of the law. This field regulates access to education and recognition of academic degrees as well as conditions that apply in all educational institutional. This is a particularly important field of the law directly linked with employment law, as it regulates access to the employment market.

C. BRIGHT QUESTIONNAIRE – EUROPEAN UNIVERSITY OF CYPRUS

Name: Alexandra Pelaghias-Christodoulou

Short CV:

Alexandra obtained a BA (Hons) Law in 1983 at DeMontfort University Leicester and was admitted as a Member of the Cyprus Bar Association a year later. At the same year she started practicing law at our Firm, where she continues to practise to date. She has wide experience and expertise in ship finance, shipping, corporate and commercial law and international tax planning. She is a Member of the Shipping Committee of the Cyprus Bar Association, the New York State Bar Association (NYSBA), the Propeller Club of the United States and the Legal Committee of the Democratic Rally. She is a Member of the Board of Directors of the Electricity Authority of Cyprus (EAC). She is a Member of the Board of the Cyprus-Slovak Business Association (CSBA). She is a Member of the Cyprus Investment Fund Association (CIFA).

What is required by national laws to address national needs, requirements and citizen problems?

It is important that the legislative power acts in the interest of the people, thinking in the long term about each and every initiative undertaken. One of the major problems in Cyprus is that governments act in an opportunistic manner, favouring their followers in the short terms. It is important that corrupted and opportunistic governments must be eradicated.

What is necessary to be known by citizen and how could they be helped to achieve such knowledge?

Knowing the law is not easy and sometimes knowing the law without fully comprehending it and its implications can even prove to be dangerous. This is why I think that access to professional legal advice should be easier and cheaper. I would highly recommend that business associations, NGOs, public institutions provide professional legal advice and training to citizens for free, especially on corporate and civil law issues.

Do you know difficulties that refugees have in context with laws and national requirements?

To apply for refugee status is a long process, which requires knowledge of the procedure. Additionally, refugees are usually unaware of the legal framework, especially in the field of employment law, and can be subject to exploitation.

Which are public bodies where refugees could receive information about national laws?

The Civil Registry and Migration Department

What is desired by the body seeking to adopt or propose the legislation?

To take into account current situations and propose long-terms solutions.

What particular problems with current national laws or related laws did you noted in your country?

Regretfully, corruption and sloppiness without considering long term effects and overall implications.

What stakeholders are involved and what interests or incentives might apply to them?

All citizens and especially young adults and foreigners.

- **Country:** Czech

A. Name: Danica Pražáková

4. Which are the educational procedures in your country for supporting citizen to know national and European laws?

The law is taught in the basic schools only in the general “Civics”. But these are only the basic norms rather cultural and social, it is not the completed subject focused on the law skills. The law is usually taught in the high schools, but it is not also the rule, it depends on the school education plan. Completed law skills is possible to obtain only in the schools focused on law education – in the Charles University – law faculty, Prague and Masaryk University in Brno and Palacky University in Olomouc. But stadium in those universities prepares the students for the job of the lawyer not only for law skills for ordinary life.

5. What topics could be included in a curriculum dedicated to this scope?

Topics focused on the basic life of the citizen – practical information needed for ordinary life:

- Labour law
- Health and social system
- School education
- Contracts – purchase or renting apartment/house, consumer contracts – generally about contracts – what is dangerous etc.
- Citizen law – marriage, born of the child, citizenship, permission for living
- Taxes
- Establishment of the private business

6. Which training methods are suitable for attracting people to participate in an oriented training?

The platform could be user friendly, interactive with many games and practical examples, not only the whole texts, but many pictures and exercises for testing the obtained skills. The good idea could be the story of one or two people /family that could go abroad and need some practical information and this family could be the guide of the platform users. The texts should be simple, understanding for ordinary people not the language of the laws. The structure of the education module:

1. Instructional texts – with many pictures
2. Practical examples – situations of the family, issues which they need to solve
3. Testing questions for users – did they understand the topic?
4. Summary of the topic
5. The final test of the module

7. Which are the connections between educational laws and other national laws?

IN the Czech Republic is valid the general provisions “Ignorance of the law is no excuse”, it is confirmed by the Constitution for the Czech Republic, but it is not specified how this skills should be obtained. The school system does not help to the ordinary citizen to obtain the law skills. The completed law is taught only in the universities preparing the students for lawyers. If some citizen

needs to study the law, he is probably looking on the websites with this topic. But the content of those topics need not to be right and completed; only the printed versions of the laws in the Collection of Laws is binding and actual.

B.

BRIGHT QUESTIONNAIRES – bit cz training s.r.o., Czech Republic

Name: Jiří Vyvadil **Law specialization:** civic, business and criminal law (1, 2, 5-8)

Name: Zuzana Vodňanská, **Law specialization:** asylum law (1, 2, 3, 4, 8)

Name: Danica Pražáková **Educational Expert:** law, soft skills (1, 2, 8)

- **What is required by national laws to address national needs, requirements and citizen problems?**

Civil law in the Czech Republic generally solves the New Civil Code, which covers a wide range of situations from civic life. It mainly concerns entering marriage, divorce, neighborliness, any civil law trade relations.

The Civil Code has a total of 3,081 sections and is divided into five parts:

1. General part (§ 1-654) - General standards
2. Family Law (§ 655-975)
3. The absolute property rights (§ 976-1720 involves property rights and inheritance law)
4. Relative property rights (§ 1721-2990, includes the Law of Obligations)
5. The common, temporary and final provisions (§2991-3081)

The new Civil Code has replaced not only the existing Civil Code of 1964 and its amendments, as well as family law and commercial code (but only in the part concerning especially commercial obligations). For the part relating to commercial companies and cooperatives a new Business Corporations Act is valid.

- **What is necessary to be known by citizen and how could they be helped to achieve such knowledge?**

Summing up the current situation, the citizen has formally constitutionally guaranteed right to a clear and understandable right and duty to know the law. Practically, however, this obligation is not fulfilled, because information technology, which would help in orientation in the law especially to the normal citizen (not lawyers), unfortunately, are not present so much more "user friendly" to access for clear and comprehensible law allow even to normal citizens.

In summary the schizophrenic situation is in the Czech Republic. On the one hand they are not fulfilled conditions to allow citizens to become familiar with the content of law – i.e. to have the opportunity to use information technology that would make the right to clear and understandable. On the other hand, the principle of "ignorance of the law is no excuse" is still true without exception. Creating a user - friendly and "human – describing" platforms focused for information on law is enthusiastically welcomed by legal and educational experts.

The law must be accessible

Access to the law means that every citizen has the opportunity to be in a relatively short time become familiar with the content of the law which is obliged.

The minimum requirement is that each citizen could easily get the authentic sources of law - Collection of Laws. Availability law, however, does not mean that it can also easily get to their interpretation or directly to the council that would help individuals solve their legal problems.

Current situation: only access to printed versions of the law. Laws and other regulations, which citizens determine what can and cannot, shall be published in the Official Gazette (and the Collection of International Treaties). Printed collection contains either new laws or amendments to existing laws and other regulations: these texts are available on weekdays at the municipal, urban and regional offices.

Three small aids ... To be able to in the law a little confess state gives the public access to three tools: the full text of the laws, a copy of the statute in the electronic version and the current full text of the laws on the Public Administration Portal (www.portal.gov.cz/). Unfortunately neither of aids is binding. Therefore, if it comes, for example, the current full wording of the Act in online version published on the Public Administration Portal bug due to which a person suffers damage, that's his problem, as the wording of the law in this electronic version is only informative and not binding - the citizen should go to the print collections of laws.

The promulgation of laws is governed by Act no. 309/1999 Coll., On the Collection of Laws and Collection of International Treaties, as amended. On the basis of this law are the official means of publishing the Czech Republic for promulgating laws Collection of Laws (abbreviated as "Coll.") And a collection of international treaties (abbreviated as "Sb.m.s.").

- **Do you know difficulties that refugees have in context with laws and national requirements?**
 1. **Refugees and economic migrants are different categories.** This legal concept is not understood by all citizens, but also by the migrants and refugees. A refugee is very specifically defined by the Convention relating to the Status of Refugees (resp. in the Asylum Act), needs help, and Czech laws allow him to get her, if he or she is located in the Czech Republic. Economic migrants are admitted on the state area by the state voluntary approval further to the issuing of visas, but the state has no obligation to issue a visa.
 2. **Adapting to the cultural European values** - clutter in the open air, noise, veiling/getting dressed, respecting the rights of different religion.
 3. **Equality between men and women** - sexual harassment of women
 4. **Payment of statutory taxes** – “Black” work
 5. **Theft, petty crime**

Public view - myths:

- Safety

The terrorist attacks in Paris in November 2015, and subsequently in Brussels in March 2016 highlighted the presence of terrorists between migrants and thus draw attention to the safety risks associated with migrants.

- Migrants are going to our state only for our welfare

Right to health care is a fundamental social right under article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESR). While the 27 EU Member States have signed it, according to FRA (European Agency for Fundamental Rights) allow European human rights standards to distinguish between access to health care for legal and illegal migrants. The European Commission should grasp the fundamental human rights issue rather than to distinguish between legal and illegal migration.

- Migrants are stealing our work

Due to demographic changes, medium and long term migrants need Europe. Forecasts indicate that there is a failure of human resources in several sectors including medical and social. In the twenty-seven EU between 2008 and 2060 rise in the population aged over 65 years by 79%. For the population aged over 80 is expected to increase by 181%. The current debate in the EU is focused on attracting a large number of medical personnel from countries outside the EU.

- Most of the migrants are refugees and asylum seekers

Often people perceive the majority of immigrants who come to Europe as refugees or asylum seekers. What's more, he often discussed the fact that a more open immigration policy is not possible because of the inconsistency of political positions and legislation across Member States. Most of the migrants are forced to leave their homes and seek work. Poverty and lack of decent work are the reasons for international migration, particularly in developing countries. In fact, 90% of all international migration as migrants to work with their families. Most of these individuals graduated at least 10 years of formal education, seeking better job opportunities elsewhere.

- New Racism

Populist and extremist political parties gaining support and currently are their representatives in the parliaments of the 16 EU member states. Part of their strategy is to link the growing socio-economic problems of migrants.

According to opinion polls, the Czech Republic ranks among countries with a long-term the most dismissive attitude to receive immigrants. The surveys conducted in 2016 shows that over 80% of Czechs refuses acceptance of immigrants from the Middle East and North Africa, the opposite view holds less than 15% of people. Since June 2015, the Czech Republic, and especially in Prague, regularly held demonstrations against immigration. Czech Republic is in most cases only a transit country for migrants and the increase in asylum applications are not unlike some Western European countries too pronounced.

- **Which are public bodies where refugees could receive information about national laws?**

State Offices

- The Government Council for National Minorities
- The Ministry of Interior - Department for Asylum and Migration Policy
- The Ministry of Labour and Social Affairs – language testing + + grant permanent residence to integration
- Police of the Czech Republic - Foreign police
- Labour Offices

Non-profit organizations

- The Association for Integration and Migration
- Step by step
- Counselling Centre for Citizenship, Civil and Human Rights
- Integration Advice
- Organization for Aid to Refugees
- Meta - Association for Opportunities for Young Migrants

A total of 30 institutions is helping to refugees and migrants in the Czech Republic. Further 14 migrant and community organizations by their nationalities are in the Czech Republic.

International non-profit organizations

- United Nations High Commissioner for Refugees

- Open Society Fund
- International Organization for Migration

- **What is desired by the body seeking to adopt or propose the legislation?**

This is enshrined particularly in the Constitution of the Czech Republic and in the rules of the Senate and Parliament. At their levels can legislate also regions and municipalities (Decree).

Stage of the legislative process

- The legislature's initiatives (deputy, a group of the members of Parliament, The Senate as a whole, the government, council of higher territorial administrative units (Prague))
- the proposal is submitted to the Parliament
- Discussion in Parliament
- Necessary approval by Parliament (3/5 qualified majority of deputies), the Senate (3/5 majority of senators) President + (allowed to return Constitutional Law)

Legal regulations come into force on the date of publication (i.e. Publishing) means the official publication, i.e. In the Official Gazette, this day will become part of the legal order of the Czech Republic. Publication of legal regulation in the Official Gazette does not mean that regulation is no longer applicable. Applicability of the law (i.e. situation where under the legislation rights and obligations are developed) comes to its effectiveness. It comes into effect on the date specified in the legislation, but not before the date of publication (retroactive effect is disabled). The effectiveness of the legislation is expressed in its final provision.

- **What particular problems with current national laws or related laws did you noted in your country?**

The most important problem in the Czech Republic in this context is interpretation and understanding of the law to the ordinary citizens. It was mentioned in the former question. When somebody wants to know his duties/obligation, it is very difficult to obtain the relevant information and consider if they are actual or not.

- **What stakeholders are involved and what interests or incentives might apply to them?**

The definition of the knowledge of the law should be directly stated in some law or in the educational plans of the Ministry for education. Our state transfers its responsibility to our citizens, but they have no good conditions to understand all the laws. The schools and other educational companies should also try to put the "human" education of the law to their education.

- **Please name at least 10 legal aspects / points that you wonder during a long stay abroad (at least 6 months):**

- work permit or a work contract options etc.
- Housing - lease / purchase agreement, duties and rights of tenants
- Medical care - insurance system, registering with a GP, functioning emergency
- Experience - especially for family members - Conditions (who can get the job) and where to seek support (offices)
- Schools for children - writing, public x private school
- Benefits for residents in the place of residence (library, urban transport, services)
- Financial services - an account
- Education - deductibility of foreign diplomas

Final Recommendations of the experts:

1. This platform is very much needed - particularly in the Czech Republic is no obligation to publish laws electronically and a normal citizen and especially the foreigner does not have a chance to confess in laws.
2. This issue puts great emphasis on timeliness - the law is very lively, is required almost daily updates. How this will be ensured? Otherwise it loses its meaning...
3. The platform would be suitable for secondary schools, universities - generally the law is learned very little in the Czech republic (only if you decide to become a lawyer). The law is taught in the context of civics subjects at primary schools and secondary schools already somewhere within the law subject, at a university it is a standard mostly.

Comments Michaela Vránová :

1. Interviews were realized separately with every expert, but for best summary the information are put to the 1 document describing the situation in the Czech Republic.
2. In summary the questions were too general for the experts, so I have to help with the explanations what we want to know in the each question.
3. Because of the other law specialization of the expert each expert answer only questions, which is focused on.

- **Country:** Germany

A. Interview: Prof. Dr. Bernhard Bergmans

1. What are the central topics or the course of a curriculum?

The students have to learn basics and formal legal knowledge. In the beginning the curriculum could start with some basics for example:

- Free movement in the EU in the context of the individual migration status: Who is required to apply for a work permit and who is not?
- Looking at the possible employment opportunities as an EU worker / status declaration - What do I have to look out for? And what are the consequences, for example, of the type of employment status? For health insurance?

In the opinion of the expert the students have to know some basics of legal knowledge:

- Labor and social law (contract law, protection for occupational diseases, health insurance)
- Taxation Good to know:
- Pervasiveness of legal systems: pension / health insurance -> How compatible are the systems? How can you get your pension in a third country?

2. What kind of methods could be used?

The expert gives the advice to create an exemplary case design for Germany, where a checklist is used to work out which individual characteristics must be considered. For example: husband, married, two children. What are the consequences of the family status, e.g. for the health insurance? Students should prepare this case construction against the background of their own individual details and in relation to the national legislation of the country of origin, using Internet sources.

In addition, existing knowledge can be collected. The students can make a research and collect websites that collect information on legislation and the central government at national level.

3. What are the central national facilities where information can be obtained?

- Work: Federal agency for work
- Pension: German pension insurance
- Taxation: tax office, tax consultant
- Labor law: trade union
- Social law: public authorities

B. Interview: Prof. Dr. Schubert, RUB

1. Please give us a brief overview of your work at the university and the contents of the law school

Yes, the law school is quite strongly pre-structured, since a State exams must fulfilled. The central Topics are: Labor Law, BGB I and BGB II, European Law, International Private Law, Property Law, Law of Obligations, Civil Law, Civil Procedure Law.

2. What is the central content of labor law?

A. The employment relationship

B. Legal sources of labor law

C. The justification of the employment relationship (the conclusion of the employment contract, the prohibition of discrimination, the participation of the works council).

D. Rights and obligations in the employment relationship (The worker's obligation to work, additional obligations of the employee, breach of duty on the part of the employer, the employer's remuneration, the employment law, the principle of equal treatment,

The termination of the employment relationship (the fixed-term employment relationship, the basis of the termination, protection of the protection under the KSchG, special protection, the extraordinary termination, the notice of change, the termination protection act, the termination agreement).

3. What would be central topics for a curriculum? What should someone know, who wants to migrate within the EU?

These are on the one hand the fundamental freedoms with regard to the free movement of workers. And it is also very important, what kind of work migration is. They are classic frontier workers, or seasonal workers and they are qualified specialists. Different provisions apply to different groups of persons.

Within the EU, migration is comparatively easy on the basis of free movement of persons. EU citizens need no visa. One can pray the states of the EU with the normal identification document. In my opinion, the following things are important: How does this work with the employment contract? It is about the mediation of the basic rules of employment law, e.g. What happens when I'm sick? What is the legal framework for remuneration? Also important are claims for damages: what must the employee be liable for damage to property or personal injury? Even outside the working world, it is important to know what insurance you need in a country. Further questions would be: What happens to my pension points? What do I have to register for and how do I get access to the social security system?

4. What would be central contact persons or institutions?

The Federal Agency for Labor, it is a central point of contact and also provides various information for migrant workers in different languages. But the industrial and commercial chambers are also important partners in the craft sector. I think chambers and employers' associations have a great interest to participate in this because of the specialist problem. Perhaps they could also be invited as experts to such training courses. The points of contact also always depend on the profession, but the Federal Agency is a good first point of entry, since it all enters.

5. Where can importantly information be found on the Internet?

And the Internet disposes of a good base in springs which also are not everybody only on German. And there I can recommend three institutions:

- There is the BAMF (Responsible for third countries and citizens of the European Union) - first information on important subjects, for example: how can one use the generosity?

- The federal agency for work: there one finds information if it is about the recognition of occupational ends. The side also offers information about social benefits.

- EU commissions: there is a collection of information in all national languages. This is a base platform where EU directives are provided. There is also information about works abroad: i. e. Which permissions need them?

How is this with the equal treatment?

6. How can be given juridical BASIC best of all?

It must be pointed out that there are differences within the legislations. It is not of course in such a way that the single labour legislation systems of the single countries are identical. The pupils must be sensitised for these differences. They have to know something about the homepage of the EU commission, the SOLVIT. They offer a hotline which produce a linking to the places in the respective country. Perhaps an arrangement with SOLVIT should be produced within the scope of the curriculum.

6. What methods / content are required?

It would be good if there were documents or papers explaining in simple language the principles of the free

movement of workers. Best in several languages. That is, Prerequisites of immigration, sketching of the classical procedures. It would be important to keep this information simple, but it does not necessarily have to be a reference to the law. Law language sometimes increases the complexity unnecessarily. An overview should be drawn up, about numerous contact points, about insurance obligations and the relevant stakeholders. In order to better understand the fundamental rights and fundamental obligations of workers, employment contracts (exemplary) or public documents (for example, those of the Federal Agency for Labor) could be discussed. It is not so much a matter of legislation to work with documents. It has to be found within the scope of the educational offer: what is the actual need? Are there more gaps in the knowledge that are directly related to the labor market or are they interested in housing situations, kindergartens, etc. But that would be completely different contents again.

As an important option, Internet training would be possible: i. Information about sites where there is information in the respective country languages.

7. What needs to be considered?

If one wants to promote labor migration, it is not only important to give information in the country of origin, but also in the host country. Providing information in the country of origin through the host country is difficult. Possibly. The main taxpayers could be sketched. In order to stimulate migration, the Federal Agency and the Chambers of Commerce and the BAMF must be given much more consideration. The human factor must not be forgotten. Only legal bases are not sufficient for labor market integration. That is, Companies themselves have a great responsibility to achieve a great mobility. Labor migration is therefore also controlled by the factors of whether a family can follow suit or if the employer supports the housing search.

- **Country:** Spain
- **BRIGHT QUESTIONNAIRES – FYG CONSULTORES**
- **Name:** Alberto Domingo
- **Connection with the Law /Education sector:** connection with the law sector. CEO of AEQUUS ABOGADOS, law firm.
- **What is required by national laws to address national needs, requirements and citizen problems?**
- I believe that national laws are lacking a contact with reality and they are not able to actually collect which are the needs of the citizens. In Spain our main problem is we legislate too much, and later, at the time to put into practice those laws, in many cases there are not enough budget line items to allow those laws to be effective.
- **What is necessary to be known by citizen and how could they be helped to achieve such knowledge?**
- Information channels to citizens should be improved, so that it would be easier for them to understand the content of their laws and the way of making a use out of them. I believe it could be done by creating IT platforms and HHRR facilitated by the Administration in order to advise the citizens.
- **Do you know difficulties that refugees have in context with laws and national requirements?**
- Not having enough legal knowledge and the high economic costs that come with looking for an adequate advice in different countries, due to the lack of specific channels to help migrants.
- **Which are public bodies where refugees could receive information about national laws?**
- Bearing in mind the territorial structure in the case of Spain (national, autonomic and local) and taking into account the different subjects in which each of the Administrations theoretically offer citizen service bureaus, the most common situation is that when needed, immigrants do not know which administration they should address.
- **What is desired by the body seeking to adopt or propose the legislation?**
- *The specialist did not understand the question.*
- **What particular problems with current national laws or related laws did you noted in your country?**
- As previously mentioned, there is a lack of budget line items to improve the information channels for citizens and to make rules effective.
- **What stakeholders are involved and what interests or incentives might apply to them?**
- I believe we are all implied on this subject, the Administration, the law experts and the citizens, because an upgrade of the information provided and the budget line items would lead to an improved functioning of the Administration, which would probably help to improve the citizen service.

BRIGHT QUESTIONNAIRES – FYG CONSULTORES

Name: Juan Orri Bayarri

Connection with the Law /Education sector: connection with the law sector

What is required by national laws to address national needs, requirements and citizen problems?

The main legislative options in Spain are three, divided according to the institution that starts the process:

- **Royal Decree - Law:** popularly known as “*el decretazo*”, it is approved by the Government due to an extraordinary or urgent need and it cannot affect questions of big relevance, such as the General State Budget, the relationship with the autonomies or any question that should be developed through organic laws, for example. The Executive can approve them from one day to the next through the Council of Ministries, and there are 30 days for the Congress to validate or process it ordinarily. The Courts can process them as law projects through the Procedure of Urgency.
- The second type of legislation corresponds to **the laws**, which can be divided in several types:
 - **Law Project:** they are approved by the Government in the Council of Ministries, then submitted to the Congress, together with an exposure of the motives and antecedents necessary to speak out about them.
 - **Law Proposition**, which according to the Constitution is a type of legislation that can be initiated by:
 - 15 deputies, or a parliamentary group of the Congress
 - 25 senators or a group of the Senate
 - The Parliament of an Autonomic Community
 - The citizenship, through a Popular Legislative Initiative (PLI)
- And finally, in Spain exists the **Royal Legislative Decree**, which are rules elaborated by the Government for the development of certain dispositions contained in rules of superior range and around which exist an expressed delegation from the Parliament.

Apart from those options there are also **Ministerial Orders**, which are rules born and developed in a Ministry which see the light by decision of the Minister.

What is necessary to be known by citizen and how could they be helped to achieve such knowledge?

In Spain, the level of information for this type of initiative is very low, and associations such as consumer associations or the figure of the Ombudsman are the ones facilitating the necessary advice to achieve certain degrees of information and knowledge about it.

Do you know difficulties that refugees have in context with laws and national requirements?

The problems that foreign immigrants face have to do with the adaptation to the labour market conditions, which in Spain include a strong presence of informal economy, and with the access to housing, education and sanity.

Which are public bodies where refugees could receive information about national laws?

It can be considered a fact that the relationship with immigrants is usually more fluent through NGOs than through administrative and governmental dependencies, especially by the part of irregular immigrants, who are less scared or suspicious of an NGO than of a Public Body. The Public Body with the highest competence in Spain (related to this topic) is the Social Security.

What is desired by the body seeking to adopt or propose the legislation?

Any legislative initiative goes first by the Congress Table, which decides whether its processing should be started or not. Initiatives include exposure of the motives, antecedents, explicative memoirs and a series of perceptive reports which are public and go associated to the Law: from the General Council of the Judiciary, from the State Council, from the Economic and Social Council, due to a gender reason, economic memoirs or from any other State institution.

What particular problems with current national laws or related laws did you noted in your country?

The main problem in Spain nowadays, is that the Government must consider how initiatives can influence the General State Budget, either because they increment the expenses or because they diminish the income; they are able to paralyse their process; and together with the difficulty of the current existing government, they make any legislative modification and its later execution complicated.

For example: a specially serious problem in Spain is the rate of houses for rent, which is the lowest of Europe; only the 14% of houses are available for rent and only a 2% can be considered as social rent, in front of highly superior numbers in the rest of European countries. Additionally there is a high number of empty houses in diverse situations (ruined, saved for children, investment, second residence, summer renting...). An adequate tax on these houses would probably stimulate its market launching.

What stakeholders are involved and what interests or incentives might apply to them?

In the first place it is very important to manage the debt and treasury in Spain, a financial clean-up, to initiate a public-private collaboration (without losing out of sight that the public and private sectors are very different, it is necessary to explore collaboration roads to benefit both), and all of this cannot be done in a short-term way, not coordinated or without taking into account the implications between different bodies or relationships with the citizens, which allows to make changes in the structures, foundations and key gears. The transformation must not be a synonym of "revolution", but of essential changes which determine a relevant change of the obsolete structures, starting with a transformative focus, and a strategic, coherent, realistic and innovative planning.

Expert interviews

Name: Paula María Aguado Lozano

Connection with the Law /Education sector: Double degree on Law and Management and Master Degree in Taxation, working as lawyer for 4 years. Currently focused on assessing and training young entrepreneurs as an educator in Impulsa Joven (Department of Youth of Valencia with the aim of improving the employment and insertion of Valencian youth).

Questions:

What is required by national laws to address national needs, requirements and citizen problems?

(The entrepreneur does not properly understand the question).

One of the main problems of laws, which citizens associate with justice, in my opinion is the lack of a direct connection with citizens and the social reality. Many times citizens talk about injustice when referring to condemnns due to different felonies, they point out justice is a joke and similar things... I believe this is due to different fundamental reasons:

- Citizens unite justice to law responsibility. But they forget that the legislative power is not in the hands of tribunals or judges but the Courts. It is not justice itself but the laws which should be modified, and laws are not done by judges but by politicians/the legislative organs. Actually this complaint could be translated in how they do not see a fair legislative system (even if they are talking about justice) which can respond to the needs of the society and its values, where penalties for felonies are not proportioned to the perception the society has of their importance. In that sense I believe it would be necessary a reorder of the penalties and sanctions taking into account the topics worrying the society the most, and the values that are currently governing it.
For example, the sanctions related to the environment should be revised, because it is a topic highly valued and demanded for protection in the society. It should also be revised the felonies related to companies and politicians because the perception of the general society is that for the same felony, a politician or powerful businessman is always going to win over a regular citizen. The aggravating circumstances and deliberations should be revised for each case.
- There is a general lack of basic notions of politics and legality in our country. Even if it is a question that should be deeply treated, many citizens vote to a political party just because of its name or the general idea they represent, but they are not conscious of the reforms they want to make. And not only in relation to those measures, in general there is a lack of knowledge regarding the functioning of the legislative, executive and judicial systems which does not favour a positive perception of laws or justice. In my opinion it should be necessary to start from that base so that citizens could involve in legislation more actively.
- There is a popular legislative initiative but in my opinion it does not have a high practicality. I do not know if the problem is related to the requirements, the lack of citizenship implication or the procedure itself that allows it to stay blocked.

What is necessary to be known by citizen and how could they be helped to achieve such knowledge?

Citizens should be aware of basic notions of regulation and State Organisation, apart from the laws that are generally going to affect them. The lack of knowledge does not excuse from a law's compliance.

In my opinion, when we refer to the general administration, everything is seen as diffused by the regular citizen. Many different organs (stressing the Spanish territorial structure of Autonomic Communities, regions and municipalities, apart from the state ambit) have legal authority to regulate and organize questions which can affect the regular life of a person. Only with this situation, the citizens find themselves in many occasions not knowing to which organ they should ask or who is in charge of regulating a determined aspect. There is a lack of a common place in charge of many processes for citizens, instead of having to go from one place to another, "fighting" the administration. This could really facilitate management.

However, I still highlight the lack of basic knowledge regarding the system in general and legislation in particular. Children should not finish school without some general notions of Law, for example. The same way some schools are implementing subjects related to entrepreneurship, the same should be done with basic notions of the State. Currently the problem is not solved and creates a lot of problems in the long term related to that knowledge, starting with frustration and disregard to the administration and other organs, or to the previously explained misguided feeling of justice.

Do you know difficulties that refugees have in context with laws and national requirements?

Evidently immigrants usually encounter more difficulties than natives in the country. This comes determined by the amount of bureaucracy and requisites that they have to comply with. In this sense, the lack of knowledge and coordination among different organs is evident, and it is not only applicable to immigrants although it affects them in a higher measure.

In general, the different organs regulating several aspects of society, are not coordinated, so a citizen can receive different answers to the same legal inquiry when asking to different public organs. Furthermore, I could even affirm that in many occasions the answer we receive from a public organ is going to depend on the technician answering in that concrete moment, and depending to whom we ask the answer will be one or another. This creates a legal insecurity in general terms for all citizens, which many times do not know what to do in a concrete situation because, for example, Tax Revenue answers one thing and Social Security another. Or because the government workers indicated several requirements and at the end of the process for the approval of any type of permit need requirements are communicated.

This situation is even worse for immigrants as they have to face a higher bureaucracy and the concrete points inside their cases are not realised by most organs. There is an even higher lack of knowledge in concrete situations with immigrants and which requirements they need to meet to execute determined actions, or to have certain rights.

Which are public bodies where refugees could receive information about national laws?

In my opinion, it is necessary to go to organs specialised in immigration above all. I recommend to always consult in the first place the corresponding embassy or consulate. They usually have a juridical and assessing service which will have more concrete information of the situation and legal regime of the concrete immigrant, and which steps should he follow to regularise his situation.

For educational expert

Which are the educational procedures in your country for supporting citizen to know national and European laws?

That I know of, there are no educational procedures like that. We do have some regulated courses related to laws where they are studied. The main is obviously the degree in Law but other courses have as well formation in legal topics more or less deep, from Political Sciences or Administration and Public Relations, to the subject of legal medicine.

But I believe what it is really needed is a more basic education that would be compulsory and could provide elemental notions of laws, legality and organisation and functioning of the State, a subject included as a compulsory subject in secondary school for all young people.

What topics could be included in a curriculum dedicated to this scope?

I believe currently it is not a question that worries companies. In fact I might even say that the higher lack of knowledge the workers have regarding their rights, the better for companies. This is another of the legal questions that should be stressed, since many workers do not know which their legal situation is or what rights they have.

Which training methods are suitable for attracting people to participate in an oriented training?

It should be an education with an innovative methodology. Usually young people are saturated with the typical courses and education that only provide theory. They should focus on practical cases, guided visits, experts' talks... so that everything is more dynamic.

It is important for students to be involved since the beginning, to feel motivated and interested in the subject exposed.

Which are the connections between educational laws and other national laws?

In Spain we have a serious problem with educational laws. There is no political agreement related to it that allows the lasting approval and application of an educational law regulating all aspects related to education, and for this reason it has not been achieved either, in my point of view, a relation or direct connection between education and law.

First it should be tried to approve an educational law in consensus, which will not change with each government change, and which establishes general notions that comprise basic aspects of the general society.