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PROPOSAL

From: Secretary-General of the European Commission,
signed by Mr Jordi AYET PUIGARNAU, Director

date of receipt: 10 June 2016

To: Mr Jeppe TRANHOLM-MIKKELSEN, Secretary-General of the Council of
the European Union

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Subject: Proposal for a COUNCIL RECOMMENDATION on the European
Qualifications Framework for lifelong learning and repealing the
Recommendation of the European Parliament and of the Council of 23
April 2008 on the establishment of the European Qualifications Framework
for lifelong learning

Delegations will find attached document COM(2016) 383 final.

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Brussels, 10.6.2016
COM(2016) 383 final

2016/0180 (NLE)

Proposal for a

COUNCIL RECOMMENDATION

on the European Qualifications Framework for lifelong learning and repealing the Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

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

In today's and tomorrow's world, people need a higher and broader set of skills to work, communicate, access information, products and services and for social and civic participation.

A proper understanding and valuing of skills available is fundamental to help individuals to acquire and update skills throughout their life as they move between different types and levels of education, between education and employment and across countries. In this way, a better match can be achieved between supply of skills and the needs of the labour market.

Qualifications express what people know, understand and are able to do. They can take different forms such as a diploma or certificate. Transparency about what people actually learned in order to obtain a qualification ('learning outcomes') is key to ensuring that individuals and employers give the appropriate economic, social and academic value to qualifications.

Differences between education and training systems in the EU make it difficult to assess what someone holding a qualification from another country knows, understands and is capable of doing in learning or work contexts. Insufficient understanding hampers 'trust' in the quality and content of qualifications acquired in another Member State. The same goes for qualifications awarded outside the formal system and by international bodies and organisations. Insufficient trust in such qualifications reduces professional development, recruitment and promotion opportunities and further learning opportunities for the workers and learners who hold them, creating barriers to worker and learner mobility in the EU, within and between borders.

To cope with these differences we need a mechanism that can compare national qualification systems and ensure that the learning outcomes of each qualification can be easily understood and compared.

The European Qualifications Framework for lifelong learning (EQF)¹ was established in 2008 through a European Parliament and Council Recommendation. The aim was to improve the transparency, comparability and portability of people's qualifications in Europe.

The Recommendation created a common reference framework of eight European generic levels of learning, which serves as a 'translation grid' between national qualifications systems. Each level is defined in terms of knowledge, skills and competence in relatively abstract terms. All types and levels of qualifications are covered, including those resulting from formal education and training at all levels, but also private sector qualifications and international (sectoral) qualifications. Level 1 represents the lowest level of proficiency, level 8 the highest. In principle all possible ways of learning can lead to the learning outcomes corresponding to the eight levels, including non-formal and informal learning.

¹ OJ C 111, 6.5.2008, p.1.

The comparison of national qualification levels to the eight EQF levels is done through a process called 'referencing'. In this context, qualifications are first included in a national qualifications framework (classifying national qualifications and their levels) and then, through the EQF translation grid, their levels are compared across the EU.

The 2008 Recommendation on EQF invited Member States to:

- (1) relate their qualification systems and levels to the eight levels of the EQF by 2010;
- (2) indicate EQF levels on newly issued certificates/diplomas and or certificate/diploma supplements by 2012.

The 2008 EQF Recommendation is reaching its full implementation. A total of 39 countries currently participate in the EQF, signalling the level of commitment to the overall objective of transparency and comparability of qualifications across Europe. By early 2016, 22 Member States and five non-Member States had finalised the process of referencing their national qualifications levels to the EQF. Three Member States had presented a first referencing report, but their reports were still in the process of being endorsed by the EQF Advisory Group. The remaining three Member States had planned referencing in 2016. All countries with the exception of Italy have referenced their qualifications levels to the EQF through national qualifications frameworks. Furthermore, by early 2016 15 countries were putting EQF levels on certificates and diplomas, with a rapid increase expected by the end of 2016.

The EQF has been a significant driver in the development of national qualifications frameworks. This includes the related shift towards learning outcomes, moving away from awarding qualifications on the basis of input factors such as duration or hours in class. This systemic introduction of learning outcomes descriptions for all levels and types of qualifications has been since then key for the modernisation of education and training policies and practices, creating opportunities for more flexible learning paths for individuals.

Despite the successful implementation of the 2008 Recommendation on EQF, its objectives of transparency, comparability and portability of qualifications have not been fully reached. This is mainly due to limitations in the Recommendation itself. The EQF Recommendation should therefore to be revised in order to address the following challenges:

Not all countries have referenced their entire qualifications system to the EQF, despite its overarching character

Some countries have focused their referencing on vocational education and training (VET) qualifications only, while other countries have not included their general education system in this process. The picture is even more diverse for private, non-formal and international qualifications, which in some countries are part of national qualifications frameworks, but not in others. The current Recommendation does not provide any means to guarantee that all types of qualifications (including those from the private sector) are part of national frameworks. Moreover, qualification systems and frameworks change over time and the Recommendation does not include an invitation to Member States to keep the referencing of their national framework to the EQF up to date.

Substantial variations from country to country in the description of the content of similar qualifications

No common European format exists for describing qualifications and their learning outcomes: this hinders their comparability. Moreover, information on the content of a qualification is often difficult to find as it is in general neither systematically included in qualifications databases and registers nor shared at European level. The Commission and the Member States have agreed at technical level to present a minimum set of information. This would contain not only information on the learning outcomes of the qualifications but also information on quality assurance and possible credits.

Limitation of the term ‘competences’ to mean ‘autonomy and responsibility’

The term ‘competences’ as used in the context of learning outcomes descriptors in the third column of the EQF descriptors² of Annex II to the 2008 EQF Recommendation is limited to meaning ‘autonomy and responsibility’. This is inconsistent with the overarching definition of competence as widely used in European education and training policies, as formulated in Annex I to the 2008 EQF Recommendation: *‘the proven ability to use knowledge, skills and personal, social and/or methodological abilities, in work or study situations and in professional and personal development’*.

Trust in the quality and level of qualifications referenced to the EQF

This is essential to support the mobility of learners and workers within and across sectoral and geographical borders. However, the current common quality assurance principles refer to quality assurance in general, not specifically to qualifications referenced to the EQF. Furthermore, despite the EQF’s overarching nature, its quality assurance principles (Annex III to the 2008 Recommendation on EQF) refer to VET and higher education only, and do therefore not apply to qualifications:

- resulting from general education;
- resulting from the validation of non-formal and informal learning the private sector;
- international qualifications (whether sectoral or not).

This prevents trust between Member States across the full spectrum of qualifications.

No common arrangements for credit transfer and accumulation for EQF-related qualifications

Although the EQF aims to promote flexible learning pathways and focuses on learning outcomes independently of where the qualification has been acquired (i.e. any sector from formal education or through validation of non-formal and informal learning), no common arrangements exist for credit transfer and accumulation for qualifications related to the EQF. This makes it more difficult to move from one learning setting to another, both within and between Member States. Such transitions are, however, fundamental for individuals who experience several transitions throughout their learning and employment careers.

Increasing number of international (sectoral) qualifications based on standards developed by international companies or sectoral organisations

² In the context of EQF, ‘competence’ is described in terms of responsibility and autonomy.

The growing internationalisation of products and services value chains has triggered an increasing number of international (sectoral) qualifications industry-based training and certifications, based on standards developed by international companies or sectoral organisations, such as the e-competence framework or the banking and welding sectoral frameworks.

The current Recommendation stipulates that international sectoral organisations should be able to relate their qualifications systems to a common European reference point and thus show the relationship between international sectoral qualifications and national qualifications systems. However, the Recommendation did not create explicit provisions on how this direct relation to the EQF should be achieved. Owing to the lack of a common procedure, some Member States have integrated some international (sectoral) qualifications into their national qualifications frameworks. As a consequence, the same qualification would need to follow all national procedures, creating a high risk of inconsistencies between countries, specifically the risk that the same qualification is given different EQF levels. This also generates a high administrative burden for the international (sectoral) organisations as they also would need to sign up to all national quality assurance procedures and requirements.

Common training frameworks based on EQF levels

The Directive on recognition of professional qualifications (2005/36/EC) stipulates that common training frameworks for professions regulated at national level can be set by the Commission in delegated acts as minimum sets of learning outcomes based on EQF levels. Qualifications complying with the related common training framework will be automatically recognised across the EU. This provision is new and no common training frameworks have yet been established. The Directive does not stipulate how EQF levels will be allocated to the common training frameworks.

Relationships between EQF and national qualification frameworks in third countries

The EQF has been a source of inspiration for the development of national qualification frameworks and for the development of meta-frameworks outside the EU. Several third countries have expressed interest in referencing or aligning their systems to the EQF to enable comparability of their qualifications with those of the EU. Despite the growing inflows and outflows of learners and workers in and from the EU, the EQF Recommendation has no provision allowing for any formal alignment with third-country frameworks. In practical terms, this prevents formal comparison of third-country qualifications with qualifications awarded in the EU.

The lack of comparability of qualifications awarded in the EU with third-country qualifications hinders the trust in foreign qualifications and makes their recognition more difficult. It puts foreign-qualified migrants (including refugees) at a hiring disadvantage as compared to natives and hampers their opportunities for professional development and promotion. This situation applies as much to people with third-country qualifications coming to the EU as it does to people with EU qualifications going to third countries. At a more institutional level, association agreements between the EU and third countries like Morocco, Ukraine, Georgia and Moldova contain provisions on cooperation over referencing to the EQF. However, no governance mechanisms have been put in place to ensure the implementation of such provisions.

Governance of the EQF

Further to the adoption of the 2008 Recommendation on EQF, the Commission has established an informal expert group (the EQF Advisory Group, hereafter "EQF AG") to provide overall coherence and promoting transparency of the process of relating qualifications systems to the EQF. The 2008 Recommendation on EQF invited Member States to set up EQF National Coordination Points (EQF-NCPs) at the national level in order to support and coordinate a transparent referencing of the national qualifications systems to the EQF.

The EQF AG has been an effective platform for supporting exchange of information and networking between countries and has supported the referencing process with the establishment of referencing criteria. However the lack of coordination of EU governance structures on activities related to skills and qualifications as a whole prevents further efficiency and synergies between the EQF and other transparency instruments at EU and national level (such as Europass and ESCO) to occur.

Objectives of the proposal

This proposal builds on the achievements of the 2008 Recommendation on EQF. It ensures continuity in the processes launched by individual countries to reference their qualifications frameworks and levels to the EQF. The core of the EQF process, namely referencing of national qualifications frameworks and their levels to the EQF, remains in place. The proposal seeks to further develop the EQF and make it more effective in facilitating understanding of national, international and third-country qualifications by employers, workers and learners. The initiative should thus contribute to a better use of available skills and qualifications for the benefit of individuals, the labour market and the economy.

More specifically the objectives of the proposal are:

- to strengthen the existing process of referencing national qualifications systems and levels to the EQF;
- to improve transparency, comparability and understanding of qualifications held by individuals;
- to ensure that different countries implement the EQF more consistently;
- to improve dissemination and communication of the EQF;
- to support flexible learning pathways and seamless transitions within and between education and training systems and between education/training and employment;
- in a further stage, to improve the transparency, understanding and comparability of third-country qualifications with qualifications awarded in the EU;
- to ensure more effective governance of the EQF at EU and national level.

The initiative is not part of the 'REFIT' regulatory fitness programme.

- **Consistency with existing policy provisions in the policy area**

The proposal is one of the initiatives of the New Skills Agenda for Europe and is complementary to other actions proposed in that context:

- The Council Recommendation inviting Member States to put in place a Skills Guarantee³. The Skills Guarantee will be offered to adults who have left initial education or training without completing upper secondary education or equivalent (EQF level 4). The Guarantee will give them access to upskilling pathways which allow them to acquire a minimum level of literacy, numeracy and digital skills and/or a wider set of skills, leading to a qualification at EQF level 4.

The proposal is also consistent with other European policies and initiatives on education and employment, namely:

- Decision No 2241/2004/EC of the European Parliament and of the Council on a single Community framework for the transparency of qualifications and competences, which provides a framework helping people to present their skills and qualifications⁴.
- the new priorities of the strategic framework for European cooperation on education and training through to 2020, as established by the Joint Report of ‘Education and Training 2020’ adopted in 2015⁵. The report calls for further development of the EQF in order to make qualifications more transparent and comparable;
- the Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning⁶, which invites Member States to put in place arrangements for validating non-formal and informal learning linked to national qualifications frameworks. The arrangements, which should be in line with the EQF, should be in place no later than 2018. According to the Recommendation, individuals should be able to obtain full or partial qualifications on the basis of validated learning outcomes acquired outside formal education and training systems;
- the multilingual European Classification of Skills, Competences, Qualifications and Occupations (ESCO). Both ESCO and the EQF will use the same format for electronic publication of information on qualifications (included in Annex VI to the proposal);
- the European Standards and Guidelines (ESG) for Quality Assurance in Higher Education⁷ developed in the context of the European Higher Education Area and the Recommendation of the European Parliament and of the Council of 18 June 2009 on the establishment of a European Quality Assurance Reference Framework for Vocational Education and Training (EQAVET)⁸;
- the independent European Quality Assurance Register in higher education⁹ developed in the context of the European Higher Education Area, which is a register of quality assurance agencies that comply substantially with the ESG;

³ Proposal for a Council Recommendation on establishing a Skills Guarantee COM(2016) 382

⁴ OJ L 390, 31.12.2004, p.6.

⁵ OJ C 417, 15.12.2015, p. 25.

⁶ OJ C 398, 22.12.2012, p. 1.

⁷ http://www.enqa.eu/wp-content/uploads/2015/11/ESG_2015.pdf.

⁸ OJ C 155, 8.7.2009, p. 1.

⁹ <https://www.eqar.eu/>.

- the European Credit Transfer and Accumulation System (ECTS)¹⁰ developed in the context of the European Higher Education Area and the European Credit System for Vocational Education and Training (ECVET) established through the Recommendation of the European Parliament and of the Council of 18 June 2009¹¹;
- the Bologna process on higher education: 38 of the 48 European countries of the European Higher Education Area participate in the EQF. The proposal is compatible with the Qualifications Framework for the European Higher Education Area (QF-EHEA). In particular, the descriptors for levels 5-8 of the EQF are compatible with the Dublin descriptors for the three cycles of the QF-EHEA, including the short cycle that is linked or within the first cycle. Current referencing practice shows that most countries have referenced to the EQF and self-certified to the QF-EHEA in a single process;
- the Council of Europe Convention on the Recognition of Qualifications concerning Higher Education in the European Region (the Lisbon Recognition Convention) and the Recommendation on the use of qualifications frameworks in the recognition of foreign qualifications, which refers explicitly to the EQF as a tool to be used in academic recognition;
- employment policies and initiatives, such as the EURES Regulation and the Council Recommendations on the Youth Guarantee and on Long Term Unemployment;
- Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications¹², amended by Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013¹³. Under the Directive, the Commission can set up common training frameworks as a common set of minimum learning outcomes necessary for the pursuit of a specific profession. The common training frameworks are to be based on EQF levels.

- **Consistency with other Union policies**

The proposal supports the Commission's priority to boost growth and jobs by facilitating a better use of the human capital, and thereby help growth and competitiveness. It seeks to remove obstacles to mobility and thereby it facilitates and supports the objective of free movement of workers.

Having a better understanding of third-country qualifications supports the European Agenda on Migration. The growing migration flows to and from the European Union highlight the need for a better understanding of qualifications awarded outside the EU, as well as the need to foster integration of migrants into EU labour markets as also underlined in the EU Action Plan on the Integration of third-country nationals¹⁴. The proposal is consistent with EU policy on the recognition of professional qualifications.

¹⁰ http://ec.europa.eu/education/library/publications/2015/ects-users-guide_en.pdf.

¹¹ OJ C 155, 8.7.2009, p.11.

¹² OJ L 255, 30.9.2005, p. 22.

¹³ OJ L 354, 28.12.2013, p. 132.

¹⁴ COM(2016)377 of 07.06.2016, Action Plan on the Integration of third-country nationals.

2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY

• Legal basis

The proposal is based on Articles 165 and 166 of the Treaty.

Article 165 provides that: *‘The Union shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action.’* Aims of EU action referred to in Article 165(2) include:

- encouraging the academic recognition of diplomas and periods of study;
- developing exchanges of information and experience on issues common to the education systems of the Member States.

Article 166 provides that: *‘The Union shall implement a vocational training policy to support and supplement the action of the Member States.’* Article 166(3) provides that: *‘The Union and the Member States shall foster cooperation with third countries and the competent international organisations in the sphere of vocational training.’*

The proposal ensures continuity of processes started under the 2008 Recommendation on EQF, which was based on the same articles. The EQF encompasses objectives for general and academic education and for vocational training at all levels. The EQF is essential to support mobility of learners and workers within and across sectoral and geographical borders. It encourages cooperation between Member States and supports and complements their action.

• Subsidiarity (for non-exclusive competence)

A lack of transparency, understanding and valuing of skills and qualifications is a hindrance to geographical and occupational mobility of workers and learners that affects the EU as a whole. It is a major cause for the underuse of available skills, both from EU nationals and from third-country nationals, especially when holding foreign qualifications, and as such is an important cause of skills mismatches.

The current tools at European level have clear limits and without further policy action there will be no change to that situation. Cross-border mobility makes it necessary to have arrangements at EU level to improve transparency and understanding of qualifications. It is not possible to achieve this through action at the national level. At the same time, the Member States’ responsibility for the content of teaching and the organisation of education systems must be respected. The initiative does not interfere with the responsibility of Member States for the content and design of their education and training systems.

• Proportionality

The actions proposed under the Recommendation are proportional to reaching the objectives. The proposal for a Council Recommendation based on Articles 165 and 166 of the TFEU ensures continuity of processes launched by individual countries to reference their qualifications frameworks and levels to the EQF, as provided for in the 2008 Recommendation on EQF. The proposal accommodates Member States’ need for a differentiated approach reflecting the different economic financial and social situations and does not go beyond what is needed. Existing reporting systems will be used, minimising the administrative burden.

- **Choice of the instrument**

The choice of instrument — a Council Recommendation — is in conformity with Articles 165 and 166 of the Treaty. The existing EQF, to be repealed and replaced by the revised Council Recommendation, was based on a European Parliament and Council Recommendation. Past experience has shown that the European Parliament and Council Recommendation has been an effective tool well implemented by Member States.

3. RESULTS OF EX POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS

- **Ex post evaluations/fitness checks of existing legislation**

Two independent evaluations of the EQF Recommendation were carried out, one on behalf of the European Parliament¹⁵ and the other on behalf of the Commission¹⁶. Their main findings and recommendations were taken up in the Commission's report to the European Parliament and the Council of 19 December 2013, which concluded that:

- transparent and coherent EQF referencing should be enhanced in light of the changing nature of qualifications systems;
- the role and impact of qualifications frameworks based on learning outcomes at national and European levels should be strengthened;
- a clarification of the 'competence' descriptor can support greater consistency of the referencing process;
- communication on the EQF should be improved to better reach out to learners, workers and other stakeholders;
- the link between qualifications frameworks and quality assurance systems should be strengthened;
- the role of the EQF in relation to international qualifications and to third-country qualifications should be clarified.

- **Stakeholder consultations**

Many stakeholders have been consulted¹⁷. Consultation has taken the form of:

- meetings;

¹⁵

http://www.europarl.europa.eu/meetdocs/2009_2014/documents/cult/dv/esstudieurqualifframewimplem.pdf.

¹⁶

<http://ec.europa.eu/ploteus/sites/eac-eqf/files/DG%20EAC%20-%20Evaluation%20EQF%20-%20Final%20Report%20-%20Final%20Version.pdf>.

¹⁷

Specific consultations on the revision of the EQF Recommendation were held with the EQF Advisory Group on 19 January 2016 and with the EU social partners on 20 January 2016. For further details on the results of these consultations, see Commission Staff Working Document analytical underpinning of a New skills Agenda for Europe, SWD(2016) 195.

- the response to a discussion paper detailing the issues and possible ways ahead for the revision of the EQF;
- part of the general discussion paper on the New Skills Agenda.

The replies to the consultation show strong support for the EQF as a transparency tool. Stakeholders stressed the importance of ongoing national processes related to qualifications frameworks, which have brought together stakeholders from different education and training sectors, employment and the youth sector.

The consultation strongly supported the need to revise the Recommendation. In this context stakeholders stressed the need to increase the consistency of referencing results across countries. Stakeholders also supported:

- a common format for learning outcomes while taking into account diversity of national approaches;
- including common principles on quality assurance related to all types and levels of qualifications referenced to the EQF;
- common principles on credit systems linked to the EQF;
- the need to update the Recommendation to today's reality and to use the revision to clarify the Recommendation.

Stakeholders also agreed that the Recommendation needs to be clearer on international (sectoral) qualifications. They stressed that the requirements of quality assurance and learning outcomes applying to national qualifications should equally apply to international (sectoral) qualifications.

Stakeholders stressed that the main focus of the EQF should be on creating transparency in Europe the EU (strengthening the comparability and robustness of implementation) and that comparability of EU and third-country qualifications should not be an immediate priority for action.

These observations broadly confirm the results of the Commission's 2014 public consultation on a European Area of Skills and Qualifications¹⁸.

The proposal reflects the contributions of stakeholders. However, the Commission considers that creating international links between the EQF and third-country national and regional frameworks is necessary in the context of the European Agenda on Migration including the need to foster labour market integration of migrants and the wider EU external policy.

- **Impact assessment**

The proposal takes the form of a Council Recommendation which revises an existing tool and leaves flexibility to Member States on the way it is implemented at national level. Therefore no impact assessment has been carried out. Nevertheless the proposal is underpinned by a large body of empirical evidence on the implementation of the EQF Recommendation at EU and national level. This evidence also sets out what is known about the costs and the benefits

¹⁸ http://ec.europa.eu/dgs/education_culture/more_info/consultations/documents/skills-results_en.pdf.

of implementing the existing EQF recommendation. All evidence is included in the Commission Staff Working Document accompanying the New Skills Agenda for Europe and its dedicated Annex on the EQF.¹⁹

The following three not mutually exclusive options were considered:

Option 1: Strengthening comparability of qualifications through more rigorous referencing. This option does not extend the scope of the current Recommendation.

- Improving the quality and coherence of referencing: the EQF would be strengthened through invitations to Member States and the Commission to ensure that referencing is carried out in a coherent way both at system and qualification level, with explicit acknowledgement of the referencing criteria. It would become explicit that referencing is not a one-off process with a single deadline (currently 2010) but a continuous process requiring Member States to ensure that published information on referencing is up to date and corresponds to national developments.
- The term ‘competence’ as heading for the third column of the EQF descriptors (Annex II to the 2008 Recommendation on EQF) would be changed into ‘Responsibility/Autonomy’ as the term ‘competence’ is not used consistently in the 2008 EQF Recommendation. Removing this conceptual inconsistency would strengthen the learning outcomes approach promoted by the EQF.
- Improving the dissemination and communication of the EQF: Member States would be requested to publish the results of the referencing process and information on qualifications at national and European level. The basic information to be published on each qualification would be compiled using a common format. A visual way of expressing EQF levels on certificates and diplomas would be also developed.
- The EQF Recommendation would establish common quality assurance principles for qualifications to be referenced to the EQF. The Member States’ responsibility for quality assurance arrangements applying to national qualifications²⁰ would be fully respected in this process, in line with the principle of subsidiarity.
- Principles for credit systems related to the EQF would be created to achieve better communication between credit systems and qualifications. This would improve portability of learning outcomes of (components of) qualifications across different learning settings, including learning outcomes acquired through non-formal and informal learning.

The current Recommendation would be revised on the basis of Articles 165 and 166 TFEU.

Option 2: Establishing referencing criteria and a mechanism for the referencing of international qualifications and international sectoral qualifications frameworks to EQF: this

¹⁹ Commission Staff working Document Analytical underpinning for a New Skills Agenda for Europe; SWD(2016) 195.

²⁰ The principles are fully compatible with the European Standards and Guidelines for Quality Assurance in the European Higher education Area and with European Quality Assurance in VET (EQAVET). Quality assurance principles for general education at EU level are the subject of ongoing discussion under the Education and Training 2020 framework.

option would clarify the provision in the current Recommendation on international (sectoral) qualifications. It would also include the actions proposed in option 1.

This would entail establishing, with Member States, criteria for referencing international (sectoral) qualifications and a common process for allocating an EQF level to international (sectoral) qualifications²¹.

The current Recommendation would be revised on the basis of Articles 165 and 166 TFEU.

Option 3: Improving comparability of qualifications awarded in the EU with third-country qualifications. This option would extend the scope of the EQF. It would also include the actions proposed in option 1.

This would entail establishing mechanisms for comparability of qualifications awarded in the EU and third-country qualifications, including four different cases:

- Structured dialogues with EU neighbourhood countries that have an association agreement with the EU, possibly resulting in the referencing of their national qualifications frameworks to the EQF;
- alignment of the EQF with mature national qualifications frameworks, including level-to-level comparisons;
- alignment of the EQF with mature, regional qualifications frameworks around the world, including level-to-level comparisons;
- EU support (e.g. through development aid) to countries for developing national qualifications frameworks.

The current Recommendation would be revised on the basis of Articles 165 and 166 TFEU.

The analysis and comparison of options are presented in Commission Staff Working Document²² on the basis of available evidence.

4. BUDGETARY IMPLICATIONS

The existing resources of the Erasmus+ programme are used to support the implementation of this Recommendation.

The proposed Council recommendation does not require additional EU budget and staff resources for the Commission.

²¹ This would be without prejudice to national procedures for including qualifications in national qualifications frameworks.

²² SWD (2016) 195

5. OTHER ELEMENTS

• Detailed explanation of the specific provisions of the proposal

The proposal for a revised EQF Recommendation will repeal and replace the European Parliament and Council Recommendation of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning.

The following elements of the 2008 Recommendation on EQF are maintained in the revised Recommendation:

- Member States are recommended to use the EQF as a reference tool to compare the qualification levels of different national qualifications systems;
- Member States are recommended to relate the qualifications systems and levels to the EQF in a transparent manner, using an approach based on learning outcomes;
- Member States should act to ensure that all new certificates, diplomas or qualification supplements issued by the competent authorities contain a clear reference to the appropriate EQF level so individuals and employers can see the daily benefits of greater transparency of qualifications.

The following elements have been changed or are new compared with the 2008 Recommendation on EQF:

- Member States will be recommended to update the referencing on regular basis. In this way the comparison between national qualification levels and the EQF levels will remain relevant and in line with the national qualification systems;
- Member States will be recommended to apply the methodologies on referencing to ensure consistency in implementation of the EQF across different Member States;
- the term ‘competences’ in the EQF descriptors (Annex II) as a type of learning outcome is replaced by ‘autonomy and responsibility’ to be more faithful to the corresponding learning outcomes descriptors;
- the EQF referencing criteria for national qualifications frameworks developed by the EQF Advisory Group since 2008 have been included in the Recommendation as Annex III;
- the Recommendation proposes a revised annex on principles for quality assurance to be applied to qualifications that are to be referenced to the EQF (Annex IV). These principles fully respect the responsibility of Member States for national quality assurance arrangements that apply to national qualifications, in line with the principle of subsidiarity. These common principles are compatible with the European Standards and Guidelines (ESG) for Quality Assurance in the European Higher education Area and with European Quality Assurance in VET (EQAVET). Quality Assurance principles at European level for general education are subject of ongoing discussion in the context of ET2020.
- introduction of an annex on principles for credit systems related to the EQF (Annex V);

- the proposal invites Member States to make the results of the referencing process publicly available after referencing. Member States should further ensure that information on qualifications and their learning outcomes is accessible and published. To this purpose, elements for a common format for describing qualifications are proposed to be included in Annex VI;
- the proposal invites the Commission, in cooperation with Member States and stakeholders, to explore the possibility of developing a European register, outside the field of higher education, for bodies monitoring quality assurance systems for qualifications. Such a register would be similar to the higher education European Quality Assurance Register referred to above;
- the proposal invites the Commission to develop a standardised visual way in which the EQF is communicated. This would ensure better outreach to learners, workers and other stakeholders;
- the revised Recommendation lays the foundations for relationships between third-country national and regional qualifications frameworks and the EQF, even if these are not the primary priority of implementation. Any such relationships should be in accordance with international agreements;
- the Commission intends to set up an expert group to provide the necessary platform for cooperation between the Commission, Member States and relevant stakeholders in the implementation and monitoring of this Recommendation. This will include the tasks implemented by the EQF Advisory Group since 2008;
- the proposal invites Member States to strengthen the coordination of the national implementation of the EQF;
- the Recommendation no longer makes any explicit reference to international sectoral organisations using the reference levels and principles of the EQF.

Proposal for a

COUNCIL RECOMMENDATION

on the European Qualifications Framework for lifelong learning and repealing the Recommendation of the European Parliament and of the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 165 and 166 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Qualifications serve a variety of purposes. They signal to employers what holders in principle know and are able to do i.e. what are known as ‘learning outcomes’. They may be a pre-requisite for accessing certain regulated professions. They help education and training authorities and providers to determine the level and content of learning acquired by an individual. They are also important for an individual as an expression of personal achievement. As a result qualifications play an important role in raising employability, easing mobility and access to further education.
- (2) Qualifications are the formal outcome of an assessment and validation process by a competent body and typically take the form of recognisable documents such as certificates or diplomas. They determine that an individual has achieved learning outcomes to given standards. These learning outcomes may be acquired through a variety of paths in formal, non-formal or informal settings. Information on learning outcomes should be easily accessible and transparent.
- (3) The Recommendation of the European Parliament and the Council of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning²³ (‘the 2008 Recommendation on EQF’) created a common reference framework of eight levels of qualifications, expressed as learning outcomes with increasing levels of proficiency. These serve as a translation device between different qualifications systems and their levels. The purpose of the European Qualifications Framework for Lifelong Learning (EQF) is to improve the transparency, comparability and portability of people’s qualifications.
- (4) The wider objectives of the Recommendation are to contribute to modernising education and training systems, and to increase the employability, mobility and social

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OJ C 111, 6.5.2008, p.1.

integration of workers and learners. It further aims at better linking formal, non-formal and informal learning, leading also to the validation of learning outcomes acquired through experience.

- (5) Member States have developed national qualifications frameworks based on learning outcomes and related these to the EQF through a process called 'referencing'. The EQF levels and learning outcome descriptors have contributed to better transparency and comparability of qualifications at system level. They have also contributed to a general shift towards a learning outcomes orientation in education and training.
- (6) Qualifications held by individuals are more transparent and comparable if they are presented in documents that include a reference to the pertinent and applicable EQF level and a description of the achieved learning outcomes.
- (7) A wide range of stakeholders should be involved in implementing the EQF at Union and national level in order to ensure its broad support. Key stakeholders are: education and training providers (whether formal or non-formal), qualifications authorities, employers, trade unions, chambers of industry, commerce and skilled crafts, bodies involved in the recognition of academic and professional qualifications, employment services and services in charge of migrants' integration.
- (8) In its report to the European Parliament and the Council of 19 December 2013 on the evaluation of the EQF²⁴, the Commission concluded that the EQF is widely accepted as a reference point for developing qualifications frameworks, for implementing the learning outcomes approach, and for improving the transparency and recognition of skills and competences. It emphasises that the Union should make it possible for learners and workers to make their skills more visible no matter where they acquired them.
- (9) Transparency and recognition of skills and qualifications are one of the new priorities under the strategic framework for European cooperation in education and training through to 2020 (ET 2020), adopted in 2015²⁵. The report stresses that EQF should be further developed in order to make qualifications more transparent and comparable. With regard to newly arrived migrants, existing transparency instruments could also help a better understanding of foreign qualifications in the EU, and vice versa.
- (10) The EQF and the national qualifications frameworks referenced to it can support existing recognition practices thanks to the strengthened trust, understanding and comparability of qualifications they bring. This makes the process of recognition for learning and working purposes easier.
- (11) National qualification frameworks and systems change over time and their referencing to the EQF should be regularly updated.
- (12) Trust in the quality and level of qualifications referenced to the EQF is essential if we want to support mobility of learners and workers within and across sectoral and geographical borders. The 2008 Recommendation on EQF contains common principles on quality assurance in higher education and vocational education and

²⁴ COM(2013) 897 final.

²⁵ OJ C 417, 15.12.2015, p. 25.

training. They should also fully respect the responsibility of Member States for quality assurance arrangements applying to national qualifications, in line with the principle of subsidiarity. The Standards and Guidelines for Quality Assurance in the European Higher Education Area²⁶ and the European Quality Assurance Reference Framework for Vocational Education and Training²⁷ build a basis for such common principles²⁸.

- (13) Credit systems help individuals to progress in learning by facilitating transfer across different levels and types of education and training and across national borders. They facilitate the design, delivery and assessment of the learning outcomes of full qualifications or components of qualifications. They enable learners to combine different learning outcomes acquired in different learning contexts, including digital, non-formal and informal learning.
- (14) Most existing credit systems at both national and European levels operate within institutional contexts like higher education or vocational education and training. At European level, the European Credit Transfer and Accumulation System has been developed for higher education²⁹ in the European Higher Education Area. For vocational education and training, the European Credit System for Vocational Education and Training³⁰ has been put in place through a European Parliament and Council recommendation. There is an increasing need for permeability in education and training systems and for more flexible learning pathways. In response to this, closer synergies are needed between qualifications frameworks and credit systems and credit systems need to work better together.
- (15) While the EU acquis on legal migration and asylum provides for equal treatment with nationals in terms of recognition of qualifications (and even for facilitation measures as far as beneficiaries of international protection are concerned³¹), third-country nationals with tertiary education continue to face high rates of over-qualification and under-employment. Cooperation between the Union and third countries over the transparency of qualifications can foster migrants' integration into Union labour markets. Given the growing migration flows to and from the Union, better understanding is needed of qualifications awarded outside the Union. An increasing number of countries are seeking closer links between their qualifications framework and the EQF.
- (16) Article 49a of the revised Directive 2005/36/EC of the European Parliament and of the Council³² provides that '*common training frameworks*' for regulated professions can be set up through a Commission delegating act as a common set of knowledge, skills and competences. Common training frameworks '*shall be based on levels of the EQF*'.

²⁶ http://www.enqa.eu/wp-content/uploads/2015/11/ESG_2015.pdf.

²⁷ OJ C 155, 8.7.2009, p. 1.

²⁸ Quality assurance principles at European level for general education are subject to ongoing discussion under the Education and Training 2020 framework.

²⁹ http://ec.europa.eu/education/library/publications/2015/ects-users-guide_en.pdf.

³⁰ OJ C 155, 8.7.2009, p.11.

³¹ Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.

³² Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications, OJ L 255, 30.9.2005, p. 22.

When setting up delegated acts, the Commission should ensure that existing expertise on the implementation of the EQF will be used. Reference to EQF levels on qualifications should not affect access to the labour market where professional qualifications have been recognised in accordance with the revised Directive 2005/36/EC.

- (17) The Framework for Qualifications of the European Higher Education Area³³ provides descriptors for the first, second and third cycles of higher education. Each cycle descriptor offers a statement on the achievements and abilities associated with the qualifications awarded at the end of that cycle. The EQF is compatible with the qualifications framework for the European Higher Education Area and its cycle descriptors. EQF levels 5-8 correspond to the first (including the short cycle that is linked or within the first cycle) second and third cycles respectively of the qualifications framework for the European Higher Education Area, as further specified in Annex II.
- (18) Decision No 2004/2241/EC of the European Parliament and of the Council on a single Community framework for the transparency of qualifications and competences (Europass) which helps people to better present their skills and qualifications³⁴.
- (19) The multilingual European Classification of Skills, Competences, Qualifications and Occupations ('ESCO Classification') supports a better link between education and employment. The information on qualifications referenced to the EQF will be reflected in ESCO.
- (20) Information on the process of referencing qualifications frameworks to the EQF and on qualifications referenced to the EQF should be readily accessible for the public, including through the Europass framework. The use of common data structure, formats and authentication methods for describing qualifications would support this objective. It would also facilitate the understanding and use of published information on qualifications.
- (21) In order to make the EQF more visible and to better reach out to users, documentation such as certificates and diplomas on new qualifications referenced to the EQF should contain a visual reference to the appropriate EQF level.
- (22) Coherence, complementarity and synergies at national and Union level should exist between the implementation of the EQF, national qualifications frameworks and current and future tools on transparency and recognition of skills and qualifications, including those for quality assurance, credit accumulation and transfer and those developed in the European Higher Education Area.
- (23) This Recommendation consolidates the EQF as a common reference framework of eight levels expressed as learning outcomes, serving as a translation device between different qualifications frameworks, systems and their levels.
- (24) The Commission intends to set up a platform for cooperation between the Commission, Member States and relevant stakeholders on the implementation and

³³ <http://www.ehea.info/Uploads/qualification/QF-EHEA-May2005.pdf>.

³⁴ OJ L 390, 31.12.2004, p.6.

monitoring of this Recommendation. This will include the tasks implemented by the EQF Advisory Group since 2008.

- (25) Member States should ensure the coordination of tasks implemented by EQF National Coordination Points since 2008.

HEREBY RECOMMENDS THAT MEMBER STATES:

- (1) Use the European Qualifications Framework as a tool to compare all types and levels of qualifications in the Union.
- (2) Reference their national qualifications systems and frameworks to the European Qualifications Framework, in particular by referencing their qualification levels to levels of the EQF set out in Annex II and by using the criteria set out in Annex III.
- (3) Update the referencing of the levels of the national qualification framework to the levels of the EQF set out in Annex II and using the criteria set out in Annex III, on a regular basis and at a maximum interval of five years.
- (4) Ensure that referenced qualifications comply with the common principles for quality assurance set out in Annex IV, without prejudice to national quality assurance principles that apply to national qualifications.
- (5) Ensure that credit systems for national qualifications frameworks and systems comply with the common principles on credit systems set out in Annex V, without prejudice to national decisions to make use of credit systems.
- (6) Take measures to ensure that all new certificates, diplomas and qualification supplements issued by the competent authorities contain a clear reference to the appropriate EQF level.
- (7) Make the results of the referencing process publicly available at national and Union level and ensure that information on qualifications and their learning outcomes is accessible and published, using the common format set out in Annex VI.
- (8) Encourage the use of EQF by social partners, public employment services, education providers and public authorities to support comparison of qualifications and transparency of their learning outcomes.
- (9) Strengthen the coordination of the national implementation of this Recommendation, taking into account the lessons learnt from the operations of national bodies supporting skills development.

HEREBY RECOMMENDS THAT THE COMMISSION, IN COOPERATION WITH MEMBER STATES AND STAKEHOLDERS:

- (10) Support consistency in the implementation of the EQF across Member States by developing methodologies on the levelling of national qualifications.
- (11) Develop methodologies on the use and application of learning outcomes in qualifications.

- (12) Explore the possibility of developing a register, outside the field of higher education, for bodies monitoring quality assurance systems for qualifications.
- (13) Develop a standard format for describing learning outcomes to be used for comparison purposes.
- (14) Develop a standardised way of communicating about the EQF, in particular how to present EQF levels on new certificates, diplomas and qualification supplements.
- (15) Support the step-by-step development and application of criteria and procedures to enable comparison of third countries' national and regional qualifications frameworks with the EQF, in accordance with international agreements.
- (16) Set up peer reviews and best practice exchanges between Member States.
- (17) Ensure the development of EQF in full coherence with European cooperation in education and training under the ET 2020 strategic framework.
- (18) Ensure that the Erasmus+ programme is used to support the implementation of this Recommendation.

HEREBY RECOMMENDS THAT THE COMMISSION:

- (19) Report on progress following the adoption of this Recommendation, as appropriate, in the context of relevant education/training and employment policy frameworks.
- (20) Assess and evaluate, in cooperation with the Member States and after consulting the stakeholders concerned, the action taken in response to this Recommendation and by 2022 reports to the Council on the experience gained and implications for the future, including, if necessary, the possible review and revision of this Recommendation.

The European Parliament and Council Recommendation of 23 April 2008 on the establishment of the European Qualifications Framework for lifelong learning is repealed.

Done at Brussels,

*For the Council
The President*