



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 6.11.2007
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Proposal for a

**DECISION OF THE EUROPEAN PARLIAMENT
AND OF THE COUNCIL**

**repealing Council Decision 85/368/EEC on the comparability of vocational training
qualifications between the Member States of the European Community**

(presented by the Commission)

EXPLANATORY MEMORANDUM

1. CONTEXT OF THE PROPOSAL

The current proposal forms part of the simplification programme within the Commission Legislative and Work Programme for 2007, which aims to simplify the regulatory environment for business and other stakeholders.

In reviewing existing legislation, the Commission considers that Council Decision 85/368/EEC of 16 July 1985 on the comparability of vocational training qualifications between the Member States of the European Community is redundant and should therefore be repealed.

Aims of Council Decision 85/368/EEC

Council Decision 85/368/EEC introduced a system for the comparability of vocational education and training (VET) qualifications. It aimed to give workers an opportunity to make better use of their qualifications to obtain access to employment in other Member States. The system defined in the Decision sought to achieve this by defining practical job descriptions in specified occupations, readable across the Community, and so provide firms, workers, and public authorities with the necessary information on the comparability of qualifications obtained in various Member States.

The Decision called for the Commission and Member States to cooperate in drawing up Community job descriptions for specific occupations or groups of occupations, and then match vocational training qualifications recognised in the Member States with these agreed job descriptions.

Comparative tables were to be established incorporating information on: the SEDOC register (used in connection with the European system for the international clearing of vacancies and applications for employment), national classification codes, the level of vocational training, vocational titles in each Member State and the corresponding qualifications, the organisations and institutions responsible for providing vocational training and the bodies responsible for the issuing or validation of diplomas, certificates and other documents. The mutually agreed Community job descriptions and the comparative tables were then to be published in the Official Journal of the European Union.

The Decision also required countries to designate a coordination body to gather and disseminate information on comparable vocational qualifications; the Commission, in cooperation with these bodies, would review the mutually agreed job descriptions and tables relating to the comparability of vocational qualifications. Member States were also required to submit reports every four years on implementation of the Decision at the national level.

Non-implementation of the Decision

In practice, however, the system proposed by the Decision proved cumbersome and implementation at best partial.

The Commission and Member States concentrated initially on the occupational qualifications of skilled workers. As a first step, 219 VET qualifications in 19 sectors were designated: the

19 sectors were chosen to reflect occupations whose workers were most likely to move to other countries.

Procedures for defining job descriptions and comparing qualifications, involving the Commission, Cedefop and Member State experts, were established. But a report prepared for the Commission in 1990 detailed the difficulties in this process and acknowledged the slow pace of progress - by 1990 data on the comparability of qualifications had been published for only 5 of the 19 specified sectors, covering 66 occupations. The process of recording, describing and comparing qualifications had proven slow and unwieldy. The 1990 report underlined the importance of completing work on the comparability of qualifications in time for the planned completion of the Internal Market by the end of 1992. It proposed simplifying procedures and accelerating the pace, setting targets to agree descriptions of occupations in 14 more sectors before the end of 1992. In practice this proved too ambitious and these targets were not achieved.

The Decision also proved too inflexible to adapt to changing needs. Although the Decision referred to the need to adapt to new situations brought about by technological change, the Commission, Cedefop and the Member States came to accept that the centralised approach chosen, and the constant and rapid evolution of qualifications, soon made the published information out of date.

The 1990 report had emphasised that the system would only be effective if used by Member States – in reality the work carried out at the European level had little impact at the level of national and sectoral stakeholders.

For all these reasons, implementation of the activities specified in the Decision was soon abandoned.

The present proposal to repeal therefore contributes to the Commission's programme to simplify legislation to enhance competitiveness as part of its Growth and Jobs Agenda, and in order to improve the overall quality of the legal framework of the Communities.

The Commission additionally believes that the VET Decision is superseded by several more recent initiatives taken at EU or inter-governmental level to increase transparency, support transfer and facilitate the valuing of learning outcomes

The European Qualifications Framework (EQF)

In particular, the European Qualifications Framework, or EQF, will seek to replicate the broad objective of the 1985 Decision, in aiming to facilitate the comparison of qualifications and thereby the mobility of workers. The Commission brought forward a proposal for the establishment of the EQF in September 2006, COM (2006) 479, which was adopted by the European Parliament and Council in [month/year].

The EQF differs from the 1985 Decision in scope in being a lifelong learning framework, covering general and adult education, higher education as well as VET (which was the sole focus of the 1985 Decision). It is also very different in the approach taken.

The Recommendation establishes the EQF as a reference tool for the comparison of qualification levels in national qualifications systems, as well as qualifications systems developed by international sectoral organisations. It recommends that countries relate their

national systems to the EQF by linking qualification levels to the corresponding EQF levels and, where appropriate, developing a national qualifications framework. Countries are further recommended to ensure that, by 2012, their certificates, diplomas and other qualifications bear the appropriate EQF level (e.g. level 4).

The EQF is based on a set of European reference levels described in terms of *learning outcomes* – which describe what a learner knows, understands and is able to do regardless of the context where a particular qualification was acquired. In this way, qualifications in any field of education and training can be understood. This use of learning outcomes in describing qualification levels also facilitates the validation of learning taking place outside formal education and training institutions, a key element in truly lifelong learning.

The EQF and Decision 85/368/EEC

The 1985 Decision took a top-down approach requiring intensive co-operation between experts from different countries to constantly update the list, amend descriptions of occupations and qualifications, and add new qualifications as necessary. The fact that only a limited field of occupations and only a fraction of vocational qualifications were covered reflects the impracticality of such an approach.

The EQF adopts a voluntary and decentralised approach where the Community provides a common reference point while detailed decisions are left to competent bodies at national and sectoral level. The arrangements envisaged for the referencing work within countries are not unduly burdensome. Countries relate their *levels* of qualifications to the EQF, so that any qualification falling within a particular level in their national framework or system can be given an EQF level rating. The EQF thus provides a common language to describe and understand qualifications.

The national decisions on placing qualifications in the EQF levels are then submitted to the EQF Advisory Group which ensures the quality of the process. . Countries thus have an interest in making appropriate initial assessment of the level of their own qualifications and in contributing to the quality assurance process at the European level.

The EQF thus addresses the limitations of the 1985 Decision at two levels: by focusing on improving the transparency of qualifications, and by introducing a decentralised approach for co-operation more appropriate to the increasing complexity of qualifications in Europe.

Other transparency and mobility instruments

While the EQF will be the instrument which most closely pursues the aims and functions the 1985 Decision could not fulfil, there are other instruments and measures at European level which promote transparency and increase transferability of qualifications. These include Europass, the European Credit Transfer System for higher education (ECTS), the 2004 Council Conclusions on the identification and validation of non-formal and informal learning and the Ploteus portal.

Decision 2241/2004/EC of the European Parliament and of the Council of 15 December 2004 on a single Community framework for the transparency of qualifications and competences (Europass) introduced a set of European instruments to be used by individuals to describe their qualifications and competences.

The existing European Credit transfer system for higher education (ECTS) and the emerging European Credit Transfer System for Vocational Education and Training (ECVET), SEC (2006) 1431, will make it easier for individuals to combine education and training provision from different countries. Both these instruments provide direct support to individual citizens trying to transfer qualifications or units of qualifications across institutional barriers and national borders.

A set of common European principles on the identification and validation of non-formal and informal learning were adopted by the European Council in 2004 (9600/2004). These principles provide a basis for strengthening cooperation in the field of validation and encourage the Commission, the Member States and social partners to introduce more systematically methods and systems for validation.

The 'Ploteus' portal on learning opportunities (<http://ec.europa.eu/ploteus>) contributes to a better transparency of qualifications by providing information about education, training and learning opportunities in European countries.

The mutual recognition of qualifications in the area of regulated professions is ensured by Directive 2005/36/EC, adopted on 7 September 2005. This Directive, which consolidates, modernises and simplifies 15 existing Directives adopted between 1975 and 1999, provides for a system of automatic recognition of qualifications for professions with harmonised training requirements (doctors, nurses, midwives, dentists, veterinarians, pharmacists) and also for architects. For the other regulated professions (currently around 800 professions are regulated by one or more Member States in the EU) the system is based on mutual recognition, i.e. a person qualified to exercise a profession in one Member State, should also be authorised to practise this profession in another Member State.

2. CONSISTENCY WITH OTHER POLICIES AND OBJECTIVES OF THE UNION

The proposal to repeal the Decision is consistent with the Lisbon agenda, in particular the Better Regulation strategy and the need to simplify the regulatory environment for business and other stakeholders.

The 1985 Decision has long fallen into desuetude. As long ago as 1990, a report prepared for the Commission highlighted its deficiencies and the at best partial record in meeting its set objectives. It was only ever partly implemented and has ceased to be applied in any context.

Options for the Commission

In the light of this situation, the Commission considered three options in proceeding. The first option would be to allow the Decision to remain part of the Community *acquis*. However, given the ineffectiveness of the Decision, this position would be contradictory to the Commission's declared commitment to simplify legislation. As the Council and Parliament have adopted the European Qualifications Framework, which seeks to achieve some of the same aims of the 1985 Decision, this would leave a redundant piece of legislation theoretically in force. There would, therefore, be in place two instruments with similar aims but based on different methodologies and describing qualifications from opposite viewpoints. This would create a confusing situation.

A second option is to modify the 1985 Decision. But, both methodologically and practically, this would be difficult if not impossible. As indicated above, the largely inputs basis of the 1985 Decision is increasingly outdated so the text of the Decision would require an almost complete re-write, thus rendering meaningless the original text. In effect, modification would repeat some of the problems/objections referred to in the first option above, for example sending confusing signals to Member States.

A third option is to repeal the Decision, and so leave its aims to be addressed within the new EQF and the other mechanisms referred to above. Repeal is consistent with the general Commission aim of reducing the regulatory burden and removing obsolete and unused legislation (Simplification Programme and Commission Legislative and Work Programme 2007, and the Better Regulation strategy). Its aims are met by the EQF both more efficiently, given its lighter framework, and more effectively, given its increased transparency, its broader scope and in being based on learning outcomes. Further, the EQF has been built on consensus among stakeholders at every stage of its development. The Commission proposed it at the request of the Member States and social partners, and consulted them at length on its formulation.

The Commission has therefore decided to take the third option and propose the repeal of the 1985 Decision.

3. LEGAL ELEMENTS OF THE PROPOSAL

Summary of the proposed action

The proposal provides for the repeal of Council Decision 85/368/EEC on the comparability of vocational training qualifications between the Member States of the European Community.

Legal basis

Article 150 (4) of the Treaty, which states that Community action shall support and supplement the action of the Member States and, in particular, as stated in paragraph 2 of the Article, improve initial vocational training, facilitate vocational integration and reintegration as well as to develop exchanges of information and experience on common issues.

Subsidiarity principle

The subsidiarity principle applies insofar as the proposal does not fall under the exclusive competence of the Community.

The objectives of the proposal cannot be sufficiently achieved by the Member States for the following reason:

- the Decision has to be repealed at Community level.

The proposal therefore complies with the subsidiarity principle.

Proportionality principle

The proposal complies with the proportionality principle for the following reason:

It repeals redundant legislation.

Choice of instruments

Proposed instrument: Decision of the European Parliament and of the Council. A Decision is necessary for repeal of an existing Decision.

4. BUDGETARY IMPLICATION

The proposal has no implication for the Community budget.

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THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 150(4) thereof,

Having regard to the proposal from the Commission¹,

Having regard to the opinion of the European Economic and Social Committee²,

Having regard to the opinion of the Committee of the Regions³,

Acting in accordance with the procedure laid down in Article 251 of the Treaty⁴,

Whereas:

- (1) Community policies on better regulation stress the importance of the simplification of national and Community legislation as a crucial element in improving the competitiveness of undertakings and in achieving the objectives of the Lisbon Agenda.
- (2) Implementation of Decision 85/368/EEC⁵ has not been effective in achieving the comparability of vocational qualifications for the benefit of workers seeking employment in another Member State.
- (3) The methods and approach used to describe and compare qualifications provided for in Decision 85/368/EEC differ from those currently applied in education and training systems.
- (4) Decision 85/368/EEC is superseded by the adoption of the Recommendation of the European Parliament and of the Council of [...] on the establishment of the European Qualifications Framework for lifelong learning⁶.
- (5) Decision 85/368/EEC should therefore be repealed.

¹ OJ C , , p. .

² OJ C , , p. .

³ OJ C , , p. .

⁴ OJ C , , p. .

⁵ OJ L 199, 31.7.1999, p.56

⁶ OJ [...]

HAVE ADOPTED THIS DECISION:

Article 1

Decision 85/368/EEC is repealed with effect from.[...]

Article 2

This Decision shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 3

This Decision is addressed to the Member States.

Done at Brussels, [...]

For the European Parliament
The President

For the Council
The President