

12.10.12**Decision
of the Bundesrat****Proposal for a Council Recommendation on the validation of non-formal and informal learning****COM(2012) 485 final; Council doc. 13228/12**

At its 901st meeting on 12 October 2012, the Bundesrat adopted the following opinion pursuant to Article 3 and Article 5 of the Act on Cooperation between the Federation and the *Länder* in European Union Affairs:

1. In view of the increasing importance of non-formal and informal learning, particularly in the context of lifelong learning, the Bundesrat welcomes the greater appreciation of non-formal and informal learning paths and outcomes associated with the Commission's proposal. It acknowledges, in principle, that securing recognition of the knowledge acquired in these ways using suitable validation procedures could have a significant positive impact on the individual, society and the economy. At the same time, however, it urges caution with regard to formalised validation procedures when it comes to youth work and voluntary organisations, because these procedures generally conflict with the non-formalised and non-standardised contexts, often of a committed, voluntary and autonomous nature, in which non-formal and informal learning takes place, and could have an unintended detrimental effect on the character of these learning paths.
2. Given that the Commission's explanation for the need to introduce national validation systems is based primarily on labour market requirements, the Bundesrat once again emphasises that Member States' efforts in the educational sector to promote non-formal and informal learning and the validation of these outcomes should not be limited to improving employability, but should also

have the broader aim of conveying values and developing a well-rounded personality (see most recently Bundesrat Document 803/11 (Decision)).

3. Implementation of the measures proposed by the Commission to validate the outcomes of non-formal and informal learning at national level would lead to a comprehensive shift in the culture of learning, awarding credits and recognising qualifications in Member States' education systems. In this context, the Bundesrat reminds the Commission of the strictly defined EU powers on education and the non-binding nature of Recommendations, which therefore cannot place any formal obligations on Member States, and affirms that the question of whether, and if so how and above all when, national procedures or indeed entire validation systems are established is exclusively a matter for the individual Member States, and in Germany in particular also the *Länder*. The Bundesrat rejects the idea of separate reporting in addition to the progress reports that form part of the strategic framework for European cooperation in education and training, of monitoring developments in Member States and of creating new European structures.
4. In particular, issuing full or partial qualifications, recognising and awarding credits for these in formal education and training systems, making sure that the skills of special groups are assessed within a particular timeframe, offering incentives for education providers to facilitate access to formal courses on the basis of non-formal or informal learning outcomes and establishing a legal right to validation for individuals are matters for Member States, and in Germany also the *Länder*.
5. The Bundesrat recognises that the recommendation to design the validation system as a coherent and integral component of the national qualifications framework established in accord with the European Qualifications Framework (EQF) could further facilitate mobility within Europe. At the same time, however, it would point out that the EQF is still limited to the role of a translation tool without legislative status that is in no way binding at national level, including in relation to non-formally and informally acquired knowledge, capabilities and skills (see Bundesrat Document 655/06 (Decision)).
6. The Bundesrat points out that Germany has no overarching system for awarding credits for or recognising non-formal or informal learning outcomes on a standardised legal basis within the education sector. However, there are already several parallel procedures with a legal basis that are concerned with formal recognition, accreditation or authorisation and that fall within different areas of responsibility (e.g. there is a procedure in the German system of vocational

training and further training, and independent-study exams within the school system, external exams for vocational training, access to higher education for professionally qualified individuals and the option of awarding credits for professionally acquired skills that count towards a university degree exist in all *Länder*). Against this backdrop, the Bundesrat wishes to highlight that the Bruges Communiqué cited in the recitals declares that participating countries should start to develop national procedures for the recognition and validation of non-formal and informal learning no later than 2015.

7. The Bundesrat welcomes that fact that future qualifications at all levels obtained through non-formal and informal learning processes and awarded on the basis of a suitable validation procedure will in principle be assigned to the German Qualification Framework (GQF), thereby improving lifelong learning as a whole. The development of proposals and procedures for the inclusion of non-formal and informal learning outcomes in the introductory phase of the GQF (2013-2018) is already planned to supplement the framework's basic principles.
8. As the introduction of initial measures to validate non-formal and informal learning outcomes as part of the GQF process has shown, proper implementation of the Commission's proposals in Germany, particularly the necessary involvement of the relevant stakeholders, would have to be preceded by a long and complex process that would result in a significant administrative, staffing and financial burden. For this reason, the Bundesrat also firmly rejects the deadline set by the Commission, which is far too short for the sustainable and sensible development and introduction of national validation systems, irrespective of the optional nature of whether, how and when Member States would implement the Recommendation, as referred to in point 4.
9. The Bundesrat points out that the European Guidelines for validating non-formal and informal learning, published in 2009 and mentioned repeatedly in the Commission's proposal, do not represent a policy framework issued by a legislative body but merely a non-binding practical tool.
10. In view of the planned promotion of the use of Europass-framework tools, the Bundesrat doubts that the documentation of non-formally and informally acquired knowledge, capabilities and skills based exclusively or primarily on statements and self-assessment by individuals provides a reliable basis for evaluating those attributes as part of a validation procedure. Furthermore, it rejects the blanket reference to 'future tools of the Europass framework' in the Recommendation and also reiterates that the EU Council of Education Ministers must approve any expansion of or changes to the Europass framework (see Bundesrat Document 25/04 (Decision)).

11. The Bundesrat will send this opinion directly to the Commission.