



EUROPEAN COMMISSION

*Brussels, 20.1.2017
C(2017) 22 final*

Dear President,

The Commission would like to thank the Bundesrat for its Opinion on the 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 {COM(2016) 383 final}.

The main objective of the European Qualifications Framework (EQF), since the adoption of the Recommendation of the EQF in 2008, has been to enhance the transparency, comparability and portability of qualifications in Europe. The proposal for revision of the EQF of 10 June 2016 builds on the achievements of the 2008 Recommendation and ensures continuity in the processes launched by Member States to reference their qualifications frameworks and levels to the EQF. The proposal seeks to deepen the comparability process, and to make the EQF more effective in facilitating understanding of national, international and third-country qualifications by employers, workers and learners. The proposal forms part of a broader package of measures proposed by the Commission Communication on the New Skills Agenda for Europe {COM(2016) 381 final}.

In response to the more technical comments in the Opinion the Commission would like to refer to the attached annex.

The Commission hopes that the clarifications provided address the concerns raised by the Bundesrat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

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First Vice-President*

*Marianne Thyssen
Member of the Commission*

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ANNEX

The Commission has carefully considered each of the issues raised by the Bundesrat in its Opinion and is pleased to offer the following clarifications.

1. The Commission proposal acknowledges the achievements of the 2008 Recommendation on EQF and builds on these by ensuring the continuity of processes launched by individual countries to reference their qualifications frameworks and levels to the EQF. The proposal confirms the objectives of the Recommendation of 2008 and seeks to consolidate 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.

2. The Commission proposal for a revision of the EQF Recommendation, the Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning and the proposal for a Council and European Parliament Decision on a common framework for the provision of better services for skills and qualifications (Europass) and repealing Decision No 2241/2004/EC {COM(2016) 625} require a coordinated implementation given their inter-related objectives. A single common platform could cater for the necessary dialogue between the Member States and other relevant stakeholders to ensure a consistent and coordinated approach to the development and implementation of tools and services in the area of skills and qualifications. This platform should allow for input from both education and training and employment experts. The Commission has consulted with the EQF Advisory Group on the governance of the EQF at both European and National level during a web-based seminar that took place on 10 May 2016

3. The governance of the EQF at national level is not directly addressed by the proposal to revise the EQF Recommendation. Recital nr 25 states that "Member States should ensure the coordination of tasks implemented by EQF National Coordination Points since 2008". The proposal for the revision of the Europass Framework seeks to establish National Skills Coordination Points to act as coordinating instances at national level for implementation of European skills and qualification tools, including the tasks so far carried out by EQF NCPs.

4. The Commission acknowledges that the processes taking place in the area of education and training are voluntary. In this context Member States learn from each other and share their experiences.

5. The Commission wishes to stress that the proposal for EQF revision neither suggests the creation of a credit system nor that Member States should use one. The Commission proposal recommends Member States to "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". The EQF proposal seeks to promote that credit systems used by Member States in their qualifications frameworks, where they exist, follow common principles in order to make the transfer of learning outcomes and components of qualifications (if relevant) easier. This should enable learners to combine different learning outcomes acquired in different learning contexts, including digital, non-formal and informal learning. The connection between qualifications frameworks and credit systems is mirrored in the most recent version (2015) of the European Credit Transfer and Accumulation System (ECTS) user Guide and the European Parliament

and Council Recommendation on the establishment of a European Credit System for Vocational Education and Training (ECVET) of 18 June 2009. The established seven principles in the proposed Annex V have been inspired by and are fully compatible with both the ECTS User Guide and the ECVET Recommendation.

6. The Commission concurs with the Bundesrat that the main priority for the EQF is to achieve transparency and comparability of qualifications within the EU. However, the growing migration flows to and from the European Union, the mobility of learners between the EU and third countries and the integration of migrants into EU labour markets highlight the need for a better understanding of qualifications awarded outside the EU. Moreover the EQF is perceived as a leading referencing framework for qualifications in the world and as source of inspiration for the development of National Qualifications Frameworks (NQFs) and meta-frameworks across the globe. The Commission recalls that the proposal suggests a phased approach for cooperation with third countries through "(...) the step-by-step development and application of criteria and procedures". The objective is to reach a better mutual understanding between qualifications that are part of the EQF and qualifications that are part of third country qualifications frameworks. Any cooperation with third country qualifications frameworks will not entail a process of referencing of these countries' qualifications frameworks to the EQF. The proposal is in line with the 2015 Joint Report of the Council and the Commission on the implementation of the strategic framework for European cooperation in education and training (ET 2020) which acknowledged that, with regard to newly arrived migrants, existing transparency instruments (e.g. the EQF) could help a better understanding of foreign qualifications in the EU, and vice versa.

7. The Commission agrees with the Bundesrat that consultations of stakeholders must be taken seriously. Targeted consultations took place with main stakeholders in 2015 and 2016, the full list of which can be found in section 3 of the Commission Staff Working Document on the Analytical underpinning for a New Skills Agenda for Europe, accompanying the Communication on the New Skills Agenda¹. The Commission proposal reflects the contributions received by stakeholders during such targeted consultations. Empirical evidence for the proposal has been included in the Commission Staff Working Document², on the Revision of the European Qualifications Framework that forms Annex III to the Communication on the New Skills Agenda for Europe {COM(2016) 381 final}. The Commission takes note of the Bundesrat's opinion with regard to the timing of studies related to the EQF revision. The outcomes of the studies will inform the ongoing Council negotiations where relevant.

8. The Commission takes note of the Bundesrat's observations on the European classification on Skills, Competences, Occupations and Qualifications (ESCO). The Commission is of the opinion that in order to make qualifications awarded in different Member States better understood by stakeholders, a common format for sharing information on learning outcomes can be useful. The terminology being developed in the context of the ESCO project can thereby play a supporting role.

¹ SWD(2016)195 final, part 1/4

² SWD(2016) 195 final part 4/4.

9. *The Commission agrees with the Bundesrat that the definition of competence is well established but clarifies that it does not seek to replace the term "competence" by the term "autonomy/responsibility" in Annex I. The proposal seeks to replace the term 'competences' as heading of the third column of Annex II by 'autonomy/responsibility' in order to be more faithful to the corresponding learning outcomes descriptors. The purpose of this proposal is to add clarity to the descriptors, which themselves have remained untouched.*

10. *The definitions of international sectoral qualifications and international qualifications in the Commission proposal have been included in order to shape clarity with regard to international qualifications within the EQF. The definition of international sectoral qualifications was elaborated by a sub-group of the EQF Advisory Group in 2015. The Commission considers a definition on international qualifications in order to cover necessary non-sectorial international qualifications such as the international or the European baccalauréat. Some Member States have included these types of qualifications in their NQFs.*

11. *The Commission would like to reassure the Bundesrat that the purpose of recommendations 11 and 12 is to support Member States together with stakeholders in order to make the referencing processes more consistent across Member States. The Commission has no intention to be prescriptive in this area. As mentioned in the Commission proposal, any work will be done together with Member States and stakeholders and in respect of the subsidiarity principle.*

12. *The Commission proposes to include the existing referencing criteria, which currently guide the work of the EQF Advisory Group, as annex III to the EQF proposal with the purpose of creating more transparency on the referencing requirements. The proposal reflects exactly criterion 3 as decided and currently used by the EQF Advisory group and does not propose any change to this criterion. It has changed the title of the criteria in order to be closer to current practice of referencing qualifications frameworks. In this context the Commission would like to note that the national frameworks and systems include levels.*

13. *The Commission suggests regular updating of the referencing in order to ensure that the comparison between national qualification levels and the EQF levels remain relevant and reflect changes emerging in the national qualifications frameworks. Outdated referencing reports could put in question the relevance of national frameworks as well as the relevance of the EQF as a whole. Reporting obligations in the context of updated referencing should stay within reasonable limits.*

14. *The Commission considers quality assurance to be the backbone for trust in qualifications referenced to the EQF. The proposed Annex IV builds on Annex III to the Recommendation of 2008 of which all basic principles have been maintained. Annex IV is however focussed on the quality assurance of qualifications and not on quality assurance systems in general. Its scope is broader, namely all qualifications with an EQF level, to secure that qualifications from private providers and international qualifications, which can be included in NQFs, are not exempted from quality assurance requirements. This could affect the credibility of the NQFs and of the EQF as a whole. Qualifications from general education are excluded given the ongoing discussion in ET2020 on European quality assurance principles for general education.*

15. *The current Annex III to the EQF Recommendation of 2008 states that "external monitoring bodies or agencies carrying out quality assurance should be subject to regular review". At present, there is no information available at European level on which external monitoring bodies and agencies are carrying out quality assurance in the different Member States and which are the results of their regular review. Sharing such information could increase the transparency of quality assurance and contribute to the overall credibility of the EQF and NQFs referenced to it. The proposal indicates that the Commission, in cooperation with Member States and relevant stakeholders, would explore the feasibility of creating such register. This means that all characteristics of a potential register and the decision to establish it would be discussed and agreed in consensus with Member States during such exploratory work. This could be done through a feasibility study involving Member States and a broad range of relevant stakeholders. The EQF proposal clearly states that the new register would not apply to the field of higher education. It does not envisage any overlap with the Quality Assurance Register in higher education.*

16. *The Commission is aware that final decisions on how reference is made to the EQF are the responsibility of Member States, but considers that agreed guidelines could be helpful. Over the last few years the issue of the visual identity of the EQF has been regularly discussed on the demand of the EQF Advisory Group.*

17. *The Commission wishes to reassure the Bundesrat that the proposal to "Report on progress following the adoption of this Recommendation, as appropriate, in the context of relevant education/training and employment policy frameworks", is exclusively addressed to the Commission and that no new reporting requirements will be put in place in addition to existing obligations.*