

16.12.16**Resolution
of the Bundesrat**

Proposal for a Decision of the European Parliament and of the Council 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 final**

At its 950th session on 16 December 2016, the Bundesrat adopted the following position pursuant to Sections 3 and 5 of the Act on Cooperation between the Federation and the *Länder* in European Union Affairs (EUZBLG):

1. The Bundesrat supports the Europass as a tool for increasing transparency by promoting the comparability of qualifications and increasing mobility in Europe. It is in favour of retaining the Europass curriculum vitae in order to present skills and qualifications transparently. In principle, it welcomes the Commission's intention to keep the Europass up to date and improve it where necessary. The proposal should therefore be elaborated on in places in a way that also takes account of the Bundesrat's concerns.
2. Regarding the extensive revision of the Europass proposed by the Commission, the Bundesrat considers that the existing Europass should not be overloaded with additional tools and functions. The Europass must retain its previous strength as a tool for documenting qualifications and skills acquired in different countries. The Bundesrat is not in favour of transforming the Europass into a recognition tool. The varying degrees of acceptance of the Europass in different Member States also make it inappropriate to include under the Europass name new tools of no proven added value, especially since there has been no assessment of the consequences or public consultation in advance of the project.
3. Regarding the construction of an information platform under the Europass name, the Bundesrat considers that the collection of data must show an added value. It wonders whether it is appropriate for the data to be provided by the Member States and considers that there should be no further reporting obligations to the EU in this regard. The Bundesrat also has reservations about the automated collection of information from the Member States through web crawling. It wishes to point out that the information needs to be of a high quality and reliable.
4. The Bundesrat views with concern the plan to link the European classification of European Skills, Competences, Qualifications and Occupations (ESCO) to the Europass and to finally lay down and establish the terminology in a legal document in the education sector. It is, in particular, not in favour of using ESCO as a basis for reference terms:

- It would point out that ESCO is still at the project stage, and the operability and added value of this tool cannot be predicted (see also section 8 of BR Document 317/16 (Resolution)). Furthermore, ESCO is a Commission project that has not yet been approved by the Member States.
 - In addition, the obligatory use of ESCO terminology could result in what the Bundesrat considers to be undesirable interference with the competence of Member States and universities. It would point out in this regard that the competence of the Member States must be observed and draws attention to the strict limitation of the powers of the EU in Articles 165 and 166 TFEU.
 - The Bundesrat also considers that if it is to be used as a reference language, ESCO would require extensive adjustments that would not just be very time-consuming but would also impair compatibility with the tools of the 48 countries comprising the European Higher Education Area. This applies in particular to the potential use of the ESCO terminology in the Diploma Supplement. In view of the responsibility of UNESCO and the Council of Europe for the Diploma Supplement, reworking this tool cannot be detached from these institutions and the processes of international cooperation. The current revisions of the Diploma Supplement have also yet to be completed.
 - The Bundesrat would also point out that the small-scale structure of ESCO seems difficult to reconcile with a non-modular system of the type to be found in Germany, with its all-embracing concept of general and vocational education.
5. The Commission's proposal gives the impression that the aim is to create a national skills coordination centre by combining national Europass and Euroguidance centres and national coordination centres implementing the European Qualifications Framework (EQF). The Bundesrat has pointed out more than once in this regard that national implementation and administration are the sole responsibility of the Member States and must also be compatible with federal structures in Germany. The creation of a central body of this type can therefore not be imposed by the EU (as already stated in section 27 of BR Document 767/11 (Resolution) and section 3 of BR Document 317/16 (Resolution)). It also emphasises the need for the different national contact points to coordinate and implement the respective tools in order to cater for different challenges and target groups.
6. Regarding the Europass Qualification Supplement documents, the Bundesrat would draw attention to the established requirements for the Europass Diploma Supplement for the universities sector and the Europass-Certificate Supplement for the vocational education sector and it calls for the existing tools to be retained. The Bundesrat would point out that the proposal for a new Europass decision leaves questions open, including the issue of whether the Qualification Supplement documents should be extended to include the general education sector, which would leave the Commission considerable leeway with regard to implementation of the decision. The Bundesrat considers, among other things, that the new Europass decision must also make it clear that the Qualification Supplement documents cannot give rise to any entitlement to formal recognition and do not replace the Original Certification. It is also concerned that extending the Supplement documents to include other areas of education will increase the administrative burden on issuing bodies. In addition, the requirement for

the Qualification Supplement documents to be issued only in electronic form seems to go too far.

7. The Bundesrat also finds that the proposal leaves it unclear which tools are to be provided to assess individual skills in future, and how these are to be designed. This also applies to EU self-assessment tools and tools for assessment by third parties and the integration of data from other EU self-assessment tools available, such as the Youth Pass. It would point out that the legal basis for the Europass also needs to be clearly set out in this regard.
8. The monitoring proposed by the European Commission with regard to the Europass also includes the organisation of peer reviews. The Bundesrat would also once again point out in this connection that, given the distribution of powers in the education sector, the activities of learning from one another at a European level can only be carried out through free exchange (cf BR Document 386/15 (Resolution), section 14). It therefore rejects the idea of peer reviews in this field. Instead, peer learning should continue, having proved its worth in practice.
9. The Bundesrat is uncertain about how revision of the legal basis of the Europass is linked to revision of the EQF and the legal basis of Cedefop. It therefore requests further explanations in this regard and also draws Cedefop's attention to its position as set out in BR Document 475/16 (Resolution). The Bundesrat would also draw attention to the fact that the revision of these legal bases has not yet been completed, and it is necessary to wait for these deliberations to come to an end since the individual legal bases are interrelated.
10. The Bundesrat recognises that, as a tool for promoting transparency and comparability, the EQF could in all events also provide added value in the form of information in connection with the Europass. It does wonder, however, what would be the effect of referring to the EQF in a binding Decision of the European Parliament and Council. The EQF is itself based on a recommendation that is not legally binding. Cooperation on a voluntary basis cannot be made obligatory indirectly through references in binding legislation while working on the EQF.
11. The Bundesrat is sending this position statement directly to the Commission.