



EUROPEAN COMMISSION

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Dear President,

The Commission would like to thank the Bundesrat for its Opinion on the Communication on a European Skills Agenda for sustainable competitiveness, social fairness and resilience {COM(2020) 274 final}, as well as the accompanying proposal for a Council Recommendation on vocational education and training for sustainable competitiveness, social fairness and resilience {COM(2020) 275 final}.

The Communication and the proposal form part of a broader package of ambitious measures designed to deliver on the very first principle of the European Pillar of Social Rights, while ensuring a prompt recovery from the crisis generated by the COVID-19 pandemic, and harnessing the ecological and digital transformations to take full advantage of the opportunities they offer.

The Commission welcomes the Bundesrat's broad support to the European Skills Agenda and the related proposal for a Council Recommendation and is pleased that the Bundesrat shares the view that initial and continuing vocational education and training play a crucial role in ensuring growth, employment, competitiveness and innovation.

The Commission takes seriously the concerns expressed by the Bundesrat as regards the respect for the principle of subsidiarity and the responsibility of Member States for the organisation and content of the education and training systems. As a Commission Communication, the European Skills Agenda announces only the EU level initiatives. Tools such as the competence frameworks and the Europass platform are made available for voluntary use by authorities, organisations and individuals. Member States will decide on whether and how to take action related to such invitations as the establishment or further development of a skills intelligence system or a national skills strategy. If actions announced in the European Skills Agenda result in legislative proposals, the Commission will make sure that their provisions fully respect the principle of subsidiarity. This has been the case for the proposal for a Council Recommendation on Vocational Education and Training, which by its nature can only include invitations to national action. Member States will decide on whether, to what extent and in which form they take action following the invitations of the Recommendation as potentially adopted by the Council.

*Mr Reiner HASELOFF
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The Commission notes the Bundesrat's concerns related to a possible standardisation of the European higher education landscape, with particular reference to preparatory work on a European degree and a possible legal statute for universities alliances. The Commission stresses that the Union shall only act in accordance with Article 165 of the Treaty on the Functioning of the European Union, with the aim to co-create with Member States and the higher education sector further initiatives to facilitate transnational cooperation between higher education institutions of the Members States, ensuring a flexible approach that can fit the needs of the different actors across Europe. This is in full respect of the wide diversity of Europe's higher education landscape, which is one of its main strengths, of the responsibility of the Member States for the content of teaching and the organisation of education systems, and of the institutional autonomy of higher education institutions,

The Commission fully shares the view that education and training are key for sustainable and inclusive growth. This belief - that competitiveness and inclusion go hand in hand - underpins the European Skills Agenda. While the Agenda emphasises labour market relevant skills and the role of education and training in their development, it is also firmly anchored in the ongoing work to make lifelong learning a reality, supporting personal and social development. The comprehensive role of education and training has been a constant feature throughout the history of European cooperation in the area and has been recently stressed by European political leaders, among others in the European Council conclusions of 14 December 2017, defining education and culture as crucial for inclusive and cohesive societies as well as for competitiveness.

The Commission has taken due note of the views expressed by the Bundesrat in its Opinion and will take them into account in the various phases of debate, design, development, implementation and evaluation of the actions announced in the European Skills Agenda, in close synergy with the efforts deployed to establish the European Education Area.

The Commission fully supports the recent reforms in Germany to improve upskilling and reskilling, responding to the shortages of skilled labour that hamper growth. Such reforms are very close to - or indeed anticipate actions suggested in - the European Skills Agenda. They include in particular the Skills Development Opportunities Act (Qualifizierungschancengesetz) and the national skills strategy (Nationale Weiterbildungsstrategie), two coordinated acts adopted in 2019. The first act grants access to counselling and extends financial support for continuing education and training to workers made vulnerable by structural changes. The national skills strategy, developed by the Federal Ministry of Labour and Social Affairs and the Federal Ministry of Education and Research, then joined by the Federal Ministry for Economic Affairs and Energy, the relevant Länder authorities and other stakeholders, such as social partners' organisations and Chambers of commerce and industry, is a fine example of multi-stakeholder partnership promoted by the European Skills Agenda. These measures should have a positive impact on upskilling and reskilling the workforce, with particular reference to the low skilled.

The Commission congratulates German higher education institutions, as they are very well represented among the selected European Universities alliances, with 35 of them being involved as a coordinator or partner in a European University. The Commission is grateful for the additional financial support that Germany has given to these higher education institutions.

The Commission notes that the German vocational training system already meets the targets suggested in the proposal for a Council Recommendation as concerns the employment rate of recent graduates (93.3 % in 2019) and exposure to work-based learning, with more than two thirds of vocational learners in the 'dual system'. The Commission notes that the revision of the Vocational Training Act (Berufsbildungsgesetz) adopted in 2019, introduced significant elements of flexibility. This includes the opportunity to extend the duration of part-time training, to increase the participation chances of learners from disadvantaged groups, and to allow for shortening the duration of the training programmes by recognising prior learning of entrants in apprenticeship programmes.

The European Skills Agenda is a policy framework for several actions, which have different timelines. The proposal for a Council Recommendation on vocational education and training, adopted on 1 July 2020 is being discussed within the Council under the lead of the German Presidency. The new Europass platform was launched on 1 July 2020. The Commission Communication on a Digital Education Action Plan 2021-2027: Resetting education and training for the digital age {COM(2020) 624 final} was adopted on 30 September 2020. The Pact for Skills was launched by the Commission and the German Presidency of the Council during the European Vocational Skills Week on 10 November 2020. The European approach to micro-credentials will be the object of a proposal for a Council Recommendation in 2021. The Commission will coordinate the timelines for other actions with the actions included in the European Education Area.

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 in this reply address the issues raised by the Bundesrat and looks forward to continuing the political dialogue in the future.

Yours faithfully,

*Maroš Šefčovič
Vice-President*

*Nicolas Schmit
Member of the Commission*

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.

Point 4: Peer reviews

The European Skills Agenda does not envisage peer review activities. The proposal for a Council Recommendation on vocational education and training for sustainable competitiveness, social fairness and resilience envisages, in its principle 21, that Quality Assurance National Reference Points for vocational education and training engage, among others, in EU level peer reviews, which are defined as mutual learning activities, aimed at making quality assurance arrangements more effective and more transparent. This will reinforce trust between the Member States, supporting mobility and cooperation. Peer reviews do not have any binding dimension. It will remain a choice of national authorities how to use their results in developing and implementing national arrangements for quality assurance. Aside from peer reviews, peer learning events to encourage knowledge building on practices which have proven successful in some Member States will be offered as part of EU support for strategic national upskilling action.

Point 7: Limited information

The European Skills Agenda sets a policy context for a number of activities that need to be further developed. The Commission will provide detailed information on each action in the appropriate form as it proceeds with their development, including on the Skills Agenda webpage¹.

Points 8 and 9: Pact for Skills

The Pact for Skills invites learning institutions, chambers of commerce, companies and any other interested organisations to commit to addressing skills challenges. This may be through individual commitments, or by setting up or joining partnerships and pooling resources. Joining a partnership is a voluntary act of each partner and does not involve any new legal right or obligation. Partnerships streamline information channels, making it easier for all partners, including SMEs and organisations with limited resources, to access information on EU funding. Any cooperation result, such as a professional profile or a core training module, will naturally be used by partners in compliance with their national legal frameworks.

Points 10, 11 and 13: Higher education

The Commission takes seriously the concerns expressed by the Bundesrat as regards the European degree and a possible legal statute for universities alliances. In proposing preparatory work and future action in this field, the Commission is responding to the demands expressed by higher education institutions and students, and in particular by

¹ <https://ec.europa.eu/social/main.jsp?catId=1223>

the European Universities alliances, whose efforts to deepen cross-border cooperation are hampered by persisting challenges of administrative and legal nature.

The Commission has just launched the discussion on the different implementation scenarios for both the European degree and the legal statute, together with the Member States and the stakeholders in a co-creation mode. The European Universities alliances have agreed to serve as test beds for these developments. The rationale behind these initiatives is to give visibility and recognition to the type of transformative, innovative and multilingual higher education offer from university alliances with partners from different EU countries.

The Commission confirms that institutional autonomy of higher education institutions is key. It is up to the institutions themselves to determine their strategies on their various missions that are education, research, innovation and service to society. Higher education institutions are key to empower European citizens with the high level competences (knowledge, skills, attitudes) necessary for their personal, social, civic and professional development in a fast changing society and prepare the next generations to find the solutions to big societal challenges we face.

Points 12 and 16: EU policy and national competences

To the extent that the measures proposed in the European Skills Agenda may concern the structures and content of education and training systems, they should indeed be considered as recommendations or as illustrations of successful practices. The competent national authorities will decide about their appropriate implementation at national level.

Points 14 and 15: Competence frameworks and core profiles

The rationale behind EU competence frameworks, such as the current Digital Competence Framework, is indeed to provide a common conceptual scheme to increase transparency and consistency across the different national education and training systems. The frameworks announced in the European Skills Agenda are equally meant to make an agreed set of definitions and principles available to authorities and institutions that design and deliver programmes and are responsible for assessment and certification within their national system.

The primary objective of the Core Profiles is to facilitate mobility of learners and workers and the transparency and recognition of qualifications by identifying and displaying the shared content of vocational qualifications in Europe. Their development will build upon the learning outcomes of national qualifications as well as on standards defined in transnational cooperation projects and experiences, such as the Sector Skills Alliances, the Blueprints for Sectoral Cooperation, and the Joint VET qualifications supported by Erasmus+. The Core Profiles will be based on a voluntary approach and will be developed in cooperation with Member States.

Points 17 and 18: Modularisation and micro-credentials

The Commission confirms that the proposed measures are meant to complement the existing national systems, not to replace them. Modularising qualifications and pathways

does not call into question existing approaches based on strongly integrated programmes and qualifications defined as a unitary whole, but it offers an alternative pathway, which may best suit a number of learners. National authorities retain the prerogative to implement flexible education and training provision as best fits their national context. The Commission notes that the recent revision of the Vocational Training Act (Berufsbildungsgesetz) can be interpreted as introducing some elements of flexibility, with reference for instance to reduced duration of apprenticeship programmes following validation of prior learning. This complements the existing approach without any negative impact on its proven validity.

Equally, micro-credentials are a complement to full qualifications, not a substitute for them. They certify skills typically acquired through short courses that cannot lead to full qualifications or outside formal learning. In fact, the Commission does not introduce micro-credentials, but takes note that there is a growing number of them and therefore proposes to develop a European approach to ensure their quality and transparency. As announced in the Commission Communication of 30 September 2020 on achieving the European Education Area by 2025 {COM(2020) 625 final} the Commission plans to present on this issue a proposal for a Council Recommendation in 2021.

Points 19, 20 and 21: Mobility and recognition

The Commission is aware that learning mobility, and long duration mobility in particular, is demanding on learners as well as sending and host organisations and can only concern a part of learners. However, given the benefits of mobility, the Commission considers it appropriate to propose as a target a slightly increased share of mobile vocational learners. The European Skills Agenda proposes to further develop tools that the Commission makes available to support the relevant national actors dealing with mobility, in the form appropriate to the national context. The Council Recommendation on promoting automatic mutual recognition of higher education and upper secondary education and training qualifications and the outcomes of learning periods abroad aims to support recognition of qualifications awarded in another Member State. Equally, the measures proposed in relation to the validation of transversal skills are meant as support resources. They should help companies make better use of the transversal skills of their workforce, even in the absence of any certification, and support the competent institutions in validating transversal skills in the form envisaged at national level.

Points 22, 23, 24, 25 and 42: Information management

Many of the information management activities, for instance related to the targets, will be based on existing sources, such as the EU Labour Force survey run by Eurostat, that do not impose any additional burden on national authorities and institutions and fully respect privacy rights. The Europass platform helps people manage their career through better access to information and better use of their own information. It also includes services, such as digitally signed qualifications, that may help the competent national authorities to reduce the length of the recognition process. The EU wide survey on VET schools may prove demanding and is therefore presented in the proposal for a Council Recommendation on vocational education and training for sustainable competitiveness,

social fairness and resilience as an opportunity to be explored. The proposal for a Council Recommendation includes quantitative objectives (currently under discussion within the Council) that do not require additional data collection. The Commission takes note of the position of the Bundesrat on its proposal to ensure qualitative and quantitative monitoring in line with the objectives of the proposal for a Council Recommendation. This is a standard task of the Commission, carried out in cooperation with Member States, which remain the main source of information on progress at national level.

Points 26, 27 and 41: Benchmarks and indicators

The European Skills Agenda proposes targets at EU to be achieved by 2025. Experience, for instance in relation to the Education and Training 2020 target, shows that pursuing a EU target leads to progress throughout Member States, though each Member State can work towards a higher or lower level than the EU target, based on the national circumstances, needs and priorities. This also applies to the quantitative objectives included in the proposal for a Council Recommendation on vocational education and training, which are being discussed by Member States in the framework of the legislative debate within the Council. The Commission will take into account the methodological considerations provided by the Bundesrat in relation to the employment of graduates.

Points 29, 30, 31 and 40: Implementation

The European Skills Agenda provides a policy framework for action at EU level. The Communication addresses in general the need for financial resources and indicates possible sources related to the EU budget and the extraordinary instrument NextGenerationEU, namely its Recovery and Resilience Facility. In their voluntary approach to take action on skills activities, national authorities will assess to what extent they can use EU financial instruments or resources from the national budget. The proposals for regulations on the Erasmus programme and the European Social Fund in the period 2021-2027 include provisions for funding measures suggested in the European Skills Agenda, such as the Blueprint alliances and the Centres for Vocational Excellence.

Point 32: European Semester

As an agreed and well-established process of economic policy coordination, the European Semester offers the natural forum for Member States and stakeholders to discuss how the policy objectives of the European Skills Agenda can be achieved, while always taking account of the spirit of voluntary cooperation in education and training.

Point 33: Governance

The Commission will regularly inform the relevant Council Committees, notably the Education Committee and Social Questions Working Party, on developments related to the European Skills Agenda,, also when there is no EU legislative dimension. In the general debate on the European Skills Agenda and the specific discussions on its individual activities, the Commission will involve policy groups where national

authorities are represented, along with social partners and other relevant stakeholders, such as the Advisory Committee on Vocational Training, the Directors General of Vocational Training, the advisory groups for the European Qualifications Framework and for Europass.

Point 35-39: Subsidiarity

The Commission fully respects the principle of subsidiarity in the field of education and training, and the legal instrument of the proposed Council Recommendation on vocational education and training for sustainable competitiveness, social fairness and resilience is based by definition on a voluntary approach by Member States. To further emphasise the importance of national competence and the diversity of VET systems in Europe, the proposed Recommendation spells out the need to take into account national context.

Point 37: European Credit System for Vocational Education and Training (ECVET) and European Quality Assurance Reference Framework for Vocational Education and Training (EQAVET)

The proposal for a Council Recommendation is meant to provide the framework for the Union vocational education and training policy. It is therefore consistent that the main principles of ECVET and EQAVET are included in it and that the original 2009 Council Recommendations establishing them are repealed. The application of such principles at national level remains a voluntary choice of the competent national authorities, as was the case with the 2009 Council Recommendations.

Point 38: Qualification levels

The Commission acknowledges the importance of high quality training provision at all levels, to help everybody develop the right skills, in particular those required to harness the ecological and digital transitions. This is reflected in the proposal for a Council Recommendation on vocational education and training for sustainable competitiveness, social fairness and resilience, which in its recital 24 expressly defines vocational education and training as encompassing all levels of the European Qualifications Framework (EQF). The first explicit mention of EQF levels 5 to 8 clarifies that Centres of Vocational Excellence should not only deal with levels up to upper secondary. The second mention makes specific reference to the need for higher vocational skills.

Points 44, 45 and 46 – Value of volunteer work

The proposal for a Council Recommendation does not explicitly refer to volunteer work and organisations. However, it stresses that vocational education and training includes learning in non-formal settings, such as learning in youth work and volunteer activities. The Commission takes note of the invitation made by the Bundesrat to the German federal government about the explicit inclusion of volunteer services in the Recommendation.