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COM(2018) 270 final

2018/0126 (NLE)

Proposal for a

**COUNCIL RECOMMENDATION**

**on promoting automatic mutual recognition of higher education and upper secondary education diplomas and the outcomes of learning periods abroad**

{SWD(2018) 170 final}

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

#### • **Reasons for and objectives of the proposal**

The objective of the proposed Council Recommendation is to ensure that any student, apprentice or pupil who has a learning experience abroad, whether for a qualification or learning mobility, has that experience automatically recognised for the purposes of further study. This shall not prejudice the right of an education and training institution to make decisions on admission.

This goal is a core element of the ambition to work towards a European Education Area by 2025, which calls for *“a Europe in which learning, studying and doing research would not be hampered by borders. A continent, where spending time in another Member State – to study, to learn, or to work – has become the standard and where, in addition to one's mother tongue, speaking two other languages has become the norm; a continent in which people have a strong sense of their identity as Europeans, of Europe's cultural heritage and its diversity”*. Our ambition is to enable Member States to intensify and accelerate their cooperation in these various areas, and thus also to provide inspiration to other non-EU countries to follow. Furthermore, the European Education Area will be based on a life-long learning approach, covering all age groups, all forms of learning and all sectors in education and training.

By adopting this Council Recommendation, Member States will be invited first to make a political commitment to automatic recognition. Then they will be invited to implement a technical step-by-step approach to build trust in each other's education and training systems. This takes account of the situation in different education and training sectors, as procedures and tools for recognition are more developed in higher education than in secondary education. The proposal sets out the conditions that must be fulfilled for automatic recognition to become a reality, as well as the EU tools that can support Member States, and their education and training institutions, in the realisation of this goal.

Learning mobility fosters competences and experiences that are crucial for active participation in society and the labour market. It can also foster labour mobility and thereby contribute to better living standards, as well as individual and economic resilience. The recent mid-term evaluation of the Erasmus+ programme<sup>1</sup> reported on the positive impact of mobility on learners' confidence, independence, social capital and transition to employment. In the context of a globalised education and employment environment, it is imperative that learners are able to make the best possible use of all learning opportunities across the EU. However, the lack of automatic recognition of qualifications and the outcomes of learning periods abroad is hampering this mobility.

To date, the only legal text in this area is the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (Lisbon Recognition Convention)<sup>2</sup>, developed by the Council of Europe and UNESCO and adopted in 1997. It has since been ratified by 53 countries<sup>3</sup>. It covers both school-leaving and higher education qualifications. Mutual recognition of higher education qualifications within the European Higher Education Area is also one of the fundamental goals of the Bologna Process<sup>4</sup>, which was established in 1998 and is comprised of 48 countries, including all Member States. In the Bucharest

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<sup>1</sup> [https://ec.europa.eu/programmes/erasmus-plus/resources/documents/evaluations\\_en](https://ec.europa.eu/programmes/erasmus-plus/resources/documents/evaluations_en)

<sup>2</sup> [https://www.coe.int/t/dg4/highereducation/recognition/lrc\\_en.asp](https://www.coe.int/t/dg4/highereducation/recognition/lrc_en.asp)

<sup>3</sup> Including all Member States with the exception of Greece.

<sup>4</sup> <http://www.ehea.info/>

Communique of 2012, Ministers committed to the long-term goal of automatic recognition. However, despite reaffirmation of this commitment in the Yerevan communiqué<sup>5</sup> of 2015, in which Ministers committed to ensuring that “*qualifications [...] are automatically recognised at the same level as relevant domestic qualifications*”, tangible progress continues to be slow or non-existent.

There are still too many cases in higher education where complicated, expensive, time-consuming recognition procedures hinder the free movement of learners. In some cases, these procedures can take several months and be very costly<sup>6</sup>, with inconsistency and a lack of transparency adding to the difficulties learners face. One of the reasons for this is that decisions on recognition are often left to the discretion of the higher education institution to which the learner is applying, with varying institutional practices and a lack of uniformity in criteria.

In general upper secondary education, mutual recognition processes, of both upper secondary qualifications and outcomes of learning periods abroad, are underdeveloped. Holders of qualifications giving access to higher education in one Member State often lack certainty about access to higher education in another Member State. Furthermore, while shorter learning periods abroad create no recognition problems, uncertainty remains an important challenge for periods between three months and one year. This is having a negative impact on the learning mobility of people entering higher education<sup>7</sup>, and also at secondary education level. Moreover, in view of an expansion of pupil mobility at secondary level in the future generation of the Erasmus+ programme, recognition issues at this level will become even more important.

Recognition of individual mobility in upper secondary vocational education and training is more developed. Such learners can use tools to have their learning outcomes recognised by their home institution. On the other hand, graduates of upper secondary vocational education and training who have access to higher education in their country do not have certainty that they will have the same access in other Member States, as national practices vary. This uncertainty about access clearly has a negative impact on learning mobility.

However, considerable progress has been made between groups of Member States that have come together to make agreements on automatic recognition. One of the examples is the Benelux<sup>8</sup> Decision on automatic recognition signed on 25 January 2018, in which all higher education qualifications – from short cycle programmes to doctorates – are included. Similar arrangements apply amongst the Nordic countries<sup>9</sup>, and a further agreement is expected to be signed by the Baltic states<sup>10</sup> in 2018. Both of these include upper secondary qualifications that give access to higher education. In addition, some Member States, such as Austria and Italy, automatically recognise the outcomes of learning periods spent in any country during secondary education and training.

A positive example of cooperation between Member States regarding the recognition of upper secondary qualifications giving access to higher education is the European Baccalaureate, the

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<sup>5</sup> <http://bologna-yerevan2015.ehea.info/files/YerevanCommuniqueFinal.pdf>.

<sup>6</sup> Making Integration Work, Organisation for Economic Co-operation and Development (2017): <http://www.oecd.org/migration/making-integration-work-humanitarian-migrants-9789264251236-en.htm>

<sup>7</sup> This encompasses both short cycle and Bachelor levels.

<sup>8</sup> Belgium, Luxembourg, the Netherlands.

<sup>9</sup> Denmark, Finland, Iceland, Norway and Sweden.

<sup>10</sup> Estonia, Latvia, Lithuania.

diploma awarded by the European Schools<sup>11</sup>. European Baccalaureate diploma holders enjoy the same rights and benefits as other holders of secondary school-leaving certificates in their countries, including the same right as nationals with equivalent qualifications to seek admission to any higher education institution in any Member State.

The added value of this proposal for a Council Recommendation is to build on these examples to spread automatic recognition to all Member States. It will support Member States and their education and training organisations in implementation, while respecting that they are responsible for their education and training systems. This important step towards the creation of the European Education Area can then act as an inspiration for progress to be made in other fora, for example, within the geographically wider European Higher Education Area.

For the purposes of this Council Recommendation, automatic recognition of a qualification is understood as the right for holders of a qualification that has been issued by one Member State to be considered for access to a programme for education or training in any other Member State, without having to go through a separate recognition procedure. Automatic recognition of the outcomes of a learning period abroad is understood as the right to have the outcomes of a learning period in one Member State recognised in any other Member State when the learning outcomes have been appropriately documented. A glossary of terms used in this document is provided in the annex.

- **Consistency with existing policy provisions in the policy area**

Proposing a Council Recommendation on promoting the automatic mutual recognition of higher education and upper secondary education diplomas and study periods abroad was one of the key elements in the European Commission's contribution to the Leaders' meeting in Gothenburg on 17 November 2017: the Communication on Strengthening European Identity through Education and Culture<sup>12</sup>. It is strongly linked to the ambition of creating a European Education Area by 2025, and was endorsed through the European Council conclusions of 14 December 2017<sup>13</sup>, which called for work to be taken forward in “*promoting cooperation of Member States on mutual recognition of higher education and school leaving diplomas at secondary education level in the appropriate framework*”.

Work on automatic mutual recognition also takes forward work under the priority area on “*transparency and recognition of skills and qualifications to facilitate learning and labour mobility*”, as identified in the 2015 Joint Report of the Council and the Commission on the implementation of the strategic framework for European cooperation in education and training<sup>14</sup>.

Within the framework of the European Union's education and training policy, work on automatic mutual recognition of qualifications and outcomes of learning periods abroad can rely on a number of building blocks, including:

- (a) The Council Recommendation of 22 May 2017 on the European Qualifications Framework for Lifelong Learning, which aims to improve the transparency, comparability and portability of people's qualifications. It created a common

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<sup>11</sup> European Schools are governed by the cooperation between all the EU Member States and the EU under the Convention defining the Statute of the European Schools, *Official Journal L 212, 17/08/1994 P. 0003 - 0014*.

<sup>12</sup> COM(2017) 673 final: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2017%3A673%3AFIN>

<sup>13</sup> EUCO 19/1/17 REV 1: <https://www.consilium.europa.eu/media/32204/14-final-conclusions-rev1-en.pdf>

<sup>14</sup> 2015/C 417/04: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:52015XG1215%2802%29>

reference framework of eight levels of qualifications, expressed as learning outcomes with increasing levels of proficiency. They serve as a translation device between different qualifications systems and their levels. Member States have developed, or are developing, national qualifications frameworks based on learning outcomes and are relating these to the European Qualifications Framework;

- (b) The Europass Decision<sup>15</sup> on a common framework for the provision of better services for skills and qualifications, which will establish a comprehensive and interoperable framework of tools and information, in particular for transnational employment and learning mobility purposes;
- (c) The Commission proposal for a Council Recommendation on key competences for lifelong learning<sup>16</sup> of 17 January 2018, which updates the Recommendation of the European Parliament and of the Council on key competences for lifelong learning<sup>17</sup> of December 2006. It recommends supporting and further developing the assessment and validation of key competences to enable individuals to have their competences recognised and obtain full, or where applicable, partial qualifications;
- (d) The Council Recommendation on the validation of non-formal and informal learning<sup>18</sup> of December 2012, which invited Member States to have in place arrangements for the validation of non-formal and informal learning by 2018;
- (e) Quality assurance processes, which allow Member States' higher education systems to demonstrate quality and increase transparency, thus helping to build mutual trust and better recognition of their qualifications, programmes and other provisions. In line with the Recommendation of the European Parliament and of the Council of 15 February 2006 on further cooperation in quality assurance in higher education<sup>19</sup>, the Commission and Member States support cooperation between higher education institutions, quality assurance and accreditation agencies, competent authorities and other bodies active in the field. The bases for trust and recognition are a common set of Standards and Guidelines for Quality Assurance in the European Higher Education Area, which have been developed by the Bologna Process, and the European Quality Assurance Register for Higher Education<sup>20</sup>, which provides reliable information on quality assurance agencies that have demonstrated their substantial compliance with these standards and guidelines;
- (f) The European Quality Assurance Reference Framework for Vocational Education and Training<sup>21</sup>, adopted in 2009, which supports the improvement of quality assurance arrangements in vocational education and training programmes. This helps to increase transparency and thereby trust in the vocational education and training systems of the Member States;

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<sup>15</sup> Adopted in the European Parliament on 14 March 2018 and by Member States on 12 April 2018.

<sup>16</sup> <https://ec.europa.eu/education/sites/education/files/recommendation-key-competences-lifelong-learning.pdf>

<sup>17</sup> 2006/962/EC: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32006H0962>

<sup>18</sup> 2012/C 398/01: [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32012H1222\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32012H1222(01))

<sup>19</sup> 2006/143/EC: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32006H0143>

<sup>20</sup> 18 Member States use quality assurance agencies that have been registered with the European Quality Assurance Register.

<sup>21</sup> 2009/C 155/01: [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C\\_.2009.155.01.0001.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2009.155.01.0001.01.ENG)

- (g) The Recommendation of the European Parliament and of the Council of 18 June 2009 on a European Credit System for Vocational Education and Training<sup>22</sup>, which facilitates the recognition of learning outcomes in accordance with national legislation, including through such tools as learning agreements and memoranda of understanding.

- **Consistency with other Union policies**

By supporting the improvement of recognition of qualifications and the outcomes of learning periods carried out across the European Union, and thereby increasing access to opportunities for education, training and employment mobility, this proposal will contribute to the realisation of the Commission's priority on boosting jobs and growth<sup>23</sup>.

The proposal is also in line with the Rome Declaration<sup>24</sup>, which calls for “*a Union where young people receive the best education and training and can study and find jobs across the continent*”.

It will also contribute to the first principle of the European Pillar of Social Rights<sup>25</sup>, which states that “[*e*]veryone has the right to quality and inclusive education, training and life-long learning in order to maintain and acquire skills that enable them to participate fully in society and successfully manage transitions in the labour market”.

The proposal is also consistent with Guideline 7 of the 2018 Employment Guidelines<sup>26</sup>, which states: “[*t*]he mobility of learners and workers should be promoted with the aim of enhancing employability skills and exploring the full potential of the European labour market. Barriers to mobility in education and training [...] and in the recognition of qualifications should be removed”.

It is consistent with the Commission’s New Skills Agenda<sup>27</sup> and the Action Plan on the integration of third-country nationals<sup>28</sup>, which recognise the need for further measures to facilitate the recognition of skills and qualifications, as well as learning mobility, of third country nationals residing in the EU. It is consistent also with the Recast Directive on Students and Researchers<sup>29</sup>, whose objective is to facilitate intra-EU mobility for third-country researchers and students.

The proposal is also in line with the Commission’s Communication on boosting growth and cohesion in EU border regions<sup>30</sup>, which encourages Member States to give serious

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<sup>22</sup> 2009/C 155/02: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=OJ%3AC%3A2009%3A155%3ATOC>

<sup>23</sup> [https://ec.europa.eu/commission/priorities/jobs-growth-and-investment\\_en](https://ec.europa.eu/commission/priorities/jobs-growth-and-investment_en).

<sup>24</sup> <http://www.consilium.europa.eu/en/press/press-releases/2017/03/25/rome-declaration/>

<sup>25</sup> [https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights/european-pillar-social-rights-20-principles\\_en](https://ec.europa.eu/commission/priorities/deeper-and-fairer-economic-and-monetary-union/european-pillar-social-rights/european-pillar-social-rights-20-principles_en)

<sup>26</sup> COM(2017) 677 final: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52017PC0677>

<sup>27</sup> COM(2016)381final:<https://ec.europa.eu/transparency/regdoc/rep/1/2016/EN/1-2016-381-EN-F1-1.PDF>

<sup>28</sup> COM(2016)377final:[https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication\\_action\\_plan\\_integration\\_third-country\\_nationals\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/policies/european-agenda-migration/proposal-implementation-package/docs/20160607/communication_action_plan_integration_third-country_nationals_en.pdf)

<sup>29</sup> Directive (EU) 2016/801 of the European Parliament and the Council on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast): <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32016L0801>

<sup>30</sup> COM(2017) 534 final: [http://ec.europa.eu/regional\\_policy/sources/docoffic/2014/boosting\\_growth/com\\_boosting\\_borders.pdf](http://ec.europa.eu/regional_policy/sources/docoffic/2014/boosting_growth/com_boosting_borders.pdf)

consideration to greater coordination, more mutual recognition and closer alignment with each neighbour.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

### **• Legal basis**

The initiative is in conformity with Articles 165 and 166 of the Treaty on the Functioning of the European Union. Article 165 states that the Union shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content and organisation of their education systems. In particular, Article 165(2) explicitly calls for Union action aimed at “*encouraging mobility of students and teachers, by encouraging, inter alia, the academic recognition of diplomas and periods of study*”.

Article 166 states that the Union shall implement a vocational training policy which shall support and supplement the action of the Member States, while fully respecting the responsibility of Member States for the content and organisation of vocational training.

The initiative does not propose any extension of EU regulatory power or binding commitments on Member States. Member States will decide, according to their national circumstances, how they implement the Council Recommendation.

### **• Subsidiarity (for non-exclusive competence)**

The objective of the proposed recommendation is an intrinsically transnational issue. It requires further cooperation between Member States, cannot be achieved sufficiently by Member States acting alone and can therefore be achieved better at Union level.

While the Lisbon Recognition Convention and commitments made under the Bologna Process provide a framework for automatic mutual recognition, and there are some regional agreements amongst smaller groups of Member States, barriers continue to impede full automatic recognition across the Union.

### **• Proportionality**

The proposal envisages a step-by-step approach to achieving automatic mutual recognition between Member States. The proposed recommendation does not go beyond what is necessary to achieve its objectives insofar as it is a non-binding instrument that leaves each Member State in charge of the approach to take in working towards automatic mutual recognition.

### **• Choice of the instrument**

To contribute to the achievement of the objectives referred to in Articles 165-166 of the Treaty on the Functioning of the European Union, the Treaty prescribes that the Council, on a proposal from the Commission, shall adopt recommendations.

## **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

### **• Ex-post evaluations/fitness checks of existing legislation**

Not applicable.

### **• Stakeholder consultations**

In order to ensure that the stakeholders most concerned by the proposal were able to provide their input and expertise, and to add to the Commission's evidence base in this area, the

Commission carried out a targeted online consultation of Member States and stakeholders<sup>31</sup>. Nearly 1,000 responses were received from individuals and organisations working in recognition, education and research across Europe and beyond.

According to the respondents, the main obstacles to achieving full automatic mutual recognition are: a lack of transparency and varying rules and procedures; lack of comparability of learning outcomes; lengthy and complex administrative procedures; and language and translation issues. The consultation confirmed that the necessary framework and EU tools to ensure recognition exist, but further support is necessary for their full implementation, with a need to build more trust across the European Education Area. There was strong support for action at both EU and national level. Furthermore, the consultation revealed support for an ambitious Council Recommendation.

These results were further reinforced during a dedicated meeting where stakeholders and Member State representatives reaffirmed the need for the Council Recommendation to be ambitious and to set a clear target for achieving automatic mutual recognition. They recommended also the inclusion of references to alternative pathways, such as recognition of prior learning and of professional experience, and of taking into account access arrangements to tackle socio-economic disadvantage. The potential of digital solutions, such as blockchain and artificial intelligence, should also be explored.

In addition, the Commission carried out several rounds of consultation with the network of National Academic Recognition Centres, the network of recognition authorities in Member States, the European Economic Area and Turkey, as well as the European Network of National Information Centres on academic recognition and mobility, which includes all parties to the Lisbon Recognition Convention. They indicated support for Union action in this area; emphasised the importance of the implementation of the Lisbon Recognition Convention and adherence to the Bologna Process structures and highlighted the crucial role of quality assurance in building trust. They also pointed to the need for a reliable database of qualifications, especially for upper secondary education and vocational education and training. In addition, they recommended strengthening the capacity of recognition authorities and considering an expansion of their role to encompass other education and training sectors.

These consultations were followed by further discussions at meetings of the Directors General for higher education and Directors General for schools. Directors General for vocational education and training were consulted in writing.

- **Collection and use of expertise**

Several studies prepared in the context of the Bologna Process and the Lisbon Recognition Convention<sup>32</sup> have highlighted continued challenges and inconsistencies in recognition procedures. Recommendations included the improvement of procedures and national legislation where appropriate. They proposed support for credential evaluators in order to reduce time taken in recognition decisions and appeal procedures. Improvements to the Diploma Supplement to strengthen its references to learning outcomes and the examination of the potential for system-level recognition on a regional basis were also proposed. Most of the recommendations identified in the Bologna Process context were endorsed by the Bologna Ministerial Conference in 2015.

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<sup>31</sup> The results of the consultations are outlined in the accompanying Staff Working Document.

<sup>32</sup> The 2015 and upcoming 2018 Bologna Implementation Reports, the 2015 report by the European Higher Education Area Pathfinder Group on Automatic Recognition and the 2016 report on monitoring the impact of the Lisbon Recognition Convention.



Previous works of the Commission in the area of recognition of qualifications, involving Member States and stakeholders, highlighted a low degree of awareness of recognition tools and the need for a 'recognition system' for all types of education and training. It concluded that the ease with which learners could have their qualifications recognised in another Member State remained a cause for concern.

The European Federation for Intercultural Learning presented in 2018 an overview of the legal and other national provisions for recognition of the outcomes of learning periods abroad. It confirmed the vast diversity of legal provisions, where they exist, and differing practices, resulting in unequal opportunities for mobility of secondary pupils in Member States.

- **Impact assessment**

No impact assessment was carried out, given the complementary approach of the activities to Member State initiatives, the voluntary nature of the proposed activities and the scope of the impacts expected. The development of the proposal was instead informed by previous studies, a consultation of recognition authorities and a targeted consultation of Member States and stakeholders.

- **Regulatory fitness and simplification**

Not applicable.

- **Fundamental rights**

Member States will commit to ensuring that they will develop initiatives that respect Article 8 of the [Charter of Fundamental Rights of the European Union](#), which states that everyone has the right to the protection of personal data concerning him or her; that such data must be processed fairly for specific purposes and on the basis of the consent of the person concerned or some other legitimate basis laid down by law; and that everyone has the right of access to data which has been collected concerning him or her, and the right to have it rectified.

Through the provision of improved recognition, the proposed Council Recommendation will also contribute to the realisation of Article 14, on the right to access education and vocational education and training, and Article 15, on the right to access employment.

The measures shall be carried out in accordance with EU law on the protection of personal data, in particular Directive 95/46/EC<sup>33</sup>, to be replaced on 25 May 2018 with Regulation (EU) 2016/679<sup>34</sup> of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation).

#### **4. BUDGETARY IMPLICATIONS**

The use of existing EU funding, such as Erasmus+ or European Structural and Investment Funds, to support the realisation of the commitments made in this proposal will be encouraged, where appropriate and in line with their legal basis, as well as their respective financial resources.

No additional budget or staff resources will be required from the EU budget.

Moreover, this initiative shall not prejudice the negotiations on the next Multiannual Financial Framework and future programmes.

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<sup>33</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31995L0046:en:HTML>

<sup>34</sup> [http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L\\_.2016.119.01.0001.01.ENG](http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2016.119.01.0001.01.ENG)

## **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation and reporting arrangements**

Member States will commit to reporting regularly to the Commission on their implementation and evaluation of the measures within the Council Recommendation, beginning within two years of its adoption, while the Commission will report to the Council on the overall implementation of the Council Recommendation within five years of its adoption, on the basis of national reports from the Member States issued four years after its adoption.

In addition, progress, including any challenges, will be monitored through discussions in the current sectoral Education and Training 2020 Working Groups covering higher education, vocational education and training and schools, which will provide a forum for mutual learning and exchange of good practice. Without prejudice to agreement with Member States on the mandate of future working groups, the Commission shall continue to support Member States in the implementation of this Council Recommendation beyond 2020.

- **Explanatory documents (for directives)**

Not applicable.

- **Detailed explanation of the specific provisions of the proposal**

The proposed Council Recommendation suggests a step-by-step approach that will support Member States in putting in place the necessary conditions to result in automatic recognition for the purposes of further study. It builds on what has already been done in higher education, but with a more ambitious and EU-driven approach. It covers not only higher education, but also secondary education and vocational education and training.

### **Paragraph 1**

Member States will be invited to commit to ensuring that qualifications or the outcomes of a learning period abroad are automatically recognised on the same basis as national qualifications or learning periods.

### **Paragraphs 2-4**

In higher education, Member States will be invited to put in place the conditions necessary to build trust in each other's education and training systems. They will also be invited to commit to developing national guidance to support the implementation and use of transparency tools in higher education institutions.

### **Paragraphs 5-6**

In secondary education and training, Member States will be invited to put in place the conditions necessary to build trust in each other's education and training systems. They will also be invited to produce national guidance, promote the use of transparency criteria and tools, exchange information on quality assurance systems in school education, and to develop further quality assurance instruments in vocational education and training.

### **Paragraph 7**

Member States will be invited to strengthen the capacity of National Academic Recognition Centres and credential evaluators.

### **Paragraph 8**

In recognition of the importance of improving access for under-represented groups to learning mobility opportunities, Member States will be invited to explore good practice with regard to recognition of prior learning and permeability between education and training sectors.

### **Paragraphs 9-10**

Member States will be invited to improve the evidence base by collecting and disseminating data on recognition cases, and to report to the Commission on progress in the implementation of this Council Recommendation.

### **Paragraphs 11-19**

The Commission will support Member States in the implementation of this Council Recommendation through:

- mutual learning and exchange of good practices;
- targeted support where necessary;
- user-friendly online information service of upper secondary qualifications that give access to higher education;
- synergies between EU transparency tools, in order to improve cooperation and mobility between education and training sectors;
- exploring the potential of digital technologies, including blockchain, to facilitate automatic recognition;
- exploring an extension of the scope of National Academic Recognition Information Centres;
- Union funding instruments; and
- reporting on progress in the implementation of the Council Recommendation.

Proposal for a

## COUNCIL RECOMMENDATION

### **on promoting automatic mutual recognition of higher education and upper secondary education diplomas and the outcomes of learning periods abroad**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Articles 165 and 166 thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) Learning mobility fosters knowledge, skills, competences and experiences, including personal and social competences and cultural awareness, that are crucial for active participation in society and the labour market, as well as for promoting a European identity.
- (2) The European Commission, in its Communication on Strengthening European Identity through Education and Culture<sup>35</sup>, set out a vision for the creation of a European Education Area by 2025 in which learning, studying and carrying out research will not be hampered by borders, including by removing obstacles to the recognition of qualifications, both at the level of schools and higher education.
- (3) The European Council Conclusions of 14 December 2017 called on Member States, the Council and the Commission, in line with their respective competences, to take work forward in “*promoting cooperation of Member States on mutual recognition of higher education and school-leaving diplomas at secondary education level*”<sup>36</sup>.
- (4) The 1997 Convention on the Recognition of Qualifications concerning Higher Education in the European Region (Lisbon Recognition Convention), developed by the Council of Europe and UNESCO, provides a legal framework for the recognition of higher education and upper secondary qualifications that give access to higher education.
- (5) Ministers for Education of the European Higher Education Area committed to the long-term goal of automatic recognition of comparable academic degrees in the Bucharest Communiqué of 2012. Progress was made through the work of the Pathfinder Group on Automatic Recognition, but the goal is still far from being reached.
- (6) Ministers responsible for vocational education and training in Member States committed in 2002 to the Copenhagen Process, a process of enhanced cooperation that promotes recognition of qualifications and competences.

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<sup>35</sup> COM(2017) 673 final: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2017%3A673%3AFIN>

<sup>36</sup> EUCO 19/1/17 REV 1: <https://www.consilium.europa.eu/media/32204/14-final-conclusions-rev1-en.pdf>

- (7) Quality assurance in particular has a key role to play in improving transparency, thus helping to build mutual trust. It is therefore important to build on the work already accomplished in the context of the European Standards and Guidelines for Quality Assurance in the European Higher Education Area and the European Quality Assurance Reference Framework for Vocational Education and Training.
- (8) To facilitate the recognition of the learning outcomes in national legislation, including in the framework of mobility, the work on the implementation of a European Credit Transfer and Accumulation Systems and European Credit System for Vocational Education and Training should continue.
- (9) The Council Recommendation of 22 May 2017 on a European Qualifications Framework for Lifelong Learning<sup>37</sup> set out to improve the transparency, comparability and portability of qualifications, thus facilitating their recognition.
- (10) The European Parliament, in its Resolution of 20 April 2012 on Modernising Europe's higher education systems, calls for additional efforts on the part of the EU and its Member States to ensure more effective recognition and greater harmonisation of academic qualifications<sup>38</sup>.
- (11) In an increasingly globalised context, it is important that students can make the best possible use of all learning opportunities across Europe. For this to happen, a qualification awarded by a competent authority in one Member State should be valid in any other Member State for the purpose of accessing further learning activities. This includes third-country nationals who hold a qualification from one Member State and move to another Member State. However, the lack of this automatic recognition of qualifications and the outcomes of learning periods abroad is hampering mobility. Only a Union-wide approach to automatic recognition will provide the needed clarity and consistency to overcome the remaining barriers.
- (12) In higher education, recognition procedures often remain too complicated or too expensive and too many mobile students do not obtain full recognition of successfully achieved learning outcomes. However, several Member States have taken the initiative to make progress towards automatic recognition, including through the signature of regional agreements. These initiatives can serve as models for the creation of a Union-wide system.
- (13) At secondary education level, holders of qualifications giving access to higher education in one Member State often lack certainty about access to higher education in another Member State. In particular, some Member States do not recognise the qualifications that open access to higher education for holders of secondary qualifications in vocational education and training in other Member States. Furthermore, while shorter learning periods abroad do not necessarily create recognition problems, uncertainty remains an important challenge for periods between three months and one year.
- (14) A step-by-step approach will support Member States in putting in place the conditions that will make automatic recognition possible. This approach will build on the tools already in place for higher education and vocational education and training, but will

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<sup>37</sup> 2017/C 189/03: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32017H0615%2801%29>

<sup>38</sup> P7\_TA(2012)0139: <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&language=EN&reference=P7-TA-2012-139>

improve their use and progressively raise the level of ambition. In general secondary education and training, a cooperation process aimed at building the necessary level of trust between Member States' different education and training systems will be launched. This Recommendation provides a complementary approach to Member States' initiatives, and commitments are of a voluntary nature.

- (15) This Recommendation is without prejudice to the system for mutual recognition of professional qualifications and harmonised minimum training requirements for several professions pursuant to Directive (EC) 2005/36 of the European Parliament and the Council on the recognition of professional qualifications<sup>39</sup> as amended by Directive (EU) 2013/55<sup>40</sup>.

HEREBY RECOMMENDS THAT MEMBER STATES:

*In accordance with national and European Union legislation, available resources and national circumstances, and in close cooperation with all relevant stakeholders:*

### **Key Principle**

1. Put in place the steps necessary to achieve, by 2025, automatic recognition of higher education and upper secondary qualifications<sup>41</sup>, as well as recognition of the outcomes of learning periods, so that, without having to go through a separate recognition procedure:
  - (a) a qualification at higher education level gained in one Member State is automatically recognised, for the purpose of granting access to further studies, in the others, without prejudicing a higher education institution's right to set specific admission criteria for specific programmes;
  - (b) an upper secondary qualification giving access to higher education in one Member State is automatically recognised, for the purpose of granting access to higher education, in the others, without prejudicing a higher education institution's right to set specific admission criteria for specific programmes;
  - (c) the outcomes from a learning period abroad at higher education level in one Member State are automatically and fully recognised in the others, either as agreed in the Learning Agreement and confirmed in the Transcript of Records, or according to the learning outcomes of the modules completed abroad, as described in the Course Catalogue, in line with the European Credit and Accumulation System; and
  - (d) the outcomes from a learning period of up to one year abroad during secondary education and training in one Member State are fully recognised in any other, with the learner not being required to repeat the programme year in the country of origin, provided that the competences acquired are broadly in line with the competences defined in the national curricula.

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<sup>39</sup> OJ L 255, 30.9.2005, p. 22: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32005L0036>

<sup>40</sup> Directive (EU) 2013/55 of the European Parliament and of the Council amending Directive 2005/36/EC on the recognition of professional qualifications and Regulation (EU) No 1024/2012 on administrative cooperation through the Internal Market Information System ( 'the IMI Regulation') OJ L 354 28.12.2013, p. 132: <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=celex%3A32013L0055>

<sup>41</sup> For the purposes of this Council Recommendation, qualifications at upper secondary level comprise level 4 and qualifications at higher education level comprise levels 5-8 within the European Qualifications Framework.

## **Higher Education**

2. In recognition of the importance of fostering transparency and building trust in each other's higher education systems to achieve automatic recognition, commit to fulfilling the following conditions, in which:
  - (a) national qualifications frameworks or systems are referenced to the European Qualifications Framework and self-certified to the Qualifications Framework of the European Higher Education Area;
  - (b) higher education systems are organised in line with Bologna Process structures, comprising a three-cycle framework and, where applicable to the Member State, a short cycle; and
  - (c) external quality assurance is carried out by independent quality assurance agencies registered with the European Quality Assurance Register and which thus operate in line with both the Standards and Guidelines for Quality Assurance in the European Higher Education Area and the European Approach for Quality Assurance of Joint Programmes.
3. In cooperation with National Academic Recognition Information Centres, higher education institutions, quality assurance agencies and other key stakeholders, develop national guidance to support higher education institutions in producing and effectively implementing the following transparency tools:
  - (a) up-to-date Course Catalogue, with descriptions of all degree programmes, single educational units and grade distribution tables;
  - (b) Diploma Supplements for all graduates, issued automatically and free of charge in a widely used language and in a digital format; and
  - (c) transparent criteria for recognition that are applied consistently throughout each higher education institution.
4. Provide expert support to higher education institutions to implement such national guidance, and monitor its implementation.

## **Secondary Education and Training**

5. In order to achieve automatic recognition of upper secondary qualifications, foster transparency and build trust in each other's secondary education and training systems by:
  - (a) ensuring that national qualifications frameworks or systems are referenced to the European Qualifications Framework;
  - (b) exchanging information and promoting mutual learning on quality assurance systems in school education, while fully respecting different national approaches in quality assurance; and
  - (c) developing further quality assurance instruments in vocational education and training in line with the European Framework for Quality Assurance in Vocational Education and Training.
6. Facilitate mobility and recognition of the outcomes of learning periods abroad during secondary education and training by:
  - (a) producing national guidance material for secondary education and training institutions on general principles and tools for recognition;

- (b) promoting the use of transparent criteria and tools, such as competence-based learning agreements between the sending and hosting institutions. In vocational education and training, extending the use of EU tools, such as the Europass Mobility document, the European Credit System for Vocational Education and Training Memorandum of Understanding and Learning Agreement, and others made available through the Europass online platform for skills and qualifications; and
- (c) promoting the benefits of mobility among secondary education and training institutions and learners and their families and promoting the benefits of hosting mobility among employers.

### **National Academic Recognition Centres**

- 7. Develop the capacity of National Academic Recognition Centres and credential evaluators, in particular with regard to information dissemination, the use of online tools to improve efficiency and consistency, and the goal of reducing administrative and financial burden for users of their services.

### **Permeability and mobility**

- 8. Explore good practice with regard to the recognition of prior learning and permeability between education and training sectors, in particular between vocational education and training and higher education.

### **Evidence Base**

- 9. Improve the evidence base by collecting and disseminating data on the number and type of recognition cases.

### **Reporting and Evaluation**

- 10. Within two years from the adoption of this Recommendation, and regularly thereafter, report through existing frameworks and tools on experiences and progress towards achieving automatic mutual recognition of qualifications and the outcomes of learning periods abroad.

### **HEREBY WELCOMES THE COMMISSION'S INTENTION TO:**

- 11. Promote mutual learning and exchange of good practices and cooperation between Member States and with stakeholders, recognition authorities and international organisations. This EU cooperation shall aim to ensure the full implementation of the Bologna Process instruments for higher education in the EU, as well as the Copenhagen Process instruments for vocational education and training.
- 12. In the field of general secondary education, launch an EU cooperation process, jointly with Member States, to initiate closer cooperation among Member States at secondary education level to achieve the objectives of this recommendation to foster transparency and build trust in school education systems across the Union.
- 13. Provide targeted support for education and training institutions that report higher than average problems with the recognition of learning periods abroad.
- 14. Establish a user-friendly EU online information service of upper secondary qualifications giving access to higher education in each Member State.



15. Explore synergies between EU transparency tools<sup>42</sup> and, where appropriate, develop them further, with the objective of improving cooperation and mobility between education and training sectors.
16. Explore the potential of new technologies, such as blockchain technology, to facilitate automatic recognition.
17. Explore, in cooperation with Member States and the National Academic Recognition Information Centres, an extension of their role to encompass other sectors of education and training.
18. Support the use of European sources of funding, such as Erasmus+ or European Structural and Investment Funds, where appropriate and in line with their financial capacity, legal basis, decision-making procedures and priorities defined for the period 2014-2020, without any prejudice to negotiations on the next Multiannual Financial Framework. Strengthen mobility in secondary education and training within the Erasmus + Programme.
19. Report to the Council on the follow-up of the Recommendation through existing frameworks and tools.

HAS ADOPTED THIS RECOMMENDATION:

Done at Brussels,

*For the Council*

*The President*

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<sup>42</sup> Such as the Diploma Supplement, European Credit Transfer and Accumulation System, European Credit System for Vocational Education and Training, European Qualifications Framework and Europass.