

**Institute for Transnational and Euregional
cross border cooperation and Mobility / ITEM**

ITEM-Benelux Workshop
**“Recognising Qualifications across European
Borders: An Exchange of Experiences and Good
Practices”**

Report
15 November 2018

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The *Institute for Transnational and Euregional cross-border cooperation and Mobility / ITEM* is the pivot of scientific research, counselling, knowledge exchange, and training activities with regards to cross-border cooperation and mobility.

ITEM is an initiative of Maastricht University (UM), the Dutch Centre of Expertise on Demographic Changes (NEIMED), Zuyd University of Applied Sciences, the City of Maastricht, the Euregio Meuse-Rhine (EMR), and the Dutch Province of Limburg.



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1. Opening Presentations

1.1 Word of Welcome

Mr. Thomas Antoine, Secretary-General of the Benelux

Recognising qualifications across borders is an important topic for the Benelux. The Benelux has a long tradition of putting efforts in overcoming obstacles related to recognising qualifications. The most important objective of improved recognition is to enhance cross-border mobility. Nevertheless, the recognition of qualifications is a complex topic as it is not “erga omnes”. In particular, there is a great variety of qualifications in the EU as well as in the Benelux. In the past, the Benelux has already been intensively involved in the recognition of academic diplomas. Now the efforts of the Benelux go even further and the focus has been shifted to another target group: professionals. Here too, there are challenges. After all, each profession has its own technical and legal requirements, which differ from country to country. Since the 60th anniversary of the Benelux, the day’s location is called the house of the Benelux. It must be a symbol of openness and hospitality. Mr. Antoine thanks all present and wishes everyone a successful workshop.

1.2 The Recognition of Diploma’s in Switzerland: Actualities and Challenges

Dr. Frédéric Berthoud, Head of Unit Swiss State Secretariat for Education, Research and Innovation

Switzerland has a lot of experience evaluating qualifications of migrants coming from the European Union despite not being a Member State of the EU or the Benelux. As far as the legal background of the topic is concerned, there is a distinction in three categories of rules on recognition. First of all, there are the rules on the recognition of professional qualifications. In Switzerland, these may be found in the Swiss-EU Agreement on the free movement of persons that transposes Directive 2005/36/EC. The second group of rules concerns the recognition of academic qualifications. This type of recognition is guaranteed by the Lisbon Recognition Convention and bilateral agreements of Switzerland with Germany, Italy and Austria. Finally, national law provides recognitions for regulated as well for unregulated professions and situations for non-EU migrants. In 2016, the State Secretariat received 1507 requests for recognition of regulated professions and 3061 for recognition of qualifications of non-regulated professions. These numbers are the result of the functioning of the labour market and are not related to the number of professions that Switzerland does (or does not) regulate.

Successful integration of migrants into the Swiss labour market requires smooth recognition procedures. Additionally, it is almost impossible for migrants to apply for a job successfully without recognition of their qualifications. Furthermore, employers are reluctant to hire migrants whose diplomas are not recognised. This seems too risky for them. This applies to both regulated and non-regulated professions. In order to accommodate the employee and employer, recognition must therefore take place. In this context the efforts of the EU to get “smarter regulations” is very interesting. As all the states under discussion here are based on a liberal economy that the regulation

of professions is restricted as much as possible, such diversities in the national regulatory background should not occur. So the purpose is not to challenge the proportionality test; nevertheless, in practice we see that the fewer regulated professions there are, the less recognition there is. One can therefore question whether the trend related to less recognition effectively contributes to the mobility of workers.

Digitalisation may play an important role to improve the recognition process. Although Switzerland has not yet amended Directive 2005/36/EC, it has implemented a digital system which allows citizens to undergo fully digital recognition procedures. This project, called "*Fachanwendung Diplomanerkennung*", also known as "FaDa", makes it possible for citizens to create an account, to start an application, and to upload all necessary documents. This digital system is currently connected to two authorities: the State Secretariat for Education, Research and innovation and Swiss universities. The first authority is responsible for the professional recognition of qualifications, the second for the recognition of academic qualifications. The aim is to open this system up to more competent authorities. For example, the idea is to open the platform for the Swiss conference of cantonal directors for public education (*La conférence suisse des directeurs cantonaux de l'instruction publique*). One advantage of this is that the authorities gain insight into what the other authorities are doing.

At the moment, the project is still in full development, and there are, of course, also a few challenges. Although the workflow of the system is already very high, there are still some technical difficulties. In the long term however, the vision is to have one system for all competent authorities. This would have four advantages. First, as a migrant you no longer need to look for the right competent authority. Secondly, the danger of the migrant being sent from one authority to another without a solution being found disappears. Thirdly, there could be considerable cost savings. Fourthly, such a system could significantly improve cooperation between the different authorities. In conclusion, it would be very useful if other countries were also to develop and use a similar system as there are clear advantages.

Questions & discussion:

The key to recognising qualifications is increased mutual trust. How do you think more trust can be generated in the future (e.g. with employers) so that fewer applications for recognition are placed on your desk?

Increasing mutual trust is challenging and it is currently difficult to explain why so many employers still attach so much value to recognition, especially given that there is such a flexible labour market in Switzerland.

How is the number of regulated professions going to be reduced? Who is responsible for this?

At the European level the European Commission has initiated a transparency exercise to diminish the number of regulated professions. Nevertheless, it is difficult to decrease regulation as the regulation of professions is a politically charged topic. Switzerland is particularly trying to regulate in a more efficient and better manner in the context of the transparency exercise.

How is it that a digital system can process such a large variety of recognition requests and what about privacy concerns?

The system allows for a large number of professional and academic requests to be handled digitally. Nevertheless, individual dossiers are still evaluated by employees of the competent authorities. Recognition is therefore not (yet) automatized via the electronic system. As far as privacy is concerned, the system concerns a closed system with a dual authentication system. Furthermore, the applicable standards for saving and retaining the data of applicants have been taken into account.

2. B-solutions Project Roadmap and Factsheet: State of Affairs and Future Activities

Prof. dr. Hildegard Schneider, Professor of European Union Law and Board ITEM

Ms. Lavinia Kortese, PhD Candidate ITEM

The B-solutions project “Roadmap and Factsheet for the Recognition of Qualifications for Highly Demanded Professions” is a project that ITEM is carrying out on behalf of the Province of Limburg and the other project partners at the national and Euregional level in the Netherlands, Belgium, North Rhine-Westphalia and Lower Saxony. The B-solutions initiative was proposed by the European Commission. In 2015, the European Commission's DG Regio organised a major consultation examining the barriers to the cross-border labour market. This showed that one of the biggest bottlenecks was the non-recognition of qualifications. Following this consultation, the European Commission published a Communication calling for a reduction of legal and administrative barriers (such as the non-recognition of qualifications). In this context, DG Regio of the European Commission launched the B-solutions initiative to develop concrete and reproducible actions to address border obstacles of a legal and administrative nature. The project aimed at developing roadmaps and factsheets is one of ten projects that were selected for funding.

In order to explain the B-solutions project for the development of roadmaps and factsheets for improved recognition it is important to pay attention to Directive 2005/36/EC and its history. At the core of the recognition of qualifications is a distinction between professional and academic recognition. As far as professional recognition is concerned, the EU is the competent actor to create provisions for regulated professions. However, academic recognition and education are still largely considered a national competence. As far as the B-solutions roadmap and factsheet project is concerned, the focus is placed on professional recognition of regulated professions.

Over the course of time, many instruments have been adopted for professional recognition. As the EU has held a competence to legislate in this area since 1957, Member States have been cooperating on recognition of regulated professions for over 60 years. In the 1960s, cooperation was initiated via so-called "transitional directives". Despite their name, these instruments would eventually remain in force until the end of the 1990s. Even then, it was already clear that mutual trust was not self-evident.

This is still the case and actually strange when one thinks about it. We allow drivers to drive across a border with their national driving licence and therefore have trust in the quality of their training in another Member State. However, we distrust cross-border education and training. After 60 years of cooperation, this quite disappointing.

As European integration moved into the 1970s, it brought a new approach with it. This Sectoral approach aimed at creating European professions by setting common standards for education and training. The exercise was finally completed for seven professions before it was abandoned due to its complexity. Moving into the 1980s the horizontal approach was adopted. In this approach, the principle of mutual recognition played a central role. Milestones in the development of the principle are the rulings of the European Court of Justice in *Cassis de Dijon* and *Vlassopoulou*. Thanks to *Cassis de Dijon*, the free movement of goods is considerably more efficient. This ruling entails that a product that is lawfully produced in one Member State may also be sold across the border. This is also evident from *Vlassopoulou* where the judge extended the concept of mutual recognition to qualifications.

In the 1980s and 1990s, the principle of mutual recognition was also codified in Directive 89/48/EEC. The main rule is recognition, and compensation measures are only possible if there are substantial differences between the qualifications of the applicant and those of the host Member State. However, the 90s were also the time of the Bologna reforms and the Lisbon Recognition Convention. At present, there appears to be ample confusion between academic recognition, for which the Council of Europe is responsible, and professional recognition, for which the EU is competent. Besides the important *Cassis de Dijon* and *Vlassopoulou* judgments of the Court of Justice of the European Union, there is also the 2006 *Colegio* judgment which is of paramount importance. In this judgment, the Court made it clear that partial recognition of qualifications and partial access to a profession is also possible. An example is the German profession *Erzieherin*. This profession differs between Germany and the Netherlands, meaning that Dutch childcare workers may not exercise the full *Erzieherin* profession in Germany. Nevertheless, partial recognition and access could work wonders in this context.

With the new millennium came the Professional Qualifications Directive 2005/36/EC. This directive replaces all previous sectoral and horizontal directives, with the exception of those on lawyers and a few other professions. The resulting complexity of the new directive means that it is less accessible to those who do not know the previous history. In 2013, the Professional Qualifications Directive was modernised by Directive 2013/55/EU.

As far as its structure is concerned, the Professional Qualifications Directive consists of two regimes. One regime focuses on service provision relating to the temporary and occasional exercise of a profession in another Member State. The second regime relates to establishment which concerns the long term and fixed exercise of the profession in another Member State. The latter regime consists of another three systems: two for automatic recognition and one general system.

It is important to stress that there are two systems for automatic recognition. Whereas one concerns seven so-called sectoral professions,¹ the other concerns automatic recognition on the basis of professional experience. The general system nevertheless covers most regulated professions and is

¹ Doctors, nurses, dentists, midwives, veterinarians, pharmacists and architects.

based on the principle of mutual recognition. In fact, the main rule of the general system is recognition. Compensation measures are the exception and may only be applied when there are substantial differences.

One could say that relatively little progress is being made in this area. When compared to the free movement of goods, the concept of mutual recognition may only be departed from if there are important public health reasons or another legitimate objective does not allow this. For example, Belgian fireworks may not be sold in the Netherlands for safety reasons. However, the main rule remains the free movement of goods. Such a main rule also applies to the recognition of qualifications. We see, however, that this rule is applied very restrictively. In addition, mutual recognition based on mutual trust should certainly be possible in the Benelux, North Rhine-Westphalia and Lower Saxony. However, the failure to apply mutual recognition correctly does not only lead to problems in the area of the recognition of qualifications. It may also reduce the confidence of EU citizens living in border regions. After all, they do not get over the many bureaucratic hurdles.

When it comes to the B-solutions project, a number of professions have been selected with the aim of achieving recognition as swiftly as possible. These professions can then serve as an example. The challenges related to the Professional Qualifications Directive often relate to the general system and the application of the principle of mutual recognition. Hence that system is the centre of focus for the B-solutions project “Roadmap and Factsheet for the Recognition of Qualifications for Highly Demanded Professions”.

The B-solutions roadmap and factsheet project was initiated in August 2018 and will run until October 2019. Despite not having been running for long, there are already some early findings of the project. The project focuses on the Dutch border area with Belgium and Germany. This means that the project concerns the Belgian Flemish, French and German-speaking Communities and the German Bundesländer North Rhine-Westphalia and Lower Saxony. The B-solutions Project has the objective of creating a roadmap and a factsheet for three highly demanded professions. These two documents serve as guidance documents, which should increase transparency (for the citizen). The first document is aimed at first-line supporters and therefore also for the citizen. The roadmap ideally includes an overview of which diplomas are recognised without any further problems, which diplomas are subject to compensation measures, and if so which, and whether citizens in their home country can already do something to compensate possible knowledge shortages. The second instrument, the factsheet, is really aimed at citizens and should draw their attention to their rights and obligations in the recognition process, as citizens are often not aware of them.

The B-solutions project to develop roadmaps and factsheets for recognition consists of three steps. First, there will be a selection of highly demanded professions. This is necessary to limit the research, as recognition for the different professions is often done by different authorities. This first phase has already been completed. The second phase concerns the development of the roadmaps and fact sheets. Finally, the method used in this research will also be documented to ensure the reproducibility of the project.

In order to make the selection, national lists of "highly demanded professions" established by national (or regional) employment agencies were analysed. This has shown that different employment services use different definitions as far as what they consider to be "highly demanded professions". What the lists have in common, however, is that the professions listed on them experience shortages of workers. In this context, the B-solutions project focuses on professions where there are opportunities for citizens. Therefore, the starting point is the labour market viewed from the perspective of the citizen.

In order to make a selection, the professions that are regulated and fall under the general system of the directive were selected from the full national lists. Where possible, account was also taken of whether these professions are also demanded in the border regions. Secondly, the professions in the different countries were compared and linked via the Jobseeker Wizard of the European Commission's Regulated Professions Database. These steps led to a shortlist. In the Netherlands and Belgium, there appeared to be a shortage of second level nurses, accountants and teachers in primary and secondary education. As far as the Netherlands and Germany were concerned, both countries experienced a shortage of speech therapists. The three countries had a shortage of doctors in emergency care and physiotherapists. However, the profession of the doctor in emergency care is special because it is not entirely clear whether it is regulated and, if so, under which system it falls. This is exemplary because there are other professions where it is not clear whether or not they are regulated. Finally, Belgium and Germany had one bottleneck profession in common: specialised nurses. This profession is not regulated in the Netherlands.

In order to make the final selection, additional labour market initiatives such as that of the Benelux expert group on the transferability of qualifications, Interreg Euregio Xperience project and the Euregio Barometer were consulted. The final selection consists of three professions. This might appear to be a very modest selection, but this restriction is necessary due to feasibility concerns. For three professions, there are already 18 different competent authorities in the six territories included in the study (Netherlands, the Flemish, French and German-speaking Communities, North Rhine-Westphalia and Lower Saxony). The professions chosen are: second level nurses, physiotherapists and secondary school teachers. These professions were chosen because of their size in the EU meaning they are some of the most mobile regulated professions. The original intention was to select professions in the social and technical sectors as well. However, in the technical sector, these professions are often covered by automatic recognition and not by the general system which is the central focus of this project.

With the selection of these three professions the first phase of the B-solutions project has been completed. The development of the roadmaps and factsheets begins now. With that goal in mind, an inventory of authorities and a data collection will take place. For the collection of data, a literature study will be conducted as well as surveys and interviews with the authorities involved. During the concrete preparation of the roadmaps and fact sheet, attention will be paid to how the results can be presented to users in the most suitable manner. Dissemination also plays an important role, i.e. the roadmaps and factsheets must be made available to their users. After this second phase has been completed, the third and final phase follows: recording the methodology in a manual so that the project can also be carried out in other European regions as well.

In conclusion, the B-solutions project is aimed at developing roadmaps and fact sheets. The first document is intended for the first line supporters and the second document for the citizens. Nevertheless, both documents ultimately benefit citizens and should help them cross the border for work in a neighbouring country. Therefore, the aim of the project is to facilitate the recognition of qualifications by increasing transparency in recognition procedures under the general system and to ultimately contribute to improved mobility.

Questions & discussion:

It follows from the principle of mutual recognition that authorities must recognise qualifications and may only exceptionally impose compensation measures. Practice seems to be resisting this, have competent authorities been approached to clarify this?

Part of the confusion in relation to the general system of the Professional Qualifications Directive may relate to the altered wording of the directive, which only refers to 'comparable professions' and no longer to 'comparable professional activities'. More and more authorities are invoking the fact that it is not a comparable profession. Attempts have been made to talk to the competent authorities, but so far this has not produced drastic changes. Therefore, the B-solutions project has a different approach. The project aims to cooperate with authorities to provide information on recognition procedures.

During the presentation, no mention was made of the assistance centres instated under the Professional Qualifications Directive. These play an important role in information provision under the directive, will these be consulted or otherwise included in the project?

As a first step the first line supporters will be approached in the context of the project. Nevertheless, the B-solutions project is still in its early stages. Including the assistance centres in the context of the study constitutes a useful addition to the process.

3. Panel – Recognition in the Benelux-Germany Region

Panellists:

Mr. Justus de Hooge, Projectmanager, Dutch Ministry of Education, Culture and Science

Mr. Lukas Schmülling, Department Head Bezirksregierung Düsseldorf

Ms. Karin Straus, Ambassador Euregional Education

Ms. Julia Lubjuhn, Coördinator Bundesinstitut für Berufsbildung (BIBB)

Question 1 – Mr. Justus de Hooge

What are your experiences with the recognition of qualifications in the Benelux and between the Netherlands and Germany, is there really an improvement of recognition compared to five years ago?

The recognition of diploma's is one of the most complicated dossiers. What is most difficult to understand is that a lot of actors at the political level and at the level of the employers believe that it is an issue that must be solved. Everyone agrees that an open labour market is beneficial. Nevertheless, the topic's technical nature is what makes the dossier so complex. Whereas politicians will always agree that tackling recognition related issues is necessary and must be done, it is a lot harder to achieve in practice. Furthermore, one must keep in mind that countries have become a lot more complex in the past 70 years. More and more people need a diploma to work in a certain field. In the Netherlands, there are about 3000 professions. Of those professions a number is regulated. For these professions, recognition is often more complex and information provision about such processes may still be improved.

Of course, we also have a European directive on regulated professions. Despite this being a very nice instrument differences in its application exist because each Member State implements the instrument differently. For example, the concept of substantial differences is an essential part of the directive. These are interpreted differently in the Member States. Whereas one party checks whether generally speaking there is a danger if someone with a foreign qualification gets to work, another may only approve of a foreign qualification if it is almost similar to the national one. It would be beneficial to have the possibility to agree on one interpretation of the term substantial differences within the Benelux. This would help structure the discussion. In the end, one has to keep in mind the essence of the directive, namely the principle of mutual recognition.

Question 2 – Mr. Lukas Schmülling

Do you often receive requests for recognition from the Benelux and how do you deal with this? What is the most frequent obstacle frontier workers face?

The Bezirksregierung Düsseldorf is responsible for health professions. This year, the authority received about 214 applications for recognition in health professions from the Netherlands. These applications mainly concern physiotherapy and speech therapists. The Bezirksregierung received less applications from Belgium. In that case, most applications relate to nursing.

As far as recognition is concerned, it is very important to improve cooperation in this area. There is still some room for improvement for this. Over the past year, the Bezirksregierung has been working on clarifying the recognition procedure for citizens to diminish obstacles. For example, costs of the recognition procedure have been diminished over the past year, as the Bezirksregierung accepts documents in languages other than German. Furthermore, the Bezirksregierung maintains the lowest amount for recognition procedures (150 euro). In terms of documentation, the Bezirksregierung Düsseldorf now requires less documentation in order to evaluate recognition requests. For some diploma's, recognition may even be direct (thereby resembling automatic recognition) as no compensation measures need to be applied and there even is no need to make a detailed comparison. In such cases, individuals may have a decision on their recognition requests within four weeks.

In general, the Bezirksregierung runs into relatively little issues as far as recognition is concerned. Nevertheless, some issues arise from the differences in the way certain professions are structured in

the Netherlands and Germany. One example relates to geriatric nurses. In Germany, persons undergo separate training to qualify for that profession whereas in the Netherlands and Belgium there is a general nursing course preparing candidates for work in this area. From 2020 onwards, the system in Germany is expected to change meaning that a general nursing will be made available thereby resembling the systems in the Netherlands and Germany. Another example relates to physiotherapists. Whereas physiotherapy is paired with an academic level qualification in the Netherlands, this is not the case for Germany. Furthermore, it is important to keep in mind that after recognition one may still need to obtain a certificate or authorisation before being able to get to work. This constitutes an obstacle as it may take up some additional time after the recognition procedure has been concluded. The same goes for language tests which may also be required. Therefore, we may still achieve some progress in the total amount of time it takes to be able to work in a profession.

Question 3 – Ms. Karin Straus

How do you contribute to improving recognition from your position as ambassador for Euregional education?

When it comes to Limburg it is first of all important to realise where it is located. Despite being part of the Netherlands it is encapsulated by its neighbouring countries Belgium and Germany. Nevertheless, everything relating to language and culture is aimed at the west of the Netherlands. This means that our young generation is standing with its back to its neighbours. If one realises that the majority of the students eventually follow vocational training, it means that they build a life within a radius of 30 km around the region where they live. In Limburg, you end up abroad and students are not prepared for that. There are a lot of opportunities across the border, but we have to give students the luggage to take those opportunities. Awareness must be created in order to also see what kind of wealth is nearby. We are insufficiently aware of this.

Raising awareness is of great importance. A few years ago, the border region was a largely unknown subject in the government city of The Hague. The Hague's neighbours, however, are only sea. There was insufficient awareness that another country is so close to other parts of the Netherlands. However, awareness for cross-border regions is growing. The importance of local languages should be emphasised, as should the recognition of qualifications when you grow up in the border region. What is often said is that issues have already been resolved. However, generally speaking issues have been resolved and mostly for higher education. Nevertheless, there are also a lot of people who follow vocational education. In the context of diploma recognition, it is therefore important to increase awareness. You have to make an effort for it. As far as recognition is concerned, people should realise that it is only one issue. The investment it costs does not outweigh the uncertainty of the procedure for some citizens. In addition, there are cultural differences among the Netherlands and its neighbouring countries. In the Netherlands, we are sometimes insufficiently aware that neighbouring countries have more regulated professions and that things may be very different there. Therefore, awareness and information provision can still be improved.

Question 4 – Ms. Julia Lubjuhn

Can you elaborate on the portal “Anerkennung-in-Deutschland.de” and how your organization ensures that the portal meets the needs of professionals?

In Germany, there are over 1000 competent authorities for regulated professions. Whereas some of these professions are regulated at the federal level others are regulated at the level of the Bundesländer. As far as complexity is concerned, this of course poses challenges. In this context the platform “Anerkennung-in-deutschland.de” was started. The platform arches over all national competent authorities and is all about creating a successful interplay of information provision and giving advice. Finding the right authority may often be a difficult process for a citizen. Much of the search is based on a reference profession. However, sometimes this profession may already be difficult to define. In such cases, early advice proves to be beneficial. Apart from serving as an important source of information, the platform also serves as assistance centre in the context of the Professional Qualifications Directive. At the federal level, the conclusion was reached that the *Bundesinstitut für Berufsbildung* (BIBB) has the necessary expertise on qualifications and the relevant authorities. At this moment, the role of the BIBB is defined to providing valuable information on the recognition of qualifications and the relevant authorities to citizens. With the upcoming new law concerning immigration of qualified professionals, the setting of the recognition process might become more centralized in the future.

When looking at the number of requests that are received from the Netherlands, it is fairly modest. The information services of the platform “Anerkennung-in-deutschland.de” are not restricted to German territory. The BIBB is working on providing information services abroad as well to individuals who are looking to come to Germany so that they may already obtain information on gaining access to the German labour market abroad before coming to Germany. As of yet, there are information points in the EU (mainly in Poland and Italy), but most information points are located in non-EU countries.

4. Session – Recognition and Transparency in the EU

4.1 Automatic Mutual Recognition: Higher Education and Upper Secondary Qualifications and Outcomes of Learning Periods Abroad

Ms. Julie Anderson, Policy officer, Directorate-General for Education and Culture

DG Education of the European Commission is currently working on a new Recommendation for automatic recognition. In particular, this initiative focuses on recognition of further learning and therefore not on professional recognition. As far as competences are concerned, the initiative falls under competences of Articles 165 and 166 of the Treaty on the Functioning of the European Union (TFEU). Member States have the competence to act on education matters so all cooperation in that area is based on voluntary commitments that Member States enter into.

In November 2017, the Heads of State met in Gothenburg Sweden as part of the social summit and devoted time to discuss education. At this meeting, Juncker stressed the importance of education and it was at this meeting that the idea for a European education area by 2025 was born. The idea is that in this area learning and research are unhampered by borders, mobility is standard practice and that there is a strong sense of European identity. A concrete way to work together is to remove the obstacles to recognition. There was a need to do this even if the Erasmus programme has been in existence for 30 years. Despite this and the 20 years of the Bologna Process, recognition continues to be an issue. In a consultation process initiated in the context of the present recommendation DG Education asked people for their perceptions to ensure that the initiative would tackle exactly those problems that were most relevant to those working with academic recognition. The consultation showed that 63% of respondents believe that recognition of foreign higher education qualifications is still a problem. The same goes for 59% of respondents for upper secondary qualifications.

Automatic recognition is very much on the agenda in the Bologna Process. A commitment was made to promote automatic recognition at the Paris Ministerial Conference in May 2018. Therefore, the activities of DG education are in line with the Bologna Process. Nevertheless, at the EU level it is possible to do more than the Bologna Process with 48 parties. DG Education is building on existing instruments for automatic recognition such as the Benelux decisions and the Reykjavik Declaration. Consultations have taken place with the initiators of the aforementioned automatic recognition initiatives. For upper secondary qualifications DG Education had to start from scratch. One of the very few examples in this area relates to an agreement between Italy and France (from 1949).

The current proposal for a Council Recommendation proposes to realise automatic mutual recognition of higher education and upper secondary qualifications. One of the issues experienced in the consultation process relates to transparency and mutual trust. The political commitment on this topic is contained in Article 1 of the proposed recommendation, the remainder of the instrument is more technical in nature. The Commission also has to undertake action in the context of the recommendation. Among others, the Commission will provide targeted support, is exploring the potential of digital tools such as blockchain to facilitate automatic recognition, and will see whether and how the role of NARICs may be facilitated.

Questions & discussion:

Has the proposed recommendation been developed in cooperation with other Commission DG's?

The recommendation was proposed and had to be developed in a relatively short period of time because the heads of state in the European Council called for the initiative and asked DG Education to do so by spring. Nevertheless, much of the preparation for the recommendation was taken up by the consultation process. In this process, DG Education cooperated closely with DG Employment and liaised with DG Grow although to a lesser extent due to the difference in topics between professional and academic recognition.

4.2 Panel – Recognition and Transparency in the EU

Panellists:

Mr. Jens Bjornavold, Senior Expert Cedefop

Mr. Koen Nomden, Team Leader Transparency and Recognition of Skills and Qualifications, Directorate-General for Employment, Social affairs and Inclusion

Mr. Peter van der Hijden, Independent Higher Education Expert

Prof. dr. Sacha Garben, Professor EU law College of Europe

Question 1 – Mr. Jens Bjornavold

How does Cedefop contribute to increasing the transparency of educational and professional qualifications?

If you look at vocational education and training, close to 50% of all students follow education at that level. At post secondary level (EQF level 5 or higher) it concerns some millions of students. You can see an increase in vocational education and training qualifications at higher levels as well. It is important to include vocational education and training explicitly in discussions about recognition. So far, we have not focused on qualifications obtained at the level of vocational education and training which is really a problem. We need to make explicit what the obstacles, challenges and possibilities are for this group of student learners and professionals. The role of Cedefop is to raise awareness for qualifications obtained at the level of vocational education and training and provide expertise in this area, for example, to DG Education and DG Employment.

Recognition must be understood within a continuum. On the one hand, there are the legal issues. On the other hand, there is transparency and trust of qualifications. Some very important steps have been taken in this area. One of these steps relates to the shift to define and describe qualifications in terms of learning outcomes. Using this clarifies the profile, level of complexity and what you can expect from a person. This is a development that helps increase the transparency of qualifications thereby achieving progress between countries. The most important example in this context is the system for non-formal and informal learning. Such systems have expanded a lot nationally. What kind of learning does this person have? How can you make that visible? France, Finland, Norway and Sweden are examples of countries where this plays a big role. The legal issues are important but it is also important to devote attention to how we design our qualifications and our institutions. There is a need for a stronger focus on vocational and professionally organised learning as well as more trust in the competences outcomes approach.

Question 2 – Mr. Koen Nomden

Could you tell us something about the initiatives of DG Employment, such as the renewed European Qualifications Framework and the new Europass, how do such initiatives relate to each other and to other initiatives such as the Professional Qualifications Directive?

We must take into account that we do not only talk about academic level qualifications. DG Employment is working particularly on the transparency tools of which they are in charge. The European Qualifications Framework (EQF) and Europass are two of the most well-known transparency tools. The Europass decision of 2004 was replaced by a decision in 2018. The purpose of this new Europass decision is to modernise Europass. Essentially, the revised decision will focus on two aspects. First of all, it will modernise the Europass CV by creating an E-portfolio and will include more possibilities for self-assessment. Furthermore, Europass will become a portal containing an area on information. In particular, this area will group together information so that it is easier for individuals to navigate information. Additionally, the Europass portal will also include detailed information about qualifications frameworks as well as information on skills intelligence. This mainly relates to skills forecasts on which Cedefop is working. Through this research, we will be able to see how skills develop and whether there will be more need for higher or lower level skills in the future. Finally, the Europass portal should also include a tool allowing for refugees coming to Europe to make quick evaluations of what their skills and qualifications are.

When it comes to the EQF, the instruments function as follows. Member States reference their national qualification levels to the EQF levels and are invited to set up national databases and registers where you can find information on how the national qualifications frameworks (NQFs) are linked to the EQF. The databases contain information on the content and level of qualifications. Student learners should get qualifications with an NQF or EQF level indicated on it. Through this process, the Commission hopes to develop a better understanding of qualifications within Europe. Apart from the EQF and Europass, DG Employment is also working on ESCO. This is a classification of skills, occupations and qualifications that is multilingual. It has classified occupations in Europe in a more defined and specified manner than ISCO is doing. Furthermore, ESCO is multilingual with 24 languages. This is advantageous for citizens as it allows them to translate CV's more easily so that employers can better understand them.

As far as the interconnection between the instruments and the Professional Qualifications Directive goes, the directive relates to regulated professions and there is sometimes confusion that the scope is broader. In some countries, there are many such professions in other countries fewer. The directive is still very much based on length of study and in that sense it is not entirely compatible with the other tools described above. Nevertheless, common training frameworks are a way to link the EQF to the directive, as these frameworks should follow the learning outcomes approach and levels of the EQF.

Question 3 – Mr. Peter van der Hijden

How has the Bologna Process contributed to improved transparency of academic diplomas and how has it come into existence?

In the EU, there are very few people making use of their mobility rights. Are we dealing with a full problem or do we have a world to gain by getting our act together? It would appear we have a world to gain by improving provisions surrounding mobility such as recognition. We have many toolboxes that are wonderful and that may be referred to as “confidence building measures”. Despite these measures all embodying good will, they are not binding. In the language of the Lisbon Recognition

Convention it is all about access and not about admission. Confidence building measures are all about this. The Lisbon Recognition Convention is not about recognition but about procedures. When a party under the Convention such as a higher education institution or an authority is evaluating qualifications, they will simply assess the qualifications. They will not recognise them as they are not obliged to do so. The same goes for the Benelux decision. A degree is not directly recognised in terms of content, it is about access not admission.

There is a need for recognition predictability agreements. The Benelux decisions contain agreements giving you a right to be assessed. Why not move a step forward and make predictability agreements at the regional level because life is in the region. There should be agreements between partners at both the level of vocational education training as well as higher education and these should refer to the EQF. Regional partner groupings could make such agreements even across borders and even a bit further in Europe. The proposed automatic recognition recommendation has hooks to produce such agreements and there are also financial means to produce them thanks to the new Erasmus budget. The Macron initiative on European universities invites universities explicitly to work on inclusion in their region. Therefore, we have the possibilities through the recommendations and universities to achieve such agreements. If this happens, we could see a flourishing of de facto recognition (read: admission). It could be like Olympic circles overlapping and being filled with substance.

Question 4 – Prof. dr. Sacha Garben

To which extent do you estimate that the challenges faced by students and professionals originate from the distinction in EU competences between the internal market and education?

There is a bit of a paradox in that we have professions and disciplines we consider particularly sensitive so that we have regulated them. For these we have quite a strong well-developed hard law framework for citizens of the EU to access those sensitive professions and get recognition. This stands in contrast to much less sensitive professions and disciplines where the framework is less fuzzy and weak. In all those other areas not related to regulated professions the citizen is in the hands of reluctant employers, confused authorities and autonomous higher education institutions.

Nevertheless, recognition regarding regulated professions is also not perfect. A large part of existing recognition related problems is in fact due to the confusion of all other types of diploma recognition. In a way, the failings to come up with something that works for all other professions is undermining what occurs for the regulated professions. The confusion is due to the fact that what we are dealing with is a single issue that recognition of a qualification is unnecessarily dealt with by different actors while it is about intrinsically connected issues. The citizen just wants one thing, the qualification in one part of the EU to be used for all types of purposes across the EU. What makes it difficult is that we have a patchwork of regulations, instruments, initiatives, supplements, declarations, processes, areas, new measures, old measures and a large number of actors, institutions and governance levels involved.

The Bologna Process has then diluted the ambitions of the EU institutions to really do something that works. Both the Member States as well as the EU institutions are responsible in this context. On the

one hand, the Member States have exported important parts of mobility to an intergovernmental forum to countries outside the EU with which it is more complex to realise mutual trust. On the other hand, institutions need to be more ambitious in seeking a one-stop-shop alternative to all recognition-related issues. As far as competence is concerned, if the EU wants to do something it will find a competence. The EU not having a competence on automatic recognition is not the full picture, as you could also use the internal market competence for this. Alternatively, you could use both legal bases (education and internal market) in an integrated way, you do not have to establish different universes because of two different legal competences.

5. Speaker Biographies

Unfried, M.



Martin Unfried (1966) has been working in the Netherlands since 1997 with the European Institute for Public Administration (EIPA). The last couple of years mr Unfried also started working as 'ontgrenzer' for the province of Limburg and the Dutch ministry of internal affairs. In 2013 he wrote the report "Van stilstand naar Verandering. Praktische Oplossingen voor verbetering van de arbeidsmobiliteit in de grensregio". Recommendations from this report are today part of policy recommendations from several governmental institutions. In 2016, he joined ITEM and conducted several cross-border projects. He is in particular the project leader for the annual cross-border impact assessment.

Antoine, T.



Born in Louvain, Belgium, 7 November 1955.

Married to Pascale de Grasse des princes d'Antibes, 7 children.

1980 : Master degree in Philosophy at Catholic University of Louvain.

1984 : Foreign Affairs.

Postings

Tehran 86- 89 ; Lisbon 89-91 ; Washington 94-97 ; Geneva WTO and UN 1997-2002 ; Istanbul 2002-2005 ; Director bilateral Relations South-East Europe 2005-2008.

Ambassador in Tunisia 2008-2011; in Argentina, Uruguay and Paraguay 2011-2013; in Luxembourg 2013 -2017.

Secretary-general of the Benelux since April 2017.

Languages

Mother tongue : French

Fluent in English, Dutch and Spanish

Full biography via: <http://www.benelux.int/nl/benelux-unie/leden-van-college/thomas-antoine/>

Berthoud, F.



Frédéric Berthoud, PhD in Law, Swiss coordinator for the recognition of professional qualifications since 2005. Head of Unit at the Swiss State Secretariat for Education, Research and Innovation (SERI), in charge with the international cooperation in education and professional qualifications. Frédéric Berthoud published several contributions in law reviews and published two books about academic and professional recognition. The SERI is a competent authority recognizing about 6,000 diplomas per year and hosts the Assistance center according to Directive 2005/36/EC. The SERI is also the Swiss single point for declarations of services providers (Title II of Directive 2005/36/EC).

Schneider, H.



Hildegard Schneider is Professor of European Union Law at the Law Faculty of Maastricht University. She studied Law, Political Science and Art History in Freiburg (Breisgau), London, Paris and Münster. She completed her legal education in Germany with the '1. Staatsexamen' in 1980 and the '2. Staatsexamen' in 1986 with distinction. She obtained her Ph.D. defending a thesis entitled 'Die Anerkennung von Diplomen in der Europäischen Gemeinschaft' at Maastricht University. Since 1986, she has worked at Maastricht University, teaching various courses in the area of European Union law, Migration law as well as Art and Cultural Property law. Her research covers the same areas. She has been a Jean Monnet chair holder in European Migration Law. She is a member of the Management Team of Maastricht University.

In her research she is particularly interested in the free movement of natural and legal persons and migration issues, the recognition of diplomas and EU policies in the field of education and culture, art law and comparative law. Hildegard is involved in several EU projects including at this moment the FP 7 project EURA-NET and the coordination of the Marie Curie ITN Research network TRANSMIC. Furthermore, she is a member of the scientific board of the Maastricht Centre of Citizenship, Migration and Development (MACIMIDE), the Institute of Transnational and Euregional crossborder cooperation and Mobility (ITEM), the Maastricht Centre for European Law (MCEL), the Centre for European Research in Maastricht (CERiM) and the Maastricht Centre for Art and Culture, Conservation and Heritage (MACCH). Furthermore, she is a member of several international research groups, including the Research-school IUS COMMUNE.

Kortese, L.



Lavinia Kortese is a PhD candidate and researcher at ITEM and Maastricht University's Faculty of Law. The central focus of her PhD research is on examining the most important international legal instruments and cooperation initiatives and their respective competences on the recognition of professional and academic qualifications both at the international level and upon implementation into selected Member State's legal orders and to assess their coherence.

De Hooge, J.



- 2014-2018 Programme manager neighbouring countries, Directorate International Policy, Ministry of Education, Culture and Science. Also in charge of teacher policy in the Caribbean Netherlands
- 2010-2014 Head of department for teacher quality policy, Directorate Teachers, Ministry of Education, Culture and Science
- 2005-2010 Programme manager at the project directorate Learning and Working, Ministry of Education, Culture and Science and Ministry of Social Affairs and Employment
- 2002-2005 Coordinating policy officer for administrative relations, Directorate MBO, Ministry of Education, Culture and Science
- 1990-2001 Accountmanager at the MBO-Raad
- 1985-1990 Policy officer Federatie besturen Hoger Beroepsonderwijs

Education: Study Dutch language and literature, Radboud University Nijmegen.
Interdepartmental Management Course of the Netherlands School for Public Administration (2013-2015)

Schmülling, L.



Lukas Schmülling, health care worker and nurse with activities in nephrology and thorax surgery in intensive care; study of vocational education, Master of Arts; Various activities in the education of nurses and geriatric nurses; Head of department for professional recognition of health professions with responsibility for NRW at the district government of Düsseldorf.

Straus, K.



After more than 15 year in Human Resource Management in international business, Mrs. Straus was Member of Dutch Parliament from 2010-2017. As member of the Education Committee, she focused on modernizing the Dutch education legislation in order for schools to have more innovative capacity with the aim of enabling children to aboard the uncertain future. Currently she is Ambassador Education in the Euregion on behalf of the Dutch Province Limburg, working with schools in Limburg to create awareness to provide their students with the skills and knowledge they need to be able to seize the opportunities of a cross-border future.

Lubjuhn, J.



Julia Lubjuhn is Deputy Head of the Project „Recognition in Germany“ at the Federal Institute for Vocational Education and Training (BIBB) in Bonn, Germany. „Recognition in Germany“ is an initiative of the Federal Ministry for Education and Research (BMBF) and aims to inform potential skilled workers/personnel and counsellors on the issue of recognition of foreign professional qualifications. Since 2016, Ms. Lubjuhn coordinates international activities at “Recognition in Germany” and the inquiry division. She also advises other institutions in the EU and beyond on the information and counselling infrastructure concerning the topic recognition of foreign qualifications. Before her involvement at BIBB, Ms. Lubjuhn founded a recruiting and integration consultancy and worked for the information portal „Make it in Germany“ at the Federal Ministry for Economic Affairs and Energy (BMWi). She studied BA European Studies at Maastricht University and MSc International Public Management at Erasmus University in Rotterdam.

Anderson, J.



Julie Anderson is a policy officer in the European Commission's higher education policy team in DG Education and Culture. In this role, she deals with the development of policies on academic recognition, social inclusion and citizenship, teaching and digitalisation.

Prior to this role, Julie worked for the Irish Department of Education and Skills, most recently as the Education and Skills Attaché in the Permanent Representation of Ireland to the EU, in which role she was Chair of the Education Committee during the Irish EU Presidency and led the negotiations with the European Parliament and the Commission on Erasmus+. She is also a former Vice-Chair of the OECD's Education Policy Committee.

Bjornavold, J.



Jens Bjornavold has been working with European and international education and training issues since the mid-90s and has held posts both in the European center for development of vocational training (Cedefop) and the European Commission. He is currently the Brussels representative of Cedefop, located to the European Commission, the directorate general for Employment and social affairs.

Bjornavold has coordinated and carried out numerous research projects, notably on national qualifications frameworks, the use of learning outcomes in education and training policies and practices, on the changing roles of qualifications and validation of non-formal and informal learning. Bjornavold is currently responsible for a major European study on the 'changing role and nature of vocational education and training in Europe', covering 30 countries. Bjornavold has been actively involved in the development and implementation of the European Qualifications Framework (EQF) from the start in 2004.

Nomden, K.



(Mr) Koen Nomden is currently Team Leader for "Transparency and Recognition of Skills and Qualifications", within the Unit on Skills and Qualifications of the European Commission (DG Employment, Social Affairs and Inclusion), in charge of the European Qualifications Framework. Before that he was a policy officer in charge of the validation of non-formal and informal learning and career guidance within the same unit. Other positions he held within the European Commission were that of Erasmus Mundus Programme Manager and of policy officer in charge of setting up a European Executive Agency in charge of implementing programmes in education, training, culture and media. Before joining the Commission in 2003 Koen worked at the University of Antwerp (researcher) and at the European Institute of Public Administration in Maastricht (the Netherlands). Koen studied public policy and public administration at the University of Twente (NL) and holds a Master in European Studies from the College of Europe, Bruges (BE).

Van der Hijden, P.



Peter van der Hijden is an independent higher education expert of Dutch nationality living in Brussels. He studied law and worked at Maastricht University before joining the European Commission. Former Head of Sector Higher Education Policy, Peter helped to build the Erasmus programme, the European Higher Education Area (Bologna Process) and the EU Modernisation Agenda for Higher Education. He also contributed to Horizon 2020 and the European Research Area (ERA). Peter currently acts as board member, advisor and moderator for public authorities, non-governmental organisations, companies, universities and networks.

Garben, S.



Professor Dr Sacha Garben is Professor of EU law at the College of Europe, Bruges, on leave from the European Commission. Sacha obtained her PhD at the European University Institute in 2010, winning the Jacqueline Suter Prize for the Best Doctoral Thesis in European Law 2009 – 2011. In 2008, she spent a semester at Harvard Law School as a visiting scholar. She has worked at the Court of Justice of the European Union and the London School of Economics. She has published widely on a range of constitutional and substantive issues of EU law, such as the division of competences between the EU and the Member States and EU higher education law.

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