EXPLANATORY MEMORANDUM ON A EUROPEAN UNION DOCUMENT
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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

Submitted by the Department for Education on June 2018

SUBJECT MATTER

1. The document proposes a Council Recommendation promoting moves towards automatic recognition of higher education and upper secondary qualifications, with the aim of helping to promote learner mobility and deliver the European Education Area agreed by the Leaders’ meeting in Gothenburg of November 2017. It also covers recognition of longer (three month or more) study periods abroad. The Commission sets out that their approach is in line with existing international conventions (notably the Lisbon Recognition Convention of 1997/European Higher Education Area) and other EU initiatives such as the recent Europass Decision, which aims to simplify and modernise skills recognition tools for the digital age.

2. The Recommendation is non-binding and Member States will decide, according to their national circumstances, how they implement it. Member States are invited to implement a technical step-by-step approach to build trust in each other’s education and training systems, taking 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 longer-term goal is for automatic recognition, which for the purposes of this Council Recommendation 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.

3. Examples of what Member States might do are to: reference their qualifications to the European Qualifications Framework; ensure their quality assurance systems are independent; exchange information and promote mutual learning on quality assurance systems in school education; promote the benefits of mobility among secondary education and training institutions and learners; and issue digital diploma supplements to their graduates. The Commission will monitor what they have done through a system of national reporting, and report on overall implementation of the Recommendation four years after its adoption.

4. The document states that it is without prejudice to the system for mutual recognition under Directive (EC) 2005/36 of certain professions, to the right of education and training institutions to make their own decisions on admission, or to negotiations on the next Multiannual Financial Framework.
SCRUTINY HISTORY
5. Document 14436/17 Communication: Strengthening European Identity through Education and Culture was cleared by the Commons, rep 10 2017-18. It cleared the Lords in sift 1676.

MINISTERIAL RESPONSIBILITY
6. The Secretary of State for Education has responsibility for higher and upper secondary education in England.

INTEREST OF THE DEVOLVED ADMINISTRATIONS
7. Education is a devolved matter, and the Devolved Administrations have been consulted in the preparation of this EM.

LEGAL AND PROCEDURAL ISSUES
8. No legal or procedural issues arise. This is not a proposal for legislation.

APPLICATION TO THE EUROPEAN ECONOMIC AREA
9. The Recommendation will be open to the EEA countries.

SUBSIDIARITY
10. This is an area where the EU has limited competence: responsibility for education rests with Member States. The Recommendation is designed to support the work of Member States and Member States will decide, according to their national circumstances, how to best make use of it.

POLICY IMPLICATIONS (including Exit implications where appropriate)
11. On 23 June 2016, the EU referendum was held and the people of the United Kingdom voted to leave the European Union. The Government respected the result and triggered Article 50 of the Treaty on European Union on 29th March 2017 to begin the process of exit. Until exit negotiations are concluded, the UK remains a full member of the European Union and all the rights and obligations of EU membership remain in force. During this period the Government will also continue to negotiate, implement and apply EU legislation.

12. 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.

13. The UK has already adopted some of the commitments set out in the Recommendation, notably that higher education systems be organised in line with Bologna Process structures (i.e. degree cycles.) UK participation in the European Higher Education Area is not impacted by Exit, as it stems from the 48-country intergovernmental Bologna Process, and is distinct from the current EU-only proposal for a European Education Area.

14. The UK already has systems of external quality assurance that are carried out by independent quality assurance agencies and we have already mapped our national qualifications frameworks to the European Qualifications Framework, and are keeping this area under review.
15. The proposed commitment that National Academic Recognition Centres (NARIC) should implement certain transparency tools is supported by UK NARIC and is already in place to some extent. The requirement that all graduates should receive digital diploma supplements can only be implemented where HEIs choose to issue such supplements, which they are not obliged to do. Similarly, although NARIC already provides expert support to HEIs on recognition, we do not believe it to be in a position to specifically monitor the implementation of this initiative. During the negotiations we shall seek to ensure that the autonomy of HEIs is fully respected.

**FINANCIAL IMPLICATIONS**

16. No financial implications.

**TIMETABLE**

17. We expect the Recommendation be adopted in the Council in November.

[Signature]

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