



Department  
for Education

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# **REVIEW OF THE BALANCE OF COMPETENCES**

**CALL FOR EVIDENCE ON THE  
GOVERNMENT'S REVIEW OF THE BALANCE  
OF COMPETENCES BETWEEN THE UNITED  
KINGDOM AND THE EUROPEAN UNION**

**EDUCATION, VOCATIONAL TRAINING AND  
YOUTH**

# Review of the Balance of Competences

This consultation is a call for evidence on the Government's review of the balance of competences between the United Kingdom and the European Union in respect of education, vocational training and youth.

**Issued** 27 March 2014

**Enquiries To** If your enquiry is related to the policy content of the consultation you can contact the Department on 0370 000 2288

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## Contact Details

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by e-mail: [consultation.unit@education.gsi.gov.uk](mailto:consultation.unit@education.gsi.gov.uk) or by telephone: 0370 000 2288 or via the Department's '[Contact Us](#)' page.

## 1 Introduction

- 1.1 The Foreign Secretary launched the Balance of Competences Review in Parliament on 12 July 2012, taking forward the Coalition commitment to examine the balance of competences between the UK and the European Union. This Government wide review will provide an analysis of what the UK's membership of the EU means for the UK national interest. It aims to deepen public and Parliamentary understanding of the nature of our EU membership and provide a constructive and serious contribution to the national and wider European debate about modernising, reforming and improving the EU in the face of collective challenges. It will not be tasked with producing specific recommendations or looking at alternative models for the UK's overall

relationship with the EU.

- 1.2** The review is broken down into a series of reports on specific areas of EU competence, spread over four semesters between autumn 2012 and autumn 2014. It is led by Government, but will also involve non-governmental experts, organisations and other individuals who wish to feed in their views. Foreign governments, including our EU partners and the EU Institutions, are also being invited to contribute. The process will be comprehensive, evidence-based and analytical. The progress of the review will be transparent, including in respect of the evidence submitted to it.
- 1.3** The Department for Education is leading the review on the EU's competence in relation to education, vocational training and youth. Lead responsibility for vocational and higher education lies with the Department for Business, Innovation and Skills (BIS). Youth policy is led by the Cabinet Office. Both Departments are fully involved in the production and management arrangements of this report. The review is your chance to inform the Government's thinking on the EU issues that matter to you. As this is a UK wide review, we encourage contributions from across the UK, including, Scotland, Wales and Northern Ireland.

More information on the whole review process is available on the [Balance of Competences website](#).

## **What do we mean by competence?**

For the purposes of this review, we are using a broad definition of competence. Put simply, competence in this context is about everything deriving from EU law that affects what happens in the UK. That means examining all the areas where the Treaties give the EU competence to act, including the provisions in the Treaties giving the EU institutions the power to legislate, to adopt non-legislative acts, or to take any other sort of action. But it also means examining areas where the Treaties apply directly to the Member States without needing any further action by the EU institutions.

The EU's competences are set out in the EU Treaties, which provide the basis for any actions the EU institutions take. The EU can only act within the limits of the competences conferred on it by the Treaties, and where the Treaties do not confer competences on the EU they remain with the Member States.

There are three different types of competence:

**1. Exclusive.**

Only the EU can act in areas where it has exclusive competence, such as the customs union and common commercial policy.

**2. Shared.**

In areas of shared competence, such as the single market, environment and energy, either the EU or the Member States may act, but the Member States may be prevented from acting once the EU has done so.

**3. Supporting.**

In areas of supporting competence, both the EU and the Member States may act, but action by the EU does not prevent the Member States from taking action of their own.

In all three cases the EU must act in accordance with fundamental rights as set out in the Charter of Fundamental Rights (such as freedom of expression and non-discrimination) and with the principles of subsidiarity and proportionality. Under the principle of subsidiarity, where the EU does not have exclusive competence, it can only act if it is better placed than the Member States to do so because of the scale or effects of the proposed action. Under the principle of proportionality, the content and form of EU action must not exceed what is necessary to achieve the objectives of the EU treaties.

EU competence in relation to education, vocational training and youth is Supporting.

### **3 Devolution**

- 3.1** UK activity in relation to education, vocational training and youth is devolved. This is a UK-wide review and we encourage contributions from the devolved administrations, who will be contacted directly, and stakeholders in Scotland, Wales and Northern Ireland.

### **4 Scope of this call for evidence**

- 4.1** This call for evidence relates specifically to the EU's competence in education, vocational training and youth. The Department for Education is co-ordinating evidence in relation to these competences and will publish a report setting out the findings of this evidence.
- 4.2** There are, of course, a number of other areas where the EU exercises competence which can have an impact on education, vocational training and youth policy. For example the rights of the child, which forms part of EU competence in relation to Fundamental Rights. Each of these areas of EU competence will be covered by a separate call for evidence as part of the overall process.

#### **Interdependencies with Other Reviews**

While we value responses on any area that affects education you may be interested in other Reviews that relate directly to the education review:

- Tourism, Culture and Sport (Semester 2) covers the sport aspects of education and the inclusion of sport in the Erasmus+ programme.
- Research and Development (Semester 2) covers doctorates and researchers
- Single Market: Services (Semester 3) covers the principles of Mutual Recognition of Qualifications and activities of the professions; any issues regarding the application of mutual recognition in the education sector is addressed in this report .

- Fundamental Rights (Semester 3) covers the rights of the child.
- Social and Employment (Semester 3) covers the Employment Guidelines, and the European Social Fund.
- Economic and Monetary Policy (Semester 4) will cover the Europe 2020 Strategy and Country Specific Recommendations (CSRs)
- Voting, Consular and Statistics (Semester 4) will cover the collection and publication of statistics.

A full list of all Calls for Evidence, and links to them individually, is available on the [Balance of Competences website](#). Findings and evidence from each review will be shared with other Government departments leading related reviews as appropriate.

**4.3** The Services report covers the principles of Mutual Recognition of Professional Qualifications which aims to facilitate labour mobility across the European Union amongst the professions, including the teaching profession. Any issues regarding the application of mutual recognition in the education sector is addressed in this report and any responses regarding its impact in education should be addressed to this call for evidence.

**4.4** As with other major public services, other areas of EU legislation such as those governing free movement, employment law, transfer of undertakings (TUPE), procurement, and fundamental rights may also apply in different circumstances to the education sector. We would welcome evidence of this impact in responses to this Review.

## **5 History and development of competence**

**5.1** From the early days of structured cooperation amongst countries in Europe, there has been a strong political desire amongst governments to retain the organisation of education systems as a national competence. Education was absent from the 1951 European Coal and Steel Treaty and from the 1957 Treaty of Rome. The legal basis for cooperation in this area since then has been limited, and managed mainly through intergovernmental cooperation in the EU Education Council. EU institutions cannot take direct action in relation to the content and organisation of Member States' education systems, whether public or private.

**5.2** The first Community action programme on education was adopted by the

Council in 1976 with a view to its subsequent inclusion in the treaty. This contained six priority areas for action: education of the children of migrant workers; closer relations between education systems in Europe; compilation of documentation and statistics; higher education; teaching of foreign languages; and equal opportunities. From the outset, this was sensitive territory for some Member States and community action was foreseen as being limited mainly to develop transnational projects and exchanges. There was, however, recognition of the contribution education can make to freedom of movement and services within the EU, notably through the mobility of workers (including teachers and students) and the study of languages.

- 5.3** In 1992, education was incorporated into the EU Treaties via the Maastricht Treaty (Article 126), along with a Community vocational training policy (Article 127). Both articles were designed to support and supplement the action of the Member States, while fully respecting the responsibility of the Member States for the content and organisation of their systems. The Maastricht Treaty also made the European Parliament joint decision-maker on future measures in the area of education, and this has continued to the present day. Over time, policy cooperation has gradually entered areas that had previously been considered to be more politically sensitive because of their link to the objectives and performance of national education systems. Examples of this include the issuing of guidelines, the development of indicators, and evaluation of education outcomes. There is now a comprehensive framework for policy co-ordination in education and training, still underpinned by the principle of subsidiarity but with a stronger role for the EU.

#### **Education and Youth in the EU Treaty**

Article 165 Treaty on the Functioning of the European Union (TFEU) provides that the EU has supporting competence in the area of education and youth. Articles 156 and 166 further describe action to implement a vocational training policy.

Article 165 states that the Union will “support and supplement the action of the Member States, while fully respecting the responsibility of the Member States for the content and organisation of systems”. The article specifically prohibits any harmonisation by the EU in the area of education.

Article 148 states that the Council will draw up annual employment policy guidelines and that Member States will report against these. Such reporting may include education issues.

In practice, this means that the UK is free to make its own laws regarding education and training. It also means that externally, the UK is free to enter bilateral and multilateral international agreements, provided this is not precluded by overriding EU competence in other areas. More detail on education, training and youth Treaty Articles and legislation can be found at Annex B.

- 5.4** A range of education programmes was established in the 1980s to promote student and teacher mobility and the take up of European languages. In 1995 these were consolidated into two large programmes - Socrates for education, and Leonardo da Vinci for vocational training. New measures with similar objectives in the area of school education were established at this time - the Comenius programme. An adult education mobility and partnership programme - Grundtvig - was established in 2000.
- 5.5** Policy co-ordination and information exchange in education and training moved up a gear between 2000 and 2010, partly because of a strengthening consensus in the global academic and policy debate about the importance of skill levels as a determinant of future economic success and social wellbeing. It is fair to suggest that, in response, both Member States and the Commission judged that the level of EU education cooperation needed to intensify and become more effective. Most Member States, including the UK, accepted this proposition and agreed that a more informal, non-legislative approach - the so-called Open Method of Co-ordination (OMC) - provided the best vehicle. The idea was to raise the profile and impact of education and training as a key driver of economic and social outcomes, whilst safeguarding against more prescriptive or even legislative approaches and maintaining the principle of subsidiarity.

### **The Bologna Process**

In 1999, and outside the formal EU structures, the then EU member States and

13 other European countries launched the Bologna process for cooperation in higher education.

The Bologna process is voluntary and aimed at fostering compatibility and comparability of systems of higher education in Europe. This was the start of an approach that was no longer simply about academic mobility and cooperation, but also sought to achieve greater transparency and comparability between Universities and degree level qualifications in an increasingly competitive global environment.

Currently 47 European countries are part of the Process. The Commission is a consultative (non-voting) member in its own right and supports a number of the Bologna activities.

- 5.6** In practice this led to a more prominent role for education and training in the EU's Lisbon strategy, launched in 2000, designed to make the Union the most competitive knowledge-based economy by 2010. In an attempt to strengthen the position of EU education cooperation as a serious contributor to a wider growth strategy, Member States agreed an additional framework for policy cooperation - the 'Education and Training 2010' work programme, which integrated all education and training actions at EU level. The Education Council then adopted European level quantified benchmarks against which the outcomes of national education systems could be measured and compared. This method of working was further developed through the current 'Education and Training 2020 Strategy'.
- 5.7** In summary, there has been little change to the legal basis for the EU's work in education, vocational training and youth since its incorporation in the Maastricht Treaty. However, the *application* of the competence has evolved over time, moving from a focus on promoting and facilitating student and teacher mobility and languages to a stronger emphasis on the use of policy co-ordination and best practice exchange to improve education outcomes.
- 5.8** Under the Europe 2020 Strategy, based on Article 148 of the Treaty on employment, "policy co-ordination" has morphed into a strategy based on target-setting at European and national levels underpinned by national reporting, Commission analysis, peer and multilateral review and (CSRs). CSRs are drafted by the Commission and, ultimately, agreed at the European Council itself as part of a wider economic reform package. In parallel, the Education (and Employment) Council has also increased the use of general

Council Recommendations. Council Recommendations are normally agreed through Member State negotiations on the basis of a Commission text and attempt to summarise and distil “best practice” in education and training policy into normative approaches to be applied in line with national circumstances and system

### **Vocational Training - The Copenhagen Process**

In 2002, Bologna-style cooperation in the vocational education sector was launched via the *Copenhagen Process*. This aims to enhance cooperation in vocational education and training across the EEA, including the development of a framework for transparency of skills and qualifications, the creation of a credit transfer system along the lines of that used in higher education, and cooperation on quality assurance.

This cooperation was further strengthened in [The Bruges Communiqué on enhanced European Cooperation in Vocational Education and Training for the period 2011-2020](#) - adopted by Ministers, the European Social Partners and the European Commission. This sets out a vision for cooperation on vocational education and training to the year 2020.

The **Advisory Committee on Vocational Training** (ACVT) provides the Commission with opinions on vocational training issues. The Committee consists of three members per Member State, representing the interests of the national government, trade unions and employers' organisations.

- 5.9** A timeline of the main milestones in the history of EU education and training cooperation can be found at **Annex A**.

## **6 Policy context and objectives of EU competence**

### **6.1 Mobility and languages**

The EU Treaty is specific in describing EU activity as being aimed at encouraging the mobility of students, teachers, young people, and youth workers across Europe. The promotion of EU language learning is seen as a way of developing a European dimension in education and supporting the concept of EU citizenship. Mobility in education and linguistic skills are also regarded as ways of increasing employability across the EU in support of the free movement of people and the single market for labour.

**6.2** In order to achieve these aims the EU has developed a range of education and youth programmes designed to promote links, partnerships and exchanges ranging from schools (Comenius) to universities (Erasmus) to young people and youth organisations (Youth in Action).

**6.3** The EU has also developed measures to support the mutual recognition and portability of skills and qualifications between countries. A European Qualifications Framework is being implemented in all EU countries, as are credit systems for recognising studies that are undertaken in different Member States.

### **6.4 Policy coordination**

Each EU country is responsible for the organisation of its own education, training and youth systems. EU policy is therefore designed to support national action and help address common challenges, such as the development of skills for work and the active participation of young people in society.

**6.5** Education and training policy in the EU is now largely framed by the Europe 2020 Strategy and related European Semester process, designed to promote growth and jobs in Europe. The aim is to stimulate reform and improvement of education systems through a combination of best practice exchanges, guidelines, analysis, peer review and recommendations (including CSRs). The process has a strong labour market rationale with an emphasis on equipping young people for jobs and participation in society.

**6.6** In recent years, analysis and benchmarking has been underpinned by the use

of comparative education data produced through the OECD's surveys of school pupil performance and adult skills. It has also been driven increasingly by the argument that a collective and broadly convergent improvement in education performance will contribute to improved and more geographically even levels of competitiveness within the European Union - a prerequisite for a successful and sustainable single currency area.

## **7 Exercise of competence in education and training**

### **7.1 Legislation**

EU legislation in the area of education is rare. There is one directive in education, adopted in 1977 (Directive 77/486/EEC), on the promotion and teaching of the mother tongue and culture of the country of origin of the children of migrant workers from other Member States. The Directive has not been fully implemented in any EU country and the Council has considered repealing it.

**7.2** The new EU Programme for education, training, youth and sport (2014-2020), Erasmus+, was adopted by a regulation. There is one other regulation - Regulation (EC) No 452/2008 - concerning the production and development of statistics on education and lifelong learning. This regulation establishes a common framework for the systematic production of statistics in the field of education and lifelong learning. Other regulations can apply to the production of statistics relevant to education.

A more detailed summary of legal issues can be found at **Annex B**.

### **7.3 Education Programmes and Spending**

One of the ways in which the EU attempts to promote mobility is through funding programmes. '[Erasmus+](#)' (the EU Programme for Education, Youth, Training and Sport) is a seven year programme which started on 1 January 2014. It replaces and simplifies the previous (2007-2013) 'Lifelong Learning and Youth in Action' programmes, though the sport element is new. Non-EU countries participate on the basis of the EEA agreement, candidate status or specifically negotiated arrangements. The three key actions of the new programme are:

- Learning mobility of individuals;

- Cooperation for innovation and good practices;
- Support for policy reform.

Erasmus+ brings together a number of former sub-programmes, with increased funding:

- Erasmus (higher education);
- Comenius (schools);
- Grundtvig (adult education);
- Leonardo (vocational education);
- Erasmus Mundus (joint Masters degrees and partnerships with institutions outside Europe);
- Jean Monnet (teaching and research in European Union studies).

For the chart showing UK outgoing erasmus mobility for students and staff: 2007 to 2013, see Annex C.

### **The Education Programmes in the UK**

Erasmus has had the highest profile and is the largest action under the programmes. In the last year some 14,000 UK students took a period abroad under Erasmus whilst some 25,000 came to the UK.

The significant imbalance between the numbers of European students coming to the UK to study, and numbers of UK students going abroad is partly because of lack of language skills. The contract for the delivery of Erasmus requires the British Council to increase outward mobility (through promotional activities with Higher Education Institutions and students) and these placements have been going up in recent years leading to a more balanced Erasmus mobility.

Since 2007 over 6,000 school partnerships have been formed under Comenius and eTwinning, including the participation of over 100,000 teachers and around two million pupils in the UK. Approximately 1,400 Foreign Language Assistants are employed in UK schools and over 2,000 English language assistants are employed in schools in other EU countries.

Over 40,000 participants have taken part in vocational placements intended to enhance employability and gain work experience through the Leonardo programme.

- 7.4** During its first three years (the latest for which we have full figures) the previous Lifelong Learning Programme financed 900 000 learning “mobility periods” across Europe, of which more than 720,000 were by students and almost 180,000 by teachers, trainers or staff. More than 50,000 European organisations took part in various forms of co-operation activities in 31 countries.
- 7.5** Erasmus+ includes a new Student Loan Guarantee facility, designed to assist students wishing to undertake Masters studies in a different Member State from where they took their undergraduate degree to obtain commercial loans to finance these studies. UK banks have participated in preparations for the launch of the scheme but it is not yet clear how many will take part.
- 7.6** Erasmus+ is worth an estimated £793 million in grant funding to the UK over its seven-year duration. This funding comes from the EU budget. The Programme will be delivered in the UK by the British Council in partnership with Ecorys Ltd. The EU is also supporting the initial stages of the U-Multirank - an EU university ranking system, described as an attempt to provide a multi-dimensional ‘transparency’ tool to enable comparison among institutions in specific fields with comparable profiles. This is supposed to aid students’ choice of universities by allowing them to rank their choices by a large number of characteristics. It is designed to provide rankings against a much wider range of themes (including teaching quality and international orientation) than the most influential international ranking systems (Times Higher, QS and Shanghai) in which continental European universities tend to fare less well than US or British universities and often do not appear in the rankings.

### **Qualifications Frameworks**

Over many years Member States have voluntarily participated in initiatives to aid mobility through the portability and mutual recognition of qualifications.

The European Qualifications Framework (EQF) provides a framework which makes education qualifications at all levels more comparable across different countries and systems in Europe.

The European Credit system for Vocational Education and Training (ECVET) is intended to make it easier for people to obtain validation and recognition of work-related skills and knowledge acquired in different systems and countries, so that they can count towards vocational qualifications.

Europass is a series of documents recording an individual's knowledge and skills. It is designed to make skills and qualifications easily understood in Europe.

**7.7** U-Multirank was launched in January 2013 and 700 Universities have signed up to the system so far, 15 percent of these are outside Europe. Only 19 UK universities (and none from the Russell Group) have joined the first stage. The first results will be available in early 2014.

### **7.8 Policy Cooperation (through the Open Method of Coordination OMC) in Education and Training**

The EU offers support for policy reform, a forum for exchange of best practices, and gathering and dissemination of information and statistics. Funding is also available through the Erasmus+ programme for exchange and partnership activities to promote learning and education at all levels and for all age groups.

### **Education and Training 2020**

The current EU activities in education and training are framed by the Education and Training 2020 Strategic Framework (ET2020).

The ET2020 Strategy identifies four common objectives:

- Making lifelong learning and mobility a reality;
- Improving the quality and efficiency of education and training;
- Promoting equity, social cohesion, and active citizenship;
- Enhancing creativity and innovation, including entrepreneurship, at all levels of education and training.

As part of the ET2020 Strategy the following EU benchmarks for 2020 have been agreed:

- at least 95% of children (from age 4 to compulsory school age) should participate in early childhood education;
- fewer than 15% of 15-year-olds should be under-skilled in reading, mathematics and science;

- fewer than 10% of young people should leave education and training early; the indicator measures qualification attainment - e.g. the share of the population aged 18-24 with fewer than 5 grade C GCSEs.
- at least 40% of people aged 30-34 should have completed some form of higher education;
- at least 15% of adults should participate in lifelong learning;
- at least 20% of higher education graduates and 6% of 18-34 year-olds with an initial vocational qualification should have spent some time studying or training abroad.
- *In development:* at least 82% of graduates should be employed within three years of graduation
- *Proposed:* a benchmark measuring foreign language attainment.

Progress on these benchmarks and a range of core indicators is assessed in the annual Education and Training Monitor progress reports. The Commission uses this data to develop proposals for further priorities and policy coordination or European level action.

**7.9** The range of EU policy coordination is extensive and covers all levels of education. This may take the form of Council Recommendations, often backed up by Council Conclusions, including suggested policy frameworks, on: early childhood education and care; key competences for lifelong learning; teacher education; policies to reduce early school leaving; support for vocational education and training; and modernising Europe's higher education systems. Areas of cooperation will often be identified Commission Communications, which in recent years have included 'Youth on the Move' and 'Rethinking Education'.

The full range of recent education and training initiatives is outlined on the Commission's website [http://ec.europa.eu/education/policy/index\\_en.htm](http://ec.europa.eu/education/policy/index_en.htm)

### **EU Agencies**

The Commission's work on vocational education and training is supported by two agencies:

- [European Centre for the Development of Vocational Training \(Cedefop\)](#) provides information and analysis of education & training systems, policies, research and practice in the EU;
- [European Training Foundation \(ETF\)](#) – works to develop education and training systems in the Western Balkans, neighbouring countries and Central Asia.

These institutions are decentralised agencies of the European Union. They were established by Council Regulation and are governed by a board comprising representatives of the Member States.

### **Education in Europe 2020 and the European Semester**

**7.10** Education and training is now central to the EU's [Europe 2020 strategy](#) designed to promote growth and jobs in Europe, as well as contributing to the development of skills for the labour market.

To measure progress in meeting the Europe 2020 goals, five headline targets have been agreed for the whole EU. Two of these targets relate to education:

- By 2020 an EU average rate of early school leavers of no more than 10% should be achieved, (This is defined as the share of the population aged 18-24 with only lower secondary education or less (e.g. below GCSE grade C) and not in education or training.)
- By 2020 at least 40% of 30-34 year olds will have completed tertiary education.

**7.11** Member States are expected to set national targets to support achievement of these European-level targets. Almost all Member States have set national targets and several have positioned these at the heart of their reform plans. The UK declined to set national targets on the basis that this was unnecessary action at EU level and that target setting per se was not in line with national policy. Instead, we cite the impact indicators from published Departmental business plans that are most closely aligned with the European-level targets. For education, these are: attainment at age 16 and 19, and an international comparison (within the OECD) of the qualification levels of the working age population in England.

**7.12** Progress on the Europe 2020 targets is assessed for each Member State through a yearly country analysis, with the EU adopting CSRs where necessary. CSRs are issued on the basis of a set of Europe 2020 Integrated Guidelines as set out in Council Recommendation 2010/410/EU and Council Decision 2010/707/EU, which stem from Article 121(2) and 148(4) TFEU respectively.

## **The European Semester**

The **Europe 2020 Strategy** (EU2020) to support smart, sustainable and inclusive growth was agreed in 2010 and sets ambitious EU level objectives on employment, innovation, education, social inclusion and climate change/energy to be reached by 2020. The coordination of employment policy as part of EU2020 takes place under the broader umbrella of the European Semester. The European Semester is a yearly cycle of economic policy coordination and surveillance which was agreed in 2010 and first undertaken in 2011. The operation of the European Semester as a whole will be considered in the Balance of Competences report being led by HM Treasury on Economic and Monetary Policy.

Member States and the Commission jointly report on progress against agreed Europe 2020 EU-level targets. This includes targets on education such as aiming to reduce the average rate of early school leavers to no more than 10% and to raise the proportion of 30-34 year olds to have completed tertiary education to at least 40%.

As part of the annual cycle of the Semester process, Member States give an account of their progress in the areas covered by the CSRs, received in the previous year, as well as other developments and plans, in their National Reform Programmes, when these are published in the following year. Following the submission of National Reform Programmes, the Commission prepares annual CSRs for each Member State. The CSRs are discussed by the relevant Council (the Employment Council in the case of education-related issues) and then endorsed by the European Council, before formal adoption at the end of June or in early July. This timing is intended to allow the recommendations to be available to Member States before they finalise their plans and draft budgets for the following year. CSRs are non-binding on Member States.

**7.13** One of the 2013 UK CSRs relates to education:

*“Increase the quality and duration of apprenticeships, simplify the system of qualifications and strengthen the engagement of employers, particularly in the provision of advanced and intermediate technical skills. Reduce the number of young people aged 18-24 who have very poor basic skills, including through effectively implementing the Traineeships programme.”*

**7.14** The UK Government has argued that in issuing CSRs related to education, the EU is operating at the limit of its competence in education and training. The legal basis for CSRs relating to education is Article 148 (employment) which covers the Employment Guidelines approved by the Council, which present common priorities and targets for national employment policies.

**7.15** It can therefore be argued that CSRs should relate only to education where there is a clear labour market rationale. The CSRs issued to the UK focus on skills and youth unemployment and so would appear to fall into this category. However, some CSRs issued to other Member States cover school level education and it is less clear that these are consistent with the employment provisions of the Treaty.

**7.16** There is a range of views on and some debate about the merit and impact of EU policy cooperation via Europe 2020 and the European Semester on education and training. On the one hand, it can be argued that the process – including CSRs – is a useful contribution to policymaking and reform across the EU, and therefore to improved education standards leading to positive economic and social outcomes. This is the intention of the exercise. As it is non-legislative, the recommendations are not legally binding and the principle of subsidiarity is therefore maintained. The Commission and most Member States support this view.

**7.17** On the other hand, there are concerns in some Member States about an attempt to increase EU influence over and impact on national education policy. Viewed from this perspective, the shift away from voluntary policy exchange between countries towards a target driven strategy along with more normative approaches such as guidelines and recommendations may be seen as inappropriate “competence creep” in an area of limited, supporting competence.

**7.18** The appropriateness of general Council (as opposed to CSR’s related to education is also relevant in this context. Although non-binding, they can have

legal effect. National courts can be under a duty to take them into account in interpreting domestic legislation designed to implement them. They are also increasingly being used as part of conditionality criteria for access to EU funds, such as the European Social Fund. Equally, some Member States regard Council Recommendations as an effective way of distilling and summarising effective policy. This can then help to develop a consensus at EU level which can aid the development and implementation of domestic reforms and the prioritisation of spending.

**7.19** Recent debate among Member States about the value of increased EU education activity has centred as much on added value and cost as on competence creep. Education benchmarking is an increasingly global, well researched and publicised business. Individual and bilateral country study visits are seen as an effective way of analysing reforms in detail and relating them to national conditions. The EU supports this kind of activity. Amongst the international organisations, the OECD, through its international surveys and considerable analytical capacity, occupies a dominant position in the market. In response, the European Commission has developed a partnership agreement with the OECD to share some of its data and research. The Commission has also significantly strengthened its own capability to assess national reform programmes and has appointed country desk officers responsible for surveillance, analysis and contributing to CSRs.

**7.20** The call for evidence on the chapter on Economic and Monetary Policy is open now. This includes the Europe 2020 strategy and the European Semester.

More information on EU education and training policy coordination can be found at [http://ec.europa.eu/education/index\\_en.htm](http://ec.europa.eu/education/index_en.htm)

## 8 Education and training questions

### 8.1 General Issues

- Does EU action, as opposed to national government action, in the areas of education and vocational training generally benefit or disadvantage the UK? Can you point us to any published evidence or analysis in support of your view?
- Are there any specific EU activities in the areas of education and training that you consider particularly beneficial or particularly disadvantageous to the UK?
- Do you think the EU, as opposed to national government, should do more or less in relation to education and training? If so, where and why?
- What other areas of EU competence or activity have an impact on education and training in your sector and how?
- What challenges or opportunities are there for the UK in further EU action on education?
- What international bodies or arrangements other than the EU are important to education and training in the UK? How does your experience of dealing with them compare with the EU's activity in this sphere?

## The Programmes

- For the specific programmes which are funded and managed via the EU (such as Erasmus or Leonardo), what are the benefits or disadvantages of having EU rather than national responsibility and funding for these activities?
- Can you point to evidence which shows that language learning has improved through participation in the programmes?
- How would you describe the costs and benefits to your organisation of participating in the programmes?

## Policy Coordination

- Have you noticed any change in EU activity or emphasis since the 2009 Treaty of Lisbon and the introduction of Europe 2020, and, if so, where has this manifested itself and in what ways? Have these changes been helpful or unhelpful?
- Is it appropriate that Europe 2020 focusses on early school leaving and the completion of tertiary education?
- Has the adoption of EU education policy frameworks or Council Recommendations had any impact on your sector?
- How does policy cooperation on education in the EU compare with other

organisations, for example the OECD?

- Can you point to examples of reform in national policy which have resulted from EU co-operation in education and training?
- How would you assess the costs and benefits to policy makers of participation in education policy cooperation at EU level?

The questions are intended to stimulate discussion. Whilst we would particularly welcome responses to the questions themselves, we recognise that these are not exhaustive and you should feel free to comment on any related education/vocational training/youth issues which they raise.

## **9 Exercise of EU competence on youth**

- 9.1** The legal basis for youth policy coordination has always been very limited, with coordination being conducted principally through intergovernmental cooperation in the EU Youth Council. A formal basis for youth work was introduced in the education article of the Maastricht Treaty, which allowed for the development of youth exchanges and of exchanges of youth instructors. The current wording of Article 165 of the Treaty on the Functioning of the European Union (TFEU) includes provision for:

*Encouraging the development of youth exchanges and of exchanges of socio-educational instructors, and encouraging the participation of young people in democratic life in Europe.*

### **9.2 Youth Programmes**

The 'Youth in Action' programme was the EU's mobility and non-formal education programme from 2007 – 2013 targeting young people aged between 13 and 30 years. Its general objectives were to promote young people's active citizenship in general and their European citizenship in particular; and to promote European cooperation in the youth field.

**9.3** The Youth in Action Programme comprised several operational actions:

- Youth for Europe and Youth in The World - youth exchanges and youth projects between different countries in the EU and outside the EU;
- The European Voluntary Service - to support young people's participation in various forms of voluntary activities, both within and outside the European Union;
- Support for cooperation in the youth field - supporting cooperation, seminars and structured dialogue between young people, those active in youth work and those responsible for youth policy.

Over its lifetime, Youth in Action has enabled 50,000 young people to take part in community-level projects with their counterparts in other countries, while 5,000 youth workers have made use of opportunities for professional development.

Further information on the Youth in Action Programme is available at [http://eacea.ec.europa.eu/youth/programme/about\\_youth\\_en.php](http://eacea.ec.europa.eu/youth/programme/about_youth_en.php)

**9.4** From 2014 The Youth in Action Programme has been incorporated into Erasmus+, the EU programme for education, training, youth and sport.

**9.5** 10% of the budget for Erasmus+ will be allocated to support non-formal and informal learning opportunities in the youth field. The programme will pursue the following specific objectives:

- Improving the level of key competences and skills of young people, including those with fewer opportunities. This will include basic and soft skills such as entrepreneurship, digital skills and the ability to speak several languages.
- Promoting participation in democratic life and the labour market; active citizenship including EU citizenship; intercultural dialogue; social inclusion and solidarity
- Supporting development of evidence-based youth policy and the recognition of non-formal and informal learning.
- Enhancing the international dimension of youth activities and the role of youth workers and organisations in facilitating mobility and transnational cooperation.

**9.6** Activities in the youth field will include:

- Mobility projects for young people (Youth Exchanges and European Voluntary Service) and youth workers
- Large-scale European Voluntary Service events
- Strategic partnerships
- Capacity building
- Youth voice and opportunities for young people to meet with decision-makers

**9.7 Policy Cooperation in Youth through the Open Method of Coordination (OMC)**

The European Commission promotes dialogue between young people and policy makers with the aim of increasing active citizenship, fostering social integration, and ensuring that young people are included in EU policy development. These priorities form a core part of the EU Youth Strategy for 2010-18, which has two overall objectives:

- to provide more and equal opportunities for young people in education and in the job market, and
- to encourage young people to actively participate in society.

**9.8** This work is carried out primarily through the Erasmus+ programme, through a structured dialogue with young people (see below), and through the development of a framework for political cooperation between Member States under the Open Method of Coordination (OMC). The OMC is a non-binding intergovernmental framework for cooperation and policy exchange which provides a flexible framework for setting common agendas, exchanging best practices, and improving the current evidence-base for youth policy.

**9.9** In November 2011 the European Commission published a White Paper “A new impetus for European youth”. The main objective of this White Paper was to propose a new framework for cooperation among the various actors in the youth field in order to involve young people more effectively in decisions that concern them. It also called on young Europeans to become more active citizens. Following this there has been policy focus on participation and citizenship and the Youth Council continues to call for better cooperation across areas which relate to young people, including training and education.

**9.10** Young people are provided with an opportunity to provide input to European policymaking. This is done through the 'Structured Dialogue', which involves consultations with young people and youth organisations, and EU youth conferences organised by the Member State holding the EU presidency. The Structured Dialogue also serves as a forum for reflection on the priorities, implementation, and follow-up of European cooperation in the youth field.

**9.11** The EU is attempting to incorporate evidence based policy making into its youth work through the use of a dashboard of 40 indicators covering all fields of action of the EU Youth Strategy. Implementation of the Strategy by Member States, and progress towards its objectives is monitored and assessed through a Youth Report, the next edition of which will be released in 2015.

**9.12** Groups of policymakers from the Member States (known as peer learning groups) have been set up under the OMC, and their remit can include any subject of relevance to the youth field. Peer-learning exercises are currently underway on:

- the implementation of a Council Recommendation on the mobility of young volunteers;
- the follow-up to the dashboard of youth indicators;
- the role of non-formal learning for employability; and,
- youth work quality systems.

Further information on the EU Youth Strategy is available at [http://ec.europa.eu/youth/policy/youth\\_strategy/index\\_en.htm](http://ec.europa.eu/youth/policy/youth_strategy/index_en.htm)

## 10 Youth questions

### 10.1 General issues

- What evidence is there that EU action in the area of Youth benefits or disadvantages the UK?
- Do you think the EU should do more, or less, in relation to Youth, and why?
- Do you think the EU focuses on the right aims and priorities in the Youth field?
- Have you noticed any change in EU activity or emphasis since the 2009 Treaty of Lisbon and the introduction of Europe 2020, and, if so, where has this manifested itself and in what ways? Have these changes been helpful or unhelpful?
- Has the adoption of the Structured Dialogue had any impact on your sector?
- What other areas of EU competence or activity have an impact on your sector and how?
- What international bodies or arrangements are important to your sector beyond the EU?

- Has the EU had an impact on young people’s opportunities to have a voice in policy and decision making, or on organisations’ work to involve young people in shaping services?
- Has the EU had an impact on young people’s social inclusion in the UK?

### Youth Programmes

- What are the benefits or disadvantages of having EU rather than national funding for activities under the Youth Programme?
- What do you think about the criteria and conditions set by the EU for applying for and receiving funding?
- What do you think about the aims and activities of Erasmus+ in comparison to the Youth in Action programme?

Please do not feel the need to limit your evidence to these issues, we are interested to receive any views you have about how the balance of competences between the EU and UK has an impact on youth policy and issues.

## **11 How to respond to this call for evidence**

- 11.1** This public call for evidence sets out the scope of the review of the balance of competences in the areas of education, vocational training and youth. We welcome input from anyone with relevant knowledge, expertise or experience. This is your opportunity to express your views.
- 11.2** Sector specific questions follow each of the sections, as well as some general questions to consider. Please do not feel the need to limit your evidence to these issues. We are interested to receive any views you have about the

balance of competences between the EU and the UK on Education, Training and Youth. Likewise, we expect that many responses will focus on one particular sector so please do not feel under an obligation to answer all the questions.

- 11.3** Your evidence should be objective, factual information about the impact or effect of the competence in your area of expertise or interest. We will expect to publish your response and the name of your organisation unless you ask us not to (but please note that, even if you ask us to keep your contribution confidential, we might have to release it in response to a request under the Freedom of Information Act). We will not publish your own name unless you wish it included. Please base your response on answers to the questions set out in this call for evidence.

#### **11.4 How To Respond**

Consultation responses can be completed online at [www.education.gov.uk/consultations](http://www.education.gov.uk/consultations), by emailing your evidence by 30 June 2014 to [BalanceofCompetence.consultation@education.gsi.gov.uk](mailto:BalanceofCompetence.consultation@education.gsi.gov.uk). This address should also be used for any related enquiries.

You can also download a response form which should be completed and sent to:

International Education Division, Department for Education, 2nd Floor, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT.

## **12 Additional Copies**

- 12.1** Additional copies are available electronically and can be downloaded from the Department for Education e-consultation website at: [www.education.gov.uk/consultations](http://www.education.gov.uk/consultations).

## **13 Plans for making results public**

- 13.1** Following the consultation a final report will be published.