



Education International
Internationale de l'Éducation
Internacional de la Educación
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ETUCE Position on the European Degree and Academic Career Framework

Endorsed by HERSC, and adopted by ETUCE Committee on 15 October 2024

Background

Recently the European Commission presented its new higher education package, which includes initiatives on:

[Communication from the Commission on Blueprint for a European degree](#)

[Proposal for a COUNCIL RECOMMENDATION on attractive and sustainable careers in higher education](#)

[Proposal for a COUNCIL RECOMMENDATION on a European Quality Assurance and Recognition System in Higher Education](#)

[Annexes to the Proposal for a COUNCIL RECOMMENDATION on a European Quality Assurance and Recognition System in Higher Education - Publications Office of the EU](#)

HERSC have been discussing about these initiatives and expressed their [opinion](#) on the development of these policies. The two proposals for Council Recommendations will be discussed in November 2024 under the Hungarian Presidency of the EU and they will be adopted in spring 2025 by the Polish Presidency.

ETUCE position

General comments

1. ETUCE reminds the European Commission and the Education Council of the EU that higher education is a human right and public good. The EU Member States (MSs) and higher education institutions (HEIs) need to improve the quality, fairness, equality and social inclusion and public funding of higher education and to consider the recommendations to be implemented according to their national and local circumstances while respecting academic freedom, institutional autonomy, social dialogue and collegial governance.

2. ETUCE reminds the European Commission and the Education Council of the EU about the fundamental role of teachers in quality education. There is no quality higher education and research (HER) without teachers that are free to seek the truth and have a sufficient degree of security of employment and economic security to make the profession attractive. For this reason, the deeper integration of European higher education must go hand in hand with more efficient protection of academic freedom and tenure or its functional equivalents. In her [Political Guidelines for the European Commission 2024-2029](#), Commission President Ursula von der Leyen pointed out that “Europe needs a radical step change in ambition and action – for all skill levels and for all types of training and education”. To make this ambition a reality, Europe also needs a step change in raising the standards of academic freedom and the security of employment. There should be no HEIs without protection of academic freedom and tenure in the EU.
3. ETUCE regrets that the initiative sees higher education mostly from the perspective of addressing [labour and skills shortages](#) in the EU also by attracting talent to the EU labour market [from other continents](#) without mentioning how to avoid global and intra-EU brain-drain. [Trade unions strongly believe that](#) *“Education is a public good and the right to access to education goes beyond the employability and the quickly changing needs of the labour market. If employers need a highly skilled work force for specific professions, they should invest in it, by providing trainings themselves. Education has a key role in teaching key competences which can be adapted later in life as part of lifelong learning. Most importantly, education needs to equip learners to take an active role in society as democratic citizens.”*
4. ETUCE has already [warned](#) that there have been enormous pressures on higher education institutions and universities to provide more labour-market oriented programmes and to link publicly-funded research more closely with business interests. In addition, universities have been given new tasks such as to arrange/provide lifelong learning to adults, encouraging them towards [micro-credentials rather than degree or masters programmes](#). Trade unions in the higher education and research sectors worry that these trends lead to such quasi-market policies, governance and organisational models that undermine even more the protection for academic freedom and collegial governance and, in the long term, the quality of HER and its ability to meet societal expectations. Unfortunately, ETUCE sees this trend strongly appearing in [the Communication from the European Commission on a blueprint for a European degree](#).
5. We also remind the importance of increased use of AI in HEIs, digitalisation of higher education and services provided to students, respect of copyright of teaching materials and research and the responsible use of artificial intelligence which need to be included into quality assurance measures. We remind the European Commission and the European Council that HER has already been transformed by the deployment of digital technology and today faces the rapid deployment of artificial intelligence. To guarantee the quality of HER, it is vital to empower teachers and give them a chance to focus on pedagogy and learning outcomes rather than technology. The opportunities and threats connected to digitalisation and AI require a balanced view. The intellectual property rights of HE teachers and researchers such as copyright to teaching materials and research publications must be respected as one of the elements of academic freedom.
6. The Communication underlines that the initiative is voluntary in light of EU Member States’ national competences for education and in respecting institutional autonomy and academic

freedom. Still, its approach is to motivate governments to amend their national legislation in relation to qualifications and quality assurance processes. The initiative will be also linked to other EU instruments and to the next Multi-Annual Financial Framework (2027). Therefore, the two Council recommendations can be obligatory for the EU Member States. We remind that HEIs need to be supported by appropriate resources, in particularly by sustainable public investment, in order to effectively implement the initiatives, and as quality assurance clearly links to staff workload, the Member States need to involve trade unions representing academics in decision making on resource allocation on quality assurance systems.

7. Participation of staff in decision makings at different levels, underlined by [the Rome Communiqué](#) and [Tirana Communiqué](#), is one of the fundamental values of the Bologna Process. Social dialogue and collegial governance are essential to shape higher education policies and programmes in a way that they ensure decent working conditions and permanent contractual situation with attractive salaries for quality teaching and research. However, the proposed [Revised list of criteria for a European degree](#) proposes to only involve the students' representatives and not the staff in the decision making process to define the joint policies and procedures and / or arrangements for defining "European Degrees".

Views on the *Proposal for a Council Recommendation on attractive and sustainable careers in higher education*

8. ETUCE welcomes that the [Proposal for a Council Recommendation on attractive and sustainable careers in higher education](#), attempts to achieve high quality teaching and transnational cooperation by focusing on free, safe, predictable, stable working environments and the wellbeing of the academic staff. We welcome the Proposal for staff "*working at higher education institutions who do both teaching and research, and staff who do teaching only or mostly, regardless of their status.*" Right to collective bargaining, effective social dialogue with education trade unions, academic freedom, inclusiveness and gender equality in work, job security and decent working conditions need to be guaranteed in order to support academics' work for quality teaching and research. Paid educational and sabbatical leave must also be guaranteed in order to support academics' work for quality teaching and research. We also suggest more joint work between European Commission's DG EAC and DG Research to find additional synergies in the implementation of the *European Career framework for higher education* and the *European Career framework for researchers*, as in many HEIs teaching and research work cannot be separated.
9. Higher education and research staff have been suffering from increased precarity due to short-term project-based contracts which is a result of reduced or unstable public investment to higher education institutions. Unfortunately, the Commission's initiative does not address this problem, and it is not clear how the European Degree initiative would realistically support a reduced workload, eg. less administrative work for staff.
10. ETUCE also welcomes that the policy package requests the EU Member States to respect the inclusiveness, diversity, and gender equality in higher education among students and staff. However, it is important to better monitor the equal access of underrepresented and socio-economically disadvantaged groups into academia, especially into permanent teaching and research contracts, professorship and leadership roles. For this we call on the EU Council to

require Member States to use the EHEA Principles and Guidelines for the Social Dimension in Higher Education (2024) in an effective and accountable manner

11. We warmly support also the recommendation of the European Commission to the Member States to “*respect of collective agreements, effective social dialogue, and the autonomy of social partners, and to take support action so that employers provide attractive, inclusive and competitive working conditions, where academic staff are valued, encouraged and supported.*” Why is this work to be duplicated in the [European Sectoral Social Committee for Education](#) where education trade unions and employers’ organisations have also been discussing with the European Commission on higher education and research, policy development with the intention of “*supporting the organisation of a dedicated social dialogue at Union level on the careers of academic and professional services staff?*” ETUCE requests the EU Council to abandon this idea and instead ensure continuous work between the European Commission and the European Sectoral Social Committee for Education to achieve the goals of the Proposal, and joint work in the framework of the European Higher Education Sector Observatory.

Views on the Proposal for a Council Recommendation on a European Quality Assurance and Recognition System in Higher Education

12. Trade unions in the higher education and research sectors underline that higher education is a national competence and institutional autonomy needs to be protected. Even though the European Degree initiative is to motivate EU countries to alter their quality assurance systems in order to allow accreditation of more joint programmes of universities based in different EU countries, we are concerned that the initiative will have an impact on the management, organisation and financing of higher education institutions. We worry that inequality among the institutions will deepen as those who cannot apply to Erasmus funds will not be able to join to European University Alliance projects, therefore they will not be able to offer joint programmes and “European Degrees” to national and international students.
13. ETUCE finds the connection of the proposal for a *Council Recommendation on a European Quality Assurance and Recognition System in Higher Education* to Article 165(1) of the Treaty on the Functioning of the European Union (TFEU) problematic. National quality assurance (QA) agencies are currently a fundamental part of the organisation of the Member States’ education systems that under Article 165(1) of the TFEU belongs to the Member States’ competence. According to the proposal, institutions of higher education may as members of Alliances choose any EQAR-registered agency for QA. In effect, this means that QA is moved from the Member States’ exclusive competence to the market. While the proposal is a recommendation and described as voluntary in nature, it is intended as politically binding. In effect, the proposal is designed to circumvent Article 165(1) of the TFEU.
14. ETUCE fears that the proposal for a *Council Recommendation on a European Quality Assurance and Recognition System in Higher Education* is a step towards creating an internal market for higher education. First, when common QA standards (*European Standards and Guidelines for Higher Education - ESG*) apply to higher education institutions (HEIs) in all Member States and HEIs may choose any EQAR-registered agency for QA, a market is created for the provision of

QA services. In the long term, this is likely to benefit the largest EQAR-registered agencies and lead to the consolidation of the still fragmented QA market. Second, when the minimum quality standards (ESG) are harmonised and QA services are moved to the market, higher education is in practice commodified in the EU. Third, if higher education is regarded as a commodity and a service in the EU, several Treaty provisions on the internal market will apply. Such provisions include the prohibition of restrictions on the freedom of establishment under Article 49, the prohibition on freedom to provide services under Article 56, the prohibition of state aids under Article 107 and the prohibition of discrimination on grounds of nationality under Article 18 of the TFEU. Fourth, when the approximation of higher education through legally or politically binding instruments is combined with the provisions of the TFEU that lay down the foundations of the internal market, powerful legal drivers are created to dilute the exclusive competence of Member States under Article 165(1) of the TFEU. The approximation of higher education will in practice create a coordinated field. The existence of a coordinated field will make it more difficult for the Member States to restrict the freedom to provide services in the area of higher education, as it will become more difficult for a Member State to argue that its national measures that are deemed to restrict the freedom to provide higher education services are necessary and proportionate under EU law. Fifth, when Article 165(1) of the TFEU is interpreted by taking into account the provisions of the TFEU that lay down the foundations of the internal market, Member States may be forced to use increasingly market-based methods in the public funding of higher education. Sixth, the use of market-based methods would turn higher education into a market-based activity and HEIs into enterprises. Publicly funded higher education must continue to be a public good.

15. ETUCE is concerned about the potentially disruptive long-term impact of the proposal for a *Council Recommendation on a European Quality Assurance and Recognition System in Higher Education*. ETUCE points out that the proposal is not based on any impact assessment. The proposal should not move forward without an impact assessment.
16. ETUCE has doubts about the proportionality of the proposal. According to the Explanatory Memorandum, the proposal “is in conformity with the principle of proportionality laid down in Article 5(4) of the TEU”. However, the lack of impact assessment surely makes it impossible to provide any reliable information about proportionality and compliance with Article 5(4) of the TEU.
17. ETUCE is of the opinion that QA should fall within the scope of Article 165(1) of the TFEU. Moreover, neither HEIs nor Alliances should have freedom to choose the QA agency. The competence of the QA agency should be designated by the seat of the HEI. In the case of an Alliance, the competence of the QA agency should be designated by the seat of the Alliance or the seat of the coordinator of the Alliance.
18. ETUCE believes that any proposal that may have a fundamental impact on European higher education and is intended to be legally or politically binding on all Member States should be subject to a thorough democratic process.