Regulation (EU) 2019/128 of the European Parliament and of the Council of 16 January 2019 establishing a European Centre for the Development of Vocational Training (Cedefop) and repealing Council Regulation (EEC) No 337/75

REGULATION (EU) 2019/128 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 16 January 2019

establishing a European Centre for the Development of Vocational Training (Cedefop) and repealing Council Regulation (EEC) No 337/75

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 166(4) and Article 165(4),

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee[(1)],

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure[(2)],

Whereas:

(1) The European Centre for the Development of Vocational Training (Cedefop) was established by Council Regulation (EEC) No 337/75[(3)] to assist the Commission in encouraging, at Union level, the promotion and development of vocational training and of in-service training.

(2) Since it was established in 1975, Cedefop has played an important role in supporting the development of a common vocational education and training policy. At the same time, the concept and significance of vocational training has evolved under the influence of changing labour markets, technological developments, particularly in the digital area, and increasing labour mobility. Those factors add to the challenge of better matching competencies and qualifications with a constantly evolving demand. Vocational training policies have evolved accordingly and encompass a variety of instruments and initiatives, including those related to skills and qualifications and the validation of learning, which necessarily go beyond the traditional boundaries of vocational education and training. The nature of Cedefop's activities should therefore be clearly defined in order better to reflect its current activities, which go beyond vocational education and training and include work on skills and qualifications, and the terminology used to describe the objectives and tasks of Cedefop should be adapted to reflect those developments.

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2019/128 of the European Parliament and of the Council. (See end of Document for details)*

(3) The 2013 Cedefop evaluation report concluded that Regulation (EEC) No 337/75 should be amended to include Cedefop's work on skills as one of its tasks and to integrate more clearly its work on policy reporting and common European tools and initiatives.

(4) Supporting the implementation of a vocational education and training policy will require a focus on the interface between education and training and the world of work in order to ensure that the knowledge, skills and competencies acquired support lifelong learning, integration and employability in changing labour markets and are relevant to the needs of citizens and society.

(5) Regulation (EEC) No 337/75 has been amended several times. Since further amendments are to be made, that Regulation should be repealed and replaced in the interest of clarity.

(6) The rules governing Cedefop should, to the extent possible and taking into account its tripartite nature, be established in accordance with the principles of the Joint Statement of the European Parliament, the Council of the European Union and the European Commission on decentralised agencies of 19 July 2012.

(7) As the three tripartite agencies, namely Cedefop, the European Foundation for the improvement of living and working conditions (Eurofound) and the European Agency for Safety and Health at Work (EU-OSHA), address issues related to the labour market, the working environment, vocational education and training, and skills, close coordination among them is required. Close coordination with the European Training Foundation (ETF) is also required. In its work, Cedefop should therefore complement the work of ETF, Eurofound and EU-OSHA where they have similar fields of interest, while favouring tools that function well, such as memoranda of understanding. Cedefop should exploit ways to enhance efficiency and synergies and, in its activities, avoid duplication with those of ETF, Eurofound and EU-OSHA and of the Commission. In addition, where relevant, Cedefop should seek to cooperate efficiently with the in-house research capacities of the Union institutions and of external specialised bodies.

(8) The Commission should consult the main stakeholders including members of the Management Board and members of the European Parliament during the evaluation of Cedefop.

(9) The tripartite nature of Cedefop, Eurofound and EU-OSHA is a highly valuable expression of a comprehensive approach based on the social dialogue between the social partners and Union and national authorities, which is extremely important for the purpose of finding joint and sustainable social and economic solutions.

(10) In order to streamline the decision-making process of Cedefop and to contribute to enhancing efficiency and effectiveness, a two-level governance structure should be introduced. To that end, the Member States, the national employers' and employees' organisations and the Commission should be represented on a Management Board vested with the necessary powers, including the power to adopt the budget and approve the programming document. In the programming document, containing Cedefop's multiannual work programme and its annual work programme, the Management Board should lay down the strategic priorities of Cedefop's activities. Moreover, the rules

adopted by the Management Board for the prevention and management of conflicts of interests should include measures for detecting potential risks at an early stage.

(11) In order for Cedefop to function properly, the Member States, the European employers' and employees' organisations and the Commission should ensure that persons to be appointed to the Management Board have appropriate knowledge in the field of vocational education and training, skills and qualifications with a view to making strategic decisions, and to overseeing Cedefop's activities.

(12) The Executive Board should be set up with the task of preparing the meetings of the Management Board in an appropriate manner and supporting its decision-making and monitoring processes. In assisting the Management Board, it should be possible for the Executive Board, where necessary, for reasons of urgency, to take certain provisional decisions on behalf of the Management Board. The Management Board should adopt the rules of procedure of the Executive Board.

(13) The Executive Director should be responsible for the overall management of Cedefop in accordance with the strategic direction set by the Management Board, including day-to-day administration as well as financial and human resources management. The Executive Director should exercise the powers entrusted to him or her. It should be possible to suspend those powers in exceptional circumstances, such as conflicts of interests or a serious failure to comply with obligations under the Staff Regulations of Officials of the European Union (Staff Regulations).

(14) The principle of equality is a fundamental principle of Union law. It requires that equality between women and men must be ensured in all areas, including employment, work and pay. All parties should aim to achieve a balanced representation between women and men on the Management Board and the Executive Board. That aim should also be pursued by the Management Board with regard to its Chairperson and Deputy Chairpersons taken together, as well as by the groups representing the governments and the employers' and employees' organisations on the Management Board with regard to the designation of alternates to attend the meetings of the Executive Board.

(15) Cedefop operates a liaison office in Brussels. The possibility of operating that office should be maintained.

(16) The financial provisions and provisions for programming and reporting relating to Cedefop should be updated. Commission Delegated Regulation (EU) No 1271/2013[(4)] provides that Cedefop is to carry out *ex ante* and *ex post* evaluations of those programmes and activities that entail significant spending. Those evaluations should be taken into account by Cedefop in its multiannual and annual programming.

(17) In order to ensure its full autonomy and independence and to enable it properly to carry out its objectives and tasks in accordance with this Regulation, Cedefop should be granted an adequate and autonomous budget with revenue stemming mainly from a contribution from the general budget of the Union. The Union budgetary procedure should be applicable to Cedefop as far as the Union contribution and any other subsidies chargeable to the general budget of the Union are concerned. Cedefop's accounts should be audited by the Court of Auditors.

Changes to legislation: *There are currently no known outstanding effects for the Regulation (EU) 2019/128 of the European Parliament and of the Council. (See end of Document for details)*

(18) The translation services required for Cedefop's functioning should be provided by the Translation Centre of the Bodies of the European Union (Translation Centre). Cedefop should work together with the Translation Centre to establish indicators for quality, timeliness and confidentiality, to identify clearly Cedefop's needs and priorities, and create transparent and objective procedures for the translation process.

(19) Provisions concerning Cedefop's staff should be in line with the Staff Regulations and the Conditions of Employment of Other Servants of the Union (Conditions of Employment of Other Servants) laid down by Council Regulation (EEC, Euratom, ECSC) No 259/68[(5)].

(20) Cedefop should take the necessary measures to ensure the safe handling and processing of confidential information. Where required, Cedefop should adopt security rules equivalent to those set out in Commission Decisions (EU, Euratom) 2015/443[(6)] and (EU, Euratom) 2015/444[(7)].

(21) It is necessary to lay down transitional budgetary provisions and transitional provisions with regard to the Management Board and staff to ensure the continuation of Cedefop's activities pending the implementation of this Regulation,

HAVE ADOPTED THIS REGULATION:

CHAPTER I

OBJECTIVES AND TASKS

Article 1

Establishment and objectives

1 The European Centre for the Development of Vocational Training (Cedefop) is hereby established as a Union Agency.

2 Cedefop's objective shall be to support the promotion, development and implementation of Union policies in the field of vocational education and training as well as skills and qualifications policies by working together with the Commission, the Member States and the social partners.

To that end Cedefop shall enhance and disseminate knowledge, provide evidence and services for the purpose of policy making, including research-based conclusions, and shall facilitate knowledge sharing among and between Union and national actors.

Article 2

Tasks

1 Cedefop shall have the following tasks with respect to the policy areas referred to in Article 1(2), while fully respecting the responsibilities of the Member States:

a analyse trends in vocational education and training, skills and qualification policies and systems, and provide comparative analyses thereof across countries;

***Changes to legislation:** There are currently no known outstanding effects for the Regulation (EU) 2019/128 of the European Parliament and of the Council. (See end of Document for details)*

b analyse labour market trends in relation to skills and qualifications, and vocational education and training;

c analyse and contribute to developments related to the design and award of qualifications, their organisation into frameworks, and their function in the labour market, and in relation to vocational education and training, with a view to enhancing their transparency and recognition;

d analyse and contribute to developments in the field of validation of non-formal and informal learning;

e carry out or commission studies and carry out research on relevant socioeconomic developments and related policy issues;

f provide forums for exchange of experiences and information between the governments, the social partners and other stakeholders at national level;

g contribute, including through evidence-based information and analyses, to the implementation of reforms and policies at national level;

h disseminate information with a view to contributing to policies and to raising awareness and understanding of the potential of vocational education and training in promoting and supporting the employability of people, productivity and lifelong learning;

i manage and make available tools, datasets and services for vocational education and training, skills, occupations and qualifications to citizens, companies, policy makers, the social partners and other stakeholders;

j establish a strategy for relations with third countries and international organisations in accordance with Article 29 concerning matters for which Cedefop is competent.

2 Where new studies are needed, and before taking policy decisions, the Union institutions shall take into account Cedefop's expertise and any studies that it has conducted in the area concerned or that it is able to conduct, in accordance with Regulation (EU, Euratom) 2018/1046 of the European Parliament and of the Council[(8)].

3 In its activities, Cedefop shall take into account the links which exist between vocational education and training and the other sectors of education and training.

4 Cedefop may conclude cooperation agreements with other relevant Union agencies in order to facilitate and promote cooperation with them.

5 In carrying out its tasks, Cedefop shall maintain a close dialogue particularly with specialised bodies, working on vocational education and training and skills and qualifications policies, whether public or private, national or international, with public authorities and educational institutions, with employers' and employees' organisations, and with national tripartite bodies where they exist. Without prejudice to its objectives and purposes, Cedefop shall cooperate with other Union agencies, in particular the ETF, Eurofound and EU-OSHA, promoting synergies and complementarity with their activities, while avoiding any duplication of efforts.