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Filling in the gaps: European governance, the open method of coordination and the European Commission

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Abstract: The article addresses the way in which EU policy-making operates, explains the relevance of "lifelong learning" for the European Commission and analyses the mechanisms by which the Commission has advanced policy-making in education and training since the Lisbon Summit. The paper reviews in particular the alleged lack of effectiveness of the Open Method of Coordination (OMC) in education and, second, the notion that the EU advances "slowly and persistently" in its acquisition of competences in this area.

Introduction

During the 1970s and 1980s work on European integration was dominated by the debate between neo-functionalism and neo-realism. This debate focused on the outputs that were expected from the European integration process. From the late 1990s, the academic debate has been shifting from questioning where the EU was going to trying to understand how it operates, giving rise to multi-level and new institutionalist approaches (see, e.g., Bulmer 1998, Grande 2000; Marks et al. 1996; Pierson 1998; Scharpf 2000). Yet it is still possible to detect the legacy from the neo-functionalist vs. neo-realist debate (Collard-Wexler 2006).

Most current analyses of EU integration have as their start-point "rational" Member States, which try to preserve as much as possible of their sovereignty, in particular in symbolic policy areas for national constituencies, such as social policy. They assume that national policies are in place in the policy areas upon which the EU takes action. They also assume the existence of rather fixed "national interests" and constant preferences over policy issues.

But what happens when these assumptions do not hold? This question, normally overlooked, is of particular relevance after enlargement. This paper focuses on the case of lifelong learning policies, in particular on policies concerning the validation of learning outside educational institutions. Formal learning can be defined as the learning that occurs within an organised and structured context (e.g. formal education), and that is designed as learning; non-formal learning consists of learning embedded in planned activities that are not explicitly designated as learning, but which contain an important learning element; informal learning is defined as learning resulting from daily life activities related to work, family, or leisure. It is not structured in terms of learning objectives, learning time and/or learning support and in most cases it is non-intentional (or 'incidental'/random). Validation is the process of identifying, assessing and recognising the skills and competences which people develop through any type of learning (Cedefop 2000; European Commission 2001).

The paper addresses the way in which EU policy-making operates, explains the relevance of the selected topic for the European Commission and analyses the mechanisms by which the Commission has advanced policy-making in this area since the Lisbon Summit. The paper reviews in particular the alleged lack of effectiveness of the Open Method of Coordination (OMC) in education and, secondly, the notion that the EU advances "slowly and persistently" in its acquisition of competences in this area.

Vocational education and training policy of the European Community is a highly appropriate area for reflection on the way the EU works, its relationship with Member States and the implications and limitations of this on the future development of the Union. Indeed, action in the public sector, whatever its field of application, makes use of instruments which are, to some extent, limited. Traditionally, public sector action is mainly based on general laws and regulations which are applicable to all. It can also be based on directives which create constraining frameworks within which specific decrees and regulations aimed at achieving more precise objectives may be laid down. It may decide to confine itself to resolutions or recommendations which have no restrictive features but which are equivalent to a publicly proclaimed position intended to influence other public or private actors who have to take action. Finally, renouncing direct influence, it may be content to merely advocate the initiation of exploratory or demonstrative pilot projects whose good example could be persuasive and inspire emulation, at the same time introducing complementary measures for the dissemination of information (D'Iribarne 1995).

In the 1980s, the European Court of Justice (ECJ) interpreted Article 128 of the Treaty in a series of rulings in such a way as to give the European Community institutions the right to adopt legislation in the fields of vocational training and education that would be binding for the Member States. In particular, the Court interpreted the term 'vocational' more extensively and gave the Commission the right to assume competences in the fields of higher and continuing education (see also Bastian 1998 and Hine 1998 for an analysis of the expansive interpretation of Community competences by the ECJ in relation to other policy areas). The Court also ruled that the 1963 general principles on vocational education and training formed part of the EC Treaties and that, therefore, the EC had far-reaching regulative powers in vocational

training policy (Ertl 2003; Murphy 2003). The ECJ role, however, has been uneven and 'can only influence policy on issues that reach it through the legal system in a slow, almost haphazard manner' (Kassim and Hine 1998: 213).

In recent times, it is not only the Court of Justice that has extended the role of the Commission in education and training. The Commission itself has been active in extending its competences. Indeed, the Commission has been recently described by Cram as a 'purposeful opportunist' (Cram 1997: 6), by Hine as an 'impresario' (Hine 1998: 5) and Pollack has talked about its 'entrepreneurial' activity (Pollack 1994: 138) whereas Murphy has referred to its implementation of a 'snatch and grab' approach to building a social policy portfolio (Murphy 2003). What can be perceived in education lately is, in particular, a more relaxed approach than in the past towards subsidiarity by the Commission and this has also caught up with member states (Ertl 2003). Despite the clear exclusion of any harmonisation of national educational provisions in the Maastricht Treaty (Art. 127(4), 126(4)[1]), the Council of the EU demanded that general and vocational education systems within the Union undergo a process of far-reaching convergence. As Rosenthal (1991: 278) put it, 'education policy, long viewed as an exclusive national prerogative, is now regarded as a vital instrument for creating a united Europe'. This demand seems to be incompatible with the principle of subsidiarity (Art. 3b TEU). Based on Article 5 (Maastricht Treaty), which requires the member states to orientate national measures towards the objectives of the Union, the involvement of the EU institutions to a much wider extent can be justified (Koch 1994). As a consequence, Resolutions, Decisions and Directives of EU bodies could assert convergence pressure on national systems of vocational education and training.

Yet, the Union has showed much prudence with regard to regulatory action and directives and respect for the principle of subsidiarity in education (D'Iribarne 1995), and has often faced extremely reluctant Member States in the regulation of training provision (Ryba 1992; European Commission 1994; Ertl 2003; Dahl 2004). The Commission has even argued that education is an ideal-type of a policy area where subsidiarity can play its full role (Hingel 2001). Since Lisbon, the EU has been applying the OMC, which is closer to the third approach to public sector action outlined previously (making resolutions and recommendations). Whereas in many policy areas this has been perceived by scholars as a "step back" from law-making (Scharpf 2002), in vocational education it can actually be conceptualized as a "step forward" which creates new opportunities for policy development from previous phases in which the EU tended to rely on pilot projects and a relatively loose exchange of good practice.

The remainder of this paper is structured as follows. Section two outlines the main theoretical arguments. Section three analyses current policy developments, in relation to the area of non-formal and informal learning. Section four presents our conclusions.

The European Commission and the governance of Europe

The first attempts at explaining the process of European integration were undertaken by Ernst B. Haas and Leon N. Lindberg in the late 1950s and early 1960s, who developed the 'spill-over' thesis, arguing that integration in one policy domain creates an impetus for integration in other domains. Therefore integration processes tend to spread to other policy domains. Initiated by supranational institutions created to accomplish specific functions, the process of integration experiences further pressure. Three different types of spill-over can be distinguished. The *functional spill-over* covers the pressures 'arising from the inherent technical characteristics of functional tasks themselves'.Conversely, the *political spill-over* is fed by differences between societies within the European Community. National elites are launched by a 'learning process', which enhances their affinity for supranational solutions. A depolitization of negotiations is assumed to complement the bias to move to supranationality. Finally, the *cultivated spill-over* emphasizes the significance of supranational institutions, such as the European Commission, as 'midwives for the integration process'. In particular, the Commission is viewed decisive for transnational coalition-building for further integration. This neo-functionalist account of integration was attacked empirically and theoretically. Although, at first, historical developments, especially the Treaty of Rome in 1957 with its spill-over from the European Coal and Steal Community to the European Economic Community and Euratom, seemed to verify the neo-functionalist theory, fatal set backs happened to occur in the mid-1960s. The French president, Jacques de Gaulle, opposed the intensions of the

Commission for further steps towards supranationalism. The dispute peaked in the 'empty chair crisis' on 1965/6, when France boycotted the Community. The political solutions for this crisis, the 'Luxembourg Compromise' in 1966, strengthened Member States by granting a national veto on 'vital' issues. Subsequently, integration in the 1970s was achieved on a purely intergovernmental basis (cf. Tranholm-Mikkelsen 1991; Strøby-Jensen 2000).

The quasi-automatism and determinism in European integration was most vehemently criticised by intergovernmentalist accounts, calling into question both the logic of spill-overs and the importance of supranational institutions. On the contrary, the EC is solely depicted as an 'international regime for policy coordination'. Rational behaviour, based upon liberal state-society relations and the impact of interdependence, is ascribed to Member states, which are seen as purely driven by national interests. Logically, different states generate different national preferences, which eventually collide in the European institutions, such as the European Council, where every nation state aims to realise its interests. In the process of interstate bargaining, the various interests can be adjusted, so that every state benefits from common solutions, although national interests could not be implemented fully. In this context, the independent role of supranational institutions like the European Commission and the European Court of Justice is denied vehemently. Rather, European institutions are described as solely serving Member States, by providing an efficient bargaining space and by enhancing the domestic autonomy of national governments; that is the so-called 'two-level game' (Moravcsik 1993).

Whereas the neo-functionalism emphasises the importance of supranational institutions for the integration process, the intergovernmentalism neglects these institutions and calls for exclusively looking at Member States and their governments. The approach of multi-level governance claims to go beyond this one-sidedness. It is argued that state executives have lost their monopoly to decide about European integration. However, it is not denied that Member States still play an important or maybe the most significant role. Nevertheless, both in terms of decision-making and aggregating national interests, the governments share power with other actors on the subnational, national and supranational level. Three arguments underpin this thesis: Firstl, regarding decision-making in the EU, national governments have to share competencies with supranational actors such as the European Commission, the European Court of Justice and the European Parliament. Second, even in arenas that are subject to the state executives only like the European Council, the individual government has lost significance through collective decision-making (e.g., qualified majority voting). Third, instead of assuming an inadequate separate separation between national and international politics, the multi-level approach makes a case for interconnected political arenas, undermining the viability of the two-level game (cf. Grande 2000; Marks et al. 1996; Scharpf 2000).

Complementing the multi-level governance approach, Pierson (1998) underlines the importance of unintended consequences of the institutional design of the European policy, setting into motion a development that was not intended and not anticipated by policy-makers. Creating the EEC, the state executives had to create supranational institutions to carry out collective tasks. These institutions needed a certain degree of autonomy and power to be qualified to master conferred duties. Following, supranational institutions such as the European Commission aimed to enhance their power and autonomy vis-à-vis national executives. As neo-functionalist scholars have shown the Commission and the European Court of Justice were particularly successful in upgrading their autonomy beyond original intentions of member state governments. Such unintended consequences of institutional design are caused by the complexity of social processes, which are generating interaction and feedback processes. Interference in such an elaborated social system is producing effects, which cannot be fully anticipated by policy-makers. The EU with its high regulatory density is susceptible for unintended effects, limiting the capacity of Member States to control the integration process. In particular, the huge number of issues the EU is dealing with creates a workload that is overcharging Member States. In 'defending' their national interests, the main focus is put on intergovernmental conferences. However, the EU day-to-day business is not of less importance for the development of the EU. Under these circumstances of work overload, the Commission gains crucial importance as 'process manager', getting into a position of being able to influence the policy process subtly. Moreover, a high regulatory density is prone to causing interaction effects between policy domains, which creates an environment for spill-overs. Here, Pierson incorporates a crucial element of neo-functionalism but avoids falling victim to its weaknesses, such as determinism or the neglect of nation states.

The importance of the European Commission in social policy-making is well recognised in the literature. Despite 'jealous' Member States, which are keen on excluding the EU from this policy domain (Leibfried and Pierson 1995), the Commission was able to use its agenda-setting function and its institutional resources for further integration in this field (cf. Bulmer 1998; Cram 1997; Rhodes 1995; Wendon 1998). The logic of intergovernmentalist decision-making might dominate in the field of social policy due to the Treaty provisions (Streeck 1995), but it appears reasonable to qualify this claim, taking into account the crucial role of the European Commission in the process of intergovernmental decision-making. For the expansion of EU social policy, Ross agued that the Commission pursued a rather strategic and tactical approach, for which he coined the notion of 'Russian doll' strategy. In essence, this strategy was characterised by '(f)orward-looking policy linkages (…) explicitly designed into each policy proposal, implying further reaching new proposals later on' (1995: 383). Thus, the Commission can be ascribed the capacity of entrepreneurship, fostering further European integration in policy domains in which their legal authority is rather limited at first. Describing the characterising qualification of entrepreneurs, Fligstein (1997) puts a strong emphasis on the social skills with which these actors need to be equipped. It is central to entrepreneurs that they possess the "ability to motivate cooperation other actors by providing those actors with common meanings and identities in which actions can be undertaken und justified" (Ibid.: 398). Kingdon (1984) emphasises that policy entrepreneurs need to show considerable persistence, since a window of opportunity is required for effectively introducing proposals in the policy discussion. In this light, underlining the importance of agency in European integration, the Commission might be reasonably described as a 'supranational policy entrepreneur with the ability to persuade, mobilize and even manipulate opinion and interest in support of its preferred position' (Teague 2000: 10).

From this basis, the paper now moves on to scrutinise the role of the European Commission in the field of education and training. It first investigates whether the Commission was successful in establishing a European policy of education and training, before considering whether the EU level has the capacity to influence national practices.

Policy trajectories: non-formal and informal learning

Introduction

In this section we review policy trajectories in the field of validation of non-formal and informal learning in the last five years, since the Open Method of Coordination was introduced. The section reviews in particular why the Commission is interested and its role in policy-making in this area, the instruments it has used to influence Member States´policy and the length and limitations of its influence in the context of the OMC. During the section, two common assertions in relation to EU policy-making the will be scrutinised: first, the alleged lack of effectiveness of the Open Method of Coordination; second, the notion that the EU advances "slowly and persistently" in its acquisition of competences in this area –mainly through other methods than the OMC. Before this, the section provides a brief outline of the OMC and EU policy-making in education.

EU policy-making in education

There are different conceptualisations of the constituent phases of policy development in the area of education and training since the Treaty of Rome (see Corbbet 2003; Davies 2003; Hingel 2001; Erlt 2000; Field 1998; D'Iribarne 1995; Brine 1995). These differences between alternative conceptualisations are partly explained by the fact that they do not share a common criterion for the establishment of phases; sometimes they do not offer an explicit criterion at all. Moreover, most of the phases proposed by these authors –with the exception of Hingel (2001)– do not take into consideration the most recent developments in European education and training.

For our purposes, we propose a four-stage classification of the development of EU policy-making in education and training during the last fifty years, based on the used of different predominant tools for policy-making by the Commission. The first phase runs from the Treaty of Rome to the mid-1970s. During this time there was a strong inter-

governmentalist approach to education and training with only a very limited role for the Commission in relation to vocational training, as established in the Treaty (e.g., Articles 41, 57, 118 and above all 128). Only towards the end of this period did the Heads of Government, backed by the European Parliament, proclaim the right for Europe to become a political community and decide to make efforts to achieve cooperation in the field of education (Janne 1973).

The second period, from the 1975 until 1992, saw greater developments in education and training was characterised by legal regulation and policy-making through the setting up of Community action programmes. The Community published during 1975, the first Directive on the recognition of degrees for medical doctors, followed by other Directives applying to dentists, veterinarians, midwives and nurses, and then to architects, engineers, opticians, pharmacists and tax consultants. This was quickly followed by Ralf Dahrendorf's report outlining an action programme with the title "Education in the European Community" and the setting up of an Education Committee consisting of representatives of the Member States and the Commission to prepare an action programme, starting in 1976. This would take into account the priorities of the moment: mobilisation of schools for integration, promotion of equal opportunities and increased mobility between Member States, vocational training as a part of support measures for transition to working life and reduction of youth unemployment, universities and mobility within the Community and the quest for a European labour market. This would be followed, in particular after the signature of the Single European Act (SEA), and against the background of poor economic performance and high unemployment levels in most countries of the Union, was marked by the setting up of a series of targeted community action programmes (such as PETRA, ERASMUS, COMETT or LEONARDO) to look for "good practices" in Europe disseminate and pilot projects to experiment in priority areas –including now ICT- of education and training. During this period, the Commission was aided in the extension of its competences by a series of rulings from the ECJ.

The importance of the programmes cannot be underestimated. According to Ertl (2003), the EU action programmes have been the main approach of European Commission to initiate cooperation between the EU countries in educational matters for the last three decades and have also, in his view, resulted in a certain convergence of Member States' educational policies; they will in his assessment also continue to cause stakeholders in Member States to pursue similar ways of reacting when faced with new problems.

The third period began with the Treaty on European Union (Maastricht Treaty), which provided a new legal basis for EU policies and initiatives in the field, and finished in 2000. During this period, the Commission continued the Community action programmes, but post-1992 there was greater activity and confidence in the possibilities for European action in both vocational training and education. A large number of reports and memoranda from the Commission that promoted debate about education and training –including influential Delors White Paper in 1993/94 (Delors 1993) and the "Teaching and Learning – Towards the learning Society" White Paper of 1996 (European Commission 1996)- were produced, many focusing on "transparency" issues, a concept that accepts that focuses on 'understanding the content of awards and the grades of performance and how they align with other awards and their general acceptability for progression' (Gordon 1999: 207) while remaining within the boundaries of subsidiarity. These documents framed much of the debate in education and training policies that would follow. According to Davies (2003), this bottom-up model acquired a certain acceptability and respectability. This time served the Commission to increase mutual understanding of Member States, develop mutual trust, examine the limits of its newly acquired competences and develop new ideas about how to drive policy-making forward. In this respect, this period served as an overture to the OMC.

From 2000 we have seen the development of a fourth phase with the unravelling of a European Area of Education Based Common Objectives for national educational systems and the establishment of the Open Method of Coordination, adopted in the Lisbon Summit Conclusions, as a mechanism for policy-making based on the use of benchmarks, indicators, exchange of good practice and peer review which carries no sanctions on non-compliance, but seeks impact on national governments from the pressure of having to justify one's action in the light of a common evaluation of its compliance with joint goals (Nottage 2002).

In spite of the scant empirical evidence on the effectiveness of the OMC (European Commission 2002) in terms of policy outcomes, the OMC is expected to "deliver better governance" (Radaelli 2003), enhance policy learning through "benchmarks" and "best practices" (de la Porte et al. 2001: 293), transform bargaining into deliberation (Eberlein and Kerwer 2002), foster social policy convergence in the long run (Trubek and Mosher 2001: 14-15), help creating a new balance between supranationalism and intergovernmentalism (Jacobsson 2001), build Social Europe (de la Porte and Pochet 2002) and "recalibrate" European welfare states (Ferrera et al. 2000: 71).

According to Hingel, the Lisbon conclusions are indeed the second example of a genuinely historical text on general policy orientation –the first mentioned being the "Delors White paper"– introducing specific educational benchmarks and guidelines (more specific at that point that those in any other policy field), and the inviting Ministers of Education to reflect on common objectives for educational systems in Europe. In addition to providing aims for European education and training systems, the conclusions of the European Council also invited the Education Council to "undertake a general reflection on the concrete future objectives of education systems, focusing on common concerns and priorities while respecting national diversity". Hingel highlights this as a revolutionary step. Since the start of European cooperation in the field of education, Ministers of Education have underlined the diversity of their systems of education; the reason why they met was in fact that their systems were diverse. Any mentioning of "common denominators" was considered of lesser importance and mainly used in national debates. The Lisbon conclusions break with this by asking the Ministers to concentrate their reflection on what is common. From here, the Commission prepared a first outline of possible general objectives of education systems based on national contributions. Eventually, Ministers of Education agreed on three overall objectives of the educational systems in Europe; increasing the quality and effectiveness of education and training systems in the EU, facilitating the access to all education and training systems (an objective directly linked with validation of non-formal and informal learning) and opening up education and training systems to the world. Within these three main objectives some 20 sub-objectives were agreed upon.

This period has also been marked by the implementation of the Luxembourg process, the inclusion of education and training in the European Employment Guidelines, the publication of the "Memorandum on Lifelong Learning" in 2001 and the mainstreaming of education and training across a range of other EU policy areas. Ertl (2003) has recently argued that this phase could be characterised by an expansion of EU competencies in education and training, triggered by developments such as the ones outlined above, enlargement of the Union, the commitment to intensified cooperation in higher education (initiated by the so-called 'Bologna Process') and the decision on a corresponding approach for vocational training (set up by the 'Bruges Process') in June 2002.

The next section analyses how the Commission has developed it policy role in the context of the OMC in relation to the area of validation of non-formal and informal learning.

Validation of non-formal and informal learning: policy debates and the position of the European Commission as a key actor

Validation of non-formal and informal learning is a relatively old topic, with public initiatives in this area going back at least to the early years of the 20th century (Souto Otero et al. 2005). Yet, the topic has acquired a much higher political relevance during the last decade. European institutions have had an important role in this process, although important developments have also occurred at national and sectoral level (Souto Otero et al. 2005) related or independently from European developments.

Indeed, the topic of validation of non-formal and informal learning is perfectly aligned to EU institutions' arguments in relation to the needs of European knowledge-societies for high-skilled populations working in high-trust, high-productivity workplaces (for a critique of the feasibility of this model see, for instance, Coleman and Keep 2001). According to this model, the knowledge-based economy, new technologies, the growing speed of technological changes and globalisation increase the need to improve the population's skills and competences. As such, lifelong learning has been emphasised as a major policy that enables economic competitiveness, employability, individual fulfilment and self-development (Souto Otero 2007; Room 2002).

Moreover, change has become a core concept in today's working life. Lifetime employment becomes an exception, the majority of employees will, voluntarily or not, change job and career several times in their work lifespan. Labour market change, reflecting evolutions in technologies, markets and organisations, requires that skills and competences can be transferred and be 'reprocessed' within a new working environment, new enterprise, sector or even a new country. For an employer it is a question of human resource management, for individuals a question of having the full range of skills and competences valued and for society a question of making full use of existing knowledge and experience, thus avoiding waste and duplication (Collardyn and Bjornavold 2004a; see also Demeulemeester and Rochat 2001).

Both sets of developments, the Commission argues (European Commission 2001), put together emphasise the need for lifelong learning and situate the need for systems to validate learning, making it transparent across countries, learning contexts and economic sectors at its core. As long as learning, skills and competences acquired outside formal education and training remain invisible and poorly valued the ambition of lifelong learning could not be achieved.

The Commission put the debates on lifelong learning to the fore in 2000 in a corresponding highly innovative Memorandum on the topic (European Commission 2000), which argued that lifelong learning is no longer 'just one aspect of education and training" but rather "must become the guiding principle for provision and participation across the full continuum of learning contexts" (European Commission 2000: 3).

Although the topic had been covered before –the 1996 White Paper on teaching and learning mentioned the introduction of a right to individual cards which would report competences and skills and could lead to the accreditation of these, regardless of where and how they had been acquired (European Commission 1996)– the Commission argument for the need of systems for the validation of non-formal and informal learning was particularly clear in its Communication on 'Making a European area of Lifelong Learning a Reality' (European Commission 2001) and, at that time, the Commission was also ahead most of the Member States in this topic, as the Memorandum on lifelong learning had been in other topics of education the year before. The Communication argued that creating a culture of learning requires that the question of how to value learning in formal, non-formal and informal settings, must be addressed in a coherent way, enabling citizens to combine and build on learning from school, universities, training bodies, work, leisure time and family activities. This need, the Commission pointed out in the Communication, had been confirmed by all stakeholders in the consultation preceding the Communication, which stressed that progress in this field, particularly in relation to non-formal and informal learning, will be a crucial step towards a European area of lifelong learning, building on the existing right of free movement within the European Union and making the concept of citizenship more concrete. The Communication provided not only a "needs assessment" in this area, but also concrete mandates.

This was intended to be implemented through the OMC, which, as outlined above uses benchmarks, indicators, exchange of good practice and peer review. The OMC in the area of education is to some extent weaker than in other areas such as employment, since peer and public pressure are lower. In fact, and by contrast to the case of the OMC in employment, it has attracted remarkably little academic interest. The OMC in both areas also differs methodologically. Under the OMC in the area of employment governments have to draw up yearly National Actions Plans –e.g. under the European Employment Strategy– which is supposed to increase their commitment. These are then examined by the Commission and recommendations are offered. In education, the trend is to rely more on the use of common benchmarks and indicators than in the preparation of national action plans. Thus, OMC in education (specifically in the area validation of non-formal and informal learning) is characterised by exchange of experiences in the identification, assessment and recognition of non-formal and informal learning through virtual communities and the creation of a European inventory of methodologies, systems and standards for validation, based on the systematic exchange of experiences. Later, this would give place to the production of benchmarking and guidance tools such as the European Common Principles for validation of non-formal and informal learning, the European Qualifications Framework, and the recently created peer learning cluster on the recognition of learning outcomes. This process would be coordinated by the Commission and Cedefop, which held much of the EU expertise in this area.

The fact that these structures have been created and cover areas over which Member States would not have been open only a few years ago can be considered as an advance for the Commission. The challenge now, however, will be in the use of these tools to stimulate not only dialogue but the actual implementation of –very often well thought– reforms at the national and sub-national level. As such, this is, as we argue in our conclusions, a "second best" policy option, but the only feasible line of action for the Commission.

The Commission has since then acquired competences in the area of validation of non-formal and informal learning at an accelerated speed, through a number of decided actions by its staff. A first tool that the Commission used to stimulate debate on validation of non-formal and informal learning was the creation of European epistemic communities on validation of non-formal and informal learning, and other topics, through the innovative use of ICT and virtual communities–managed by Cedefop. This is a very unobtrusive tool for Member States. It enables all parties interested - organisations and individuals- in the validation of non-formal and informal learning to express their opinions, network, share experiences and learn from other contexts (sectoral, but also national). In addition it provides documents and resources to those interested. Membership is relatively high (over 1,000 members). The community is aimed at providing an incentive for different stakeholders to exchange experiences and think in terms of a European dimension, but it is relatively unstructured and offers little value in terms of benchmarking and exchange of good practice. In the future, however, it might be used as a powerful tool for disseminating benchmarking exercises in the area of validation to a very interested audience, which can aim to turn "peer pressure" for the achievement of worthwhile reforms in this policy are to some sort of "public pressure". If this is achieved, incentives for cooperation and rigorous use of the European tools developed later on –see below in this section– would have been much enhanced. Yet, this is a difficult task. Media is still the most powerful mechanism for exerting public pressure and stimulate reforms at national level. Epistemic communities will only have a strong influence if they have direct access to key decision-makers at national level or the media, and this seems so far not to be the case for this community.

The exchange of experiences was taken one step forward by the European Inventory on validation, from which later on 'Common Principles' would be defined. Launched by the European Commission, the Cedefop and Member States, the first version of the Inventory was published in 2004. The report (Colardyn and Bjornavold 2004b) covered 14 Member States and most of the candidate countries. But to serve to the systematic exchange of experiences, benchmarking and monitoring, the European Inventory would need not to be a one-off initiative. As such, a second version was prepared in 2005 (Souto Otero et al. 2005), covering validation initiatives in the public, private and voluntary sector in over 30 countries. A third version of the inventory is currently envisaged for 2008. According to Collardyn and Bjornavold (2004a) this is crucial since most countries underline an urgent need for exchange of experiences and practice to reduce the negative effects of a trial and error approach. This can be considered a tool for reporting, is structured and explicitly targets the description of national situations and reforms –in addition to sectoral initiatives in the private and third sector. Its aim is to stimulate the development of high quality validation methodologies and standards at European, national and sectoral levels.

In the 2001 Commission Communication it was explicitly encouraged that Member States provide the legal framework to implement validation of non-formal and informal learning, including the consideration of an individual right to assessment. In doing such recommendation, the Commission was forward looking. It was paving the way for monitoring and benchmarking exercises in the future, over which it would have control. Such task could now be taken forward by the inventory. In the same document, education and training institutions and other stakeholders were also encouraged to support the implementation of validation methodologies. In doing so, the Commission was acknowledging that not only Member States count in validation, and they are not the only allies that it could seek. Higher education institutions, for instance, have an experience of over 20 years working with the Commission in actions such as ERASMUS, and have substantial independence in many curriculum areas. They are, therefore, another target for the implementation of reforms, something that the Commission acknowledged in 2001.

In addition to this, in 2001 the Commission was required to develop a "portfolio" system, which would enable citizens, at all stages of education and training, to group together their qualifications and competences and present them. This would be built, the Communication clarified, on existing experience, including the European CV (which serves as a

'summary' of qualifications and competences) requested by the Lisbon European Council and would provide in itself a system with potential for validation of non-formal and informal learning. These initiatives are directly addressed, to a large extent, at individuals. If this is successful (although doubts have been expressed through the years over similar initiatives; see, e.g., Benner 1997; Herz and Jäger 1998), the Commission will be a point of reference for validation in itself, which could to some extent bypass national and meso-levels.

Therefore the Commission was not committing at this point. Rather, its approach was to open possibilities for future action in a multiplicity of levels: national, institutional and individual. This is a novelty in relation to other policy areas, where the Commission, for organisational reasons, is less able to work with such a variety of stakeholders, and provides an incentive for Member States to follow the European debate: if they do not, they may be left aside bypassed by the initiatives of other stakeholders in a moving policy context. In respect to other areas in which the OMC was in place, benchmarks and indicators for success were missing, although the recommendation of the consideration of validation as an individual right could be considered as a first step in this direction, later on to be complemented by, for instance, the alignment of national qualification frameworks to the EQF.

Building on the first and second versions of the inventory, and aided by the expert transfer of staff from Cedefop to the European Commission, work on the set of European 'Common Principles' for validation of non-formal and informal learning took place during 2003 and 2004. These Common Principles were not meant to create obligations for Member States, but to contribute to developing mutual trust between the key players and encouraging reforms (Collardyn and Bjornavold 2004a; European Commission 2003).

The Common Principles, adopted in May 2004, were considered necessary to encourage and guide the development of high-quality, trustworthy approaches and systems for the identification and validation of non-formal and informal learning, and ensure the comparability and wide acceptance of different approaches and systems in the Member States but also to enable the transfer and acceptance of all learning outcomes across different settings taking particular account of the needs and entitlements of individuals.

The principles are, however, formulated in a very general way and can only to a limited extent be directly applied at national and regional level. In a way, they are so general that it would seem that it is difficult for Member States and other stakeholders not to agree with them, yet the negotiations required for the approval of the principles show that this was not such a straightforward task. To strengthen the impact of these principles it is necessary – and referring to experiences at national, regional and local level – to show in a much more detailed way how they can contribute to more coherent, high quality and cost efficient methods and systems. Other Community projects such as the European Inventory can contribute towards this task by formulating a set of 'methodological best practises' and providing illustrative examples of this in relation to the application of the common principles for validation of non-formal and informal learning. The inventory could, thus, in theory at least actively support the implementation of the European principles in the future.

The exchange of experiences in the area of validation of non-formal and informal learning –and other areas– have been supported more recently from the Commission additionally through the setting up of clusters of countries for mutual learning, based on the Open Method of Coordination under the Lisbon Strategy. Clusters of countries and related peer learning activities (PLAs) were developed on a pilot basis during 2005, based on key areas of the Education and Training 2010 work programme and the cluster on "Recognition of learning outcomes" started its operation in March 2006. Their aim is to bring policy implementation closer to national needs and situations. Countries are invited to do this by the Commission in accordance with their national policy priorities, and their wish to learn from other interested countries, or to share with others their policy experiences in the area. The European social partners are asked to indicate their preferences for possible participation in clusters which are closely related to VET or lifelong learning. The Commission is therefore presented as the gatekeeper to policy discourses and initiatives in this area, and reduces the incentives for bilateral and other non-European discussions on selected topics.

Debates on the validation of lifelong learning and validation of non-formal and informal learning, whilst interesting in themselves, have a particular appeal to the Commission. Indeed, they have been used to frame the whole debate on lifelong-learning and education systems, towards competence-based or out-based systems. In doing so, the spectrum of areas for potential influence by the Union is expanded dramatically. An example of this is the Commission's recent work on the European Qualifications Framework (EQF), largely led in the Commission by the same staff that had worked in the Common Principles on validation. The mandate for the EQF came from the joint interim report of the Council and Commission, 'Education and Training 2010' (February 2004), just before the principles were approved, and gave priority to the development of a EQF as an essential contribution to the overarching Lisbon strategy. The report stated that this framework could stand as a common reference enabling and promoting transparency, transfer and recognition of qualifications and competences in Europe.

The request of the Council and the Commission was followed up (July 2005) by a consultation document on a European Qualifications Framework consisting of eight competence levels. The EQF is supposed to function as a translation device facilitating transfer and recognition of qualifications within and between countries. Such a shift towards learning outcomes would facilitate and be facilitated by recognition of non-formal and informal learning. The Council and European Parliament are expected to make a decision on EQF during 2007. This focus towards learning outcomes could only be operative if sufficiently valid, reliable and accepted methods for validation of non-formal and informal learning are in place and would enhance the feasibility of a genuine European labour market. Although EQF is not a compulsory tool, countries are expected to align their national qualifications frameworks (when they have one) to it by 2009. There is already some evidence of the impact of EQF on the discussion of new qualifications, for instance in the voluntary sector in Spain. The Commission, through EQF, is likely to influence wider areas of lifelong learning than ever before.

The logic for intervention in the area of validation of non-formal and informal learning and the relationship between the initiatives described above is illustrated in Figure 1 below:

[Insert figure one about here]

The language used in recent policy documents and the rhetoric of a 'European Space of Education' featuring 'Common Principles', a 'European Model of Education' as a result of 'deepening cooperation', and a 'European House of Education' reveals a new confidence from the Commission on its capacity to advance developments in education. Indeed, similar terms would have not been possible only a few years ago, when discussions on the value of diversity in education was guarded by the sovereign Member States and protected by the omnipresent principle of subsidiarity (Ertl 2003). Factors such as historical evolution, internationalisation of education, preparing for enlargement and politicisation of initiatives (Hingel 2001) may be well suited to explain general trends for deeper cooperation in education and training.

However, they cannot explain why cooperation is much deeper in some areas than others. In starting actions in the area of validation of non-formal and informal learning the Commission had several elements in favour. The Commission itself had highlighted this as a key area for lifelong learning, its new main theme, and one in which it was ahead many Member States in thinking.

Second, the Commission had strong expertise in this area, internally, and also in other European organisations, in particular Cedefop (see Bjornavold 2000) and to a lower extent the European Training Foundation (ETF). This enable the Commission to frame the debate, highlight the importance of the topic putting it into the political agenda and lead subsequent debates for reform –if not determine effective implementation of these reforms at national level.

Third, this is an area in which little regulation had been undertaken in most countries (see also Erlt 2003, which explains how EU initiatives greater chance of initiating or influencing the direction of reform in areas that are not subject to national regulation), which lacked comprehensive systems for validation. This is especially true after enlargement. As such, reforms in this area can be interpreted in a radical form as a means of challenging, or indeed overthrowing, existing power structures in institutions but also as a marginal palliative to such pressures for deep and wide institutional

change. This view of EU 'policy' is not intended to imply cynicism but rather to acknowledge the constraints placed upon the Commission and the boundaries around its competence (Davies 2003).

Fourth, the topic could be linked to competitiveness, employment and the mobility of workers, creating a sense of urgency for action –for which, as mentioned, many Member States were not prepared in terms of expertise– and a link to wider "European projects" (Corbett 2003). The topic has also been related to social inclusion, which has increased support in some member states (Souto Otero et al. 2005).

Finally, the challenges validation aimed to address were international, and seemed to demand also an international and coordinated reply. Member States therefore had an incentive "not to be left behind" in the preparation and implementation of initiatives.

A key point to consider in the future is the impact that these incipient European developments and policies will have in member states. So far, there is little public data available on this issue, partly due to the lack of tradition in monitoring in this area of education and partly due to the short span of time since the introduction of initiatives such as the Common Principles or EQF. Indeed, as Hingel has argued, (2001) one strength of the European Employment Strategy that seems to be missing as concerns cooperation in education, is the follow-up and the culture of evaluation, meant as warnings to Member States which are failing to implement guidelines; yet, he expects that the common principles of education [that] are being agreed upon between Member States, will lead "logically to a European Model of Education" (Hingel 2001). This is, still, very much an assertion that can only be tested in the future.

Conclusion

This paper has reviewed the responsibilities, actions and initiatives of different stakeholders in the area of validation of non-formal and informal learning over the last decade, focusing in particular on the European Commission as the key actor. It has explained the relevance of this topic for the Commission and has detailed the mechanisms and instruments through which it has advanced policy-making in this area since Lisbon.

The article has argued that, first, the Commission has -through previous preparation and framing work and then through the use of the OMC- been very successful in driving forward initiatives in areas where it previously faced strong opposition and blockage from Member States. Second, it has shown that this has been done in a compressed period of time, and mainly through the actions of key staff at the Commission and related organisations.

Whether this search for expansion reflects something genuinely different -such a particularly marked "entrepreneurial" or "empresario" character- from the Commission in terms of public policy analysis or is a general tendency of bureaucracies is subject to debate (see for instance Tullock 1965 and Buchanan 1977). It is also debatable whether the means it is employing currently are genuinely original (Schaefer 2004). These questions, however, are in our view less pressing than questions about why the OMC has been adopted and accepted by Member States and the Community and its likelihood to work.

In this respect, we have seen in this article the evolution of European policy-making in education over the last 50 years and showed how this has increased from an almost complete lack of activities to the direct funding of initiatives and action programmes to stimulate the identification and dissemination of best practices and pilot experiences. Educational researchers have tended to emphasize the importance of these programmes for the EU to progress in terms of competences in education and training. As such, Dalh and Lenaerts have argued that the grant of financial aid through the Community seems to be the only possible way under the current legal arrangements to encourage a certain convergence in education and training between the member states (Lenaerts 1994; see also Dalh 2004). Similarly, Erlt (2003) has argued that Community Action programmes are the main way in which the Union can influence policy. Yet we have seen that in recent periods (from 1992) the Commission has stimulated direct cooperation between Member States -without associated funding- further than before, and this paved the way for the adoption of the OMC. We have also seen how the Commission has been successful in establishing most of the elements that characterise the OMC in

the area of validation of non-formal and informal learning and how these activities have been associated to and have facilitated initiatives in related areas -such as qualifications frameworks- through spin-off effects.

Yet, given the novelty of these elements it is not possible to judge the impact that these initiatives may have in creating "new orthodoxies" of education policy (Ball 1998). It would be possible to argue that since Member States have agreed to them, they would support their implementation. However, we know from the experience in other OMC policy areas that agreement does not necessarily imply compliance. The most comprehensive application of the OMC can be found in employment policy. With the Amsterdam Treaty, detailed procedures were prescribed for coordinating employment policies. So far, the impact of this OMC on employment policies in Member States seems relatively low, given widespread high expectations (see, e.g., Ardy and Umbach 2004). In addition to the treaty-based OMC procedures, a peer review programme has been established to facilitate the exchange of best practices. Member States are encouraged to organise peer reviews on national innovations in employment policy, to which other Member States are invited to participate on a voluntary basis. The impact of these peer reviews on national policies seems to have had little significance (Casey and Gold 2005; Fleckenstein 2006). Explaining the little evidence for effective policy learning in the OMC, Heritier (2005) argues that learning processes induced by the European level are commonly interrupted by institutional differences between countries and by problems of inter- and intradepartmental diffusion of policy-relevant knowledge derived from the OMC.

We also know from research on compliance with EU Directives that not even hard law necessarily results in national policies meeting legal requirements by the EU. Ball (1994, 1997) has made the general argument that all stages of the policy process are confronted with different interpretations of policy and that internationalisation effects are always mediated by local patterns and structures that modify, reshape, filter and select policies (Ball 1998). More concretely, Falkner et al. (2004) have shown, scrutinising six EU Directives in labour law, that Member States indeed exercise deliberate 'opposition through the backdoor' by not implementing EU Directives or insufficiently implementing them. Here, the Commission has the option of suing the particular Member State at the European Court of Justice, but this does not happen in all instances of non-compliance, which might be associated with the workload the Commission is confronted with. Thus, Member State compliance cannot be taken for granted, which could fuel some scepticism that the comparatively weak OMC in training and education will eventually have any significant impact on national policies.

Member States, indeed, it has been argued, accept the OMC in areas where they would have not accepted other methods of policy-making because it offers a range of distinct benefits to them (Schaefer 2004). For instance, it allows for flexibility in the adaptation of policy initiatives to diverse institutional arrangements, helps superseding resistance and offers symbolic politics by fostering the impression of determination. More cynically it can be argued that the OMC also offers strong incentives to countries, since it minimises sovereignty losses (compliance is not enforceable -see also Moravcsik 1997) and permits shifting blame (it enables domestic actors to blame the EU for unpopular or unsuccessful decisions) (Schaefer 2004).

Obviously, from a technical point of view, learning-induced policy change is the objective of the OMC. It has been argued that the barriers to policy learning are relatively high and also that knowledge utilisation and learning may not necessarily involve better understanding and result in superior outcomes. In fact, learning might even aggravate matters through what has been termed 'pathological learning' (Deutsch 1969: 169). Thus, an effective OMC in terms of triggering policy change in Member States does not necessarily involve an increased problem-solving capacity of the key stakeholders. The policy transfer and benchmarking literature shows that the utilitisation of foreign knowledge is, after all, often associated with policy failure. This is commonly related to the inappropriateness of some lesson from abroad. Economic, technical, geographic, historical and cultural factors that differ between different entities influence to enormous extent whether a "policy solution" can be considered problem-solving. Thus, a practice which demonstrated problem-solving capacity in one institutional setting might have even the adverse effect in another setting. For this reason, it is decisive to emphasise the context-specific character of policy solutions. This needs to be taken into account seriously when using the OMC and learning as a tool of policy development. Another challenge facing policy-makers is the so-called 'lemming effect' that describes a situation in which a considerable number of countries implement a supposedly best practice which has been wrongly declared, whereby those countries are put, potentially with serious

consequences, on a wrong track of development (cf. Dolowitz and Marsh 2001; Lundvall and Tomlinson 2001; Bennett (1991: 34). The utility of benchmarking for policy learning can also be undermined by the 'lamp-post syndrome´ characterised by a bias towards benchmarking those areas where it is most easy to find reliable indicators and neglecting more important ones where measurement is more difficult (Lundvall and Tomlinson 2001: 135). Apparently, a successful OMC in terms of inducing policy change can eventually have the adverse effect on the problem-solving capacity of politics. Awareness of potential problem of the OMC is therefore imperative and should be better highlighted in policy debates.

Notwithstanding limitations, for the Commission this tool offers a way to get into policy areas where it did not have competences and expand its portfolio of activities. In a way, it is a second 'best policy option' in the lack of better alternatives from its perspective. On occasions it leads to the development of initiatives where the Commission plays a pivotal role. However, at the end of the day, impact under the OMC will more strongly depend on the will of national governments than "harder" forms of policy-making do. This will be affected by the degree of expertise of the Commission and European epistemic communities vis-à-vis national governments, the potential benefits of European action, the importance of the topic to national governments and the degree of existing national regulation. Whilst the impact at national level of multilateral surveillance systems can be substantial, as actions following the PISA study in compulsory education or the Bologna process in higher education show, this is still open to test in the more complex area of lifelong learning.

Authors' Biographies

References

Ardy, B. & Umbach, G. (2004) *Employment policies in Germany and the United Kingdom: The impact of Europeanisation*. Paper prepared for the Anglo-German Foundation, June 2004, London.

Ball, S. (1994) *Educational reform: A critical and post-structural approach* (Buckingham: Open University Press).

Ball, S. (1997) Policy sociology and critical social research: a personal review of recent education policy and policy research, *British Educational Research Journal,* 23(3), 257-274.

Ball, S. (1998) Big Policies/Small World: an introduction to international perspectives in education policy, *Comparative Education*, 34(2), 119-130.

Bastian, J. (1998) Putting the cart before the horse? Labour market challenges ahead of monetary union in Europe, in D. Hine & H. Kassim (eds.), *Beyond the market: the EU and National Social Policy* (London: Routledge), 1–13.

Benner, H. (1997) Dreisprachige Ausbildungsprofile – neues Mittel zur Transparenz der Qualifikation anerkannter Ausbildungsberufe, *Berufsbildung in Wissenschaft und Praxis*, 26(1), 39-41.

Bennett, C. J. (1991) How States Utilize Foreign Evidence, *Journal of Public Policy*, 11(1), 31-54.

Bjornavold, J. (2000) Making Learning Visible. CEDEFOP: Luxembourg.

Brine, J. (1995) Educational and vocational policy and construction of the European Union. *International Studies in the Sociology of Education*, 5(2), 145–163.

Buchanan, J. M. (1977) The expanding public sector: Wagner squared, *Public Choice*, 31(1), 147-150.

Bulmer, S. J. (1998) New Institutionalism and the Governance of the Single European Market, *Journal of European Public Policy*, 5(3), 365-386.

Casey, B. H. & Gold, M. (2004) Peer review of labour market programmes in the European Union: what can countries really learn from one another?, *Journal of European Public Policy*, 12(1), 23-43.

Cedefop (2000) *Making Learning Visible.* Thessaloniki.

Coleman, J. & Keep, E. (2001) Background Literature Review for PIU Project on Workforce Development. PIU, Cabinet Office, London.

Collard-Wexler, S. (2006) Integration under anarchy: neo-realism and the European Union, *European Journal of International Relations,* 12(3), 397-432.

Collardyn, D. and J. Bjornavold (2004a) Validation of formal, non-formal and informal learning: policy and practices in EU Member States, *European Journal of Education,* 39(1), 69-89.

Collardyn, D. & Bjornavold, J. (2004b) *The learning continuity. CEDEFOP,* Thessaloniki.

Corbett, A. (2003) Ideas, institutions and policy entrepreneurs: towards a new history of higher education in the European Community, *European Journal of Education,* 38(3), 315-330.

Cram, L. (1997) *Policy-making in the European Union: conceptual lenses and the integration process* (London: Routledge).

Dalh, B. (2004) Development of a democratic Europe: The use of education policy. Paper presented at the *48th Annual Conference of the Comparative and International Education Society (CIES)*, Salt Lake City, Utah, 9-12 March 2004.

Dahrendorf, R. (1974) *Education in the European Community.* Brussels.

Davies, P. (2003) Widening participation and the European Union: direct action –indirect policy? *European Journal of Education,* 38(1), 99-116.

De la Porte, C. & Pochet, P. (eds.) (2002) *Building Social Europe through the Open Method of Co-ordination* (Brussels: PIE Lang).

De la Porte, C., Pochet P. & Room, G. (2001) Social benchmarking, policy making and new governance in the EU, *Journal of European Social Policy*, 11(4), 291-207.

Delors, J. (1993) *Growth, Competitiveness and Employment.* White Paper, Brussels.

Demeulemeester, J. L. & Rochat, D. (2001) The European policy regarding education and training: a critical assessment, *SKOPE Research Paper*, No. 21, Universities of Oxford and Warwick.

D'Iribarne, A. (1995) European vocational education and training policy judged by its impact on the labour market and the construction of Europe, *Vocational Training*, 3/1994, 3-8.

Dolowitz D. P. & Marsh, D. (2000): Learning from Abroad: The Role of Policy Transfer in Contemporary Policy-Making, *Governance*, 13(1), 5-24.

Eberlein, B. & Kerwer, D. (2002) Theorising the New Modes of European Union Governance, *European Integration online Papers (EIoP),* No. 6.

Ertl, H. (2000) The Development of the Provisions of the European Union in the Field of Education and Training; in I. Fägerlind & M. O'Dowd (eds.) *Mapping European Comparative Education Perspectives. The PRESTiGE TMR Network* (Stockholm: Institute of International Education), 117-144.

Ertl, H. (2003) European Union programmes for education and vocational training: development and impact, *SKOPE Research Paper*, No. 42, Oxford and Warwick Universities.

European Commission (1994) *Vocational Training in the European Community: Challenges and Future Outlook: Follow-up of the Commission Memorandum of Vocational Training in the EC in the 1990s.* Luxembourg, Office for Official Publications of the European Communities).

European Commission (1996) *Teaching and Learning – Towards the learning Society.* White Paper, Luxembourg, Office for Official Publications of the European Communities.

European Commission (2000) *Memorandum on lifelong learning*. Brussels.

European Commission (2001) Communiqué *Making a European Area of Lifelong Learning a Reality.* Brussels.

European Commission (2002) Taking stock of five years of the European Employment Strategy. COM (2002) 416 final, Brussels.

European Commission (2003) *Education and Training 2010. The success of the Lisbon Strategy hinges on urgent reforms*. COM (2003) 685 Final, Brussels.

Falkner, G., Hartlapp, M., Leiber, S. & Treib, O. (2004) Non-Compliance with EU Directives in Member States: Opposition through the Backdoor? *West European Politics*, 27(3), 452-473.

Ferrera, M., Hemerijck, A. & Rhodes, M. (2000) The Future of Social Europe: Recasting Work and Welfare in the New Economy. Report for the Portuguese Presidency of the European Union, Lisbon.

Field, J. (1998) *European Dimensions. Education, Training and the European Union. JKP,* London.

Fleckenstein, T. (2006) Europeanisation of German Labour Market Policy? The European Employment Strategy Scrutinised, *German Politics*, 15(3), 284-301.

Fligstein, N. (1997) Social Skill and Institutional Theory, *American Behavioral Scientist*, 40(4), 397-405.

Gordon, J. (1999) Approaches to transparency of vocational qualifications in the EU, *European Journal of Education*, 34(2), 203–217.

Grande, E. (2000) Multi-Level Governance: Institutionelle Besonderheiten und Funktionsbedingungen des europäischen Mehrebenensystems, in: E. Grande & M. Jachtenfuchs (eds.) *Wie problemlösungsfähig ist die EU? Regieren im europäischen Mehrebenensystem* (Baden-Baden: Nomos), 11-30.

Héritier, A. (2005) Die Europäische Beschäftigungsstrategie: Ihre Auswirkungen auf Politikergebnisse, politische Strukturen und Prozess, *HBS-Arbeitspapier*, No. 95, Dusseldorf.
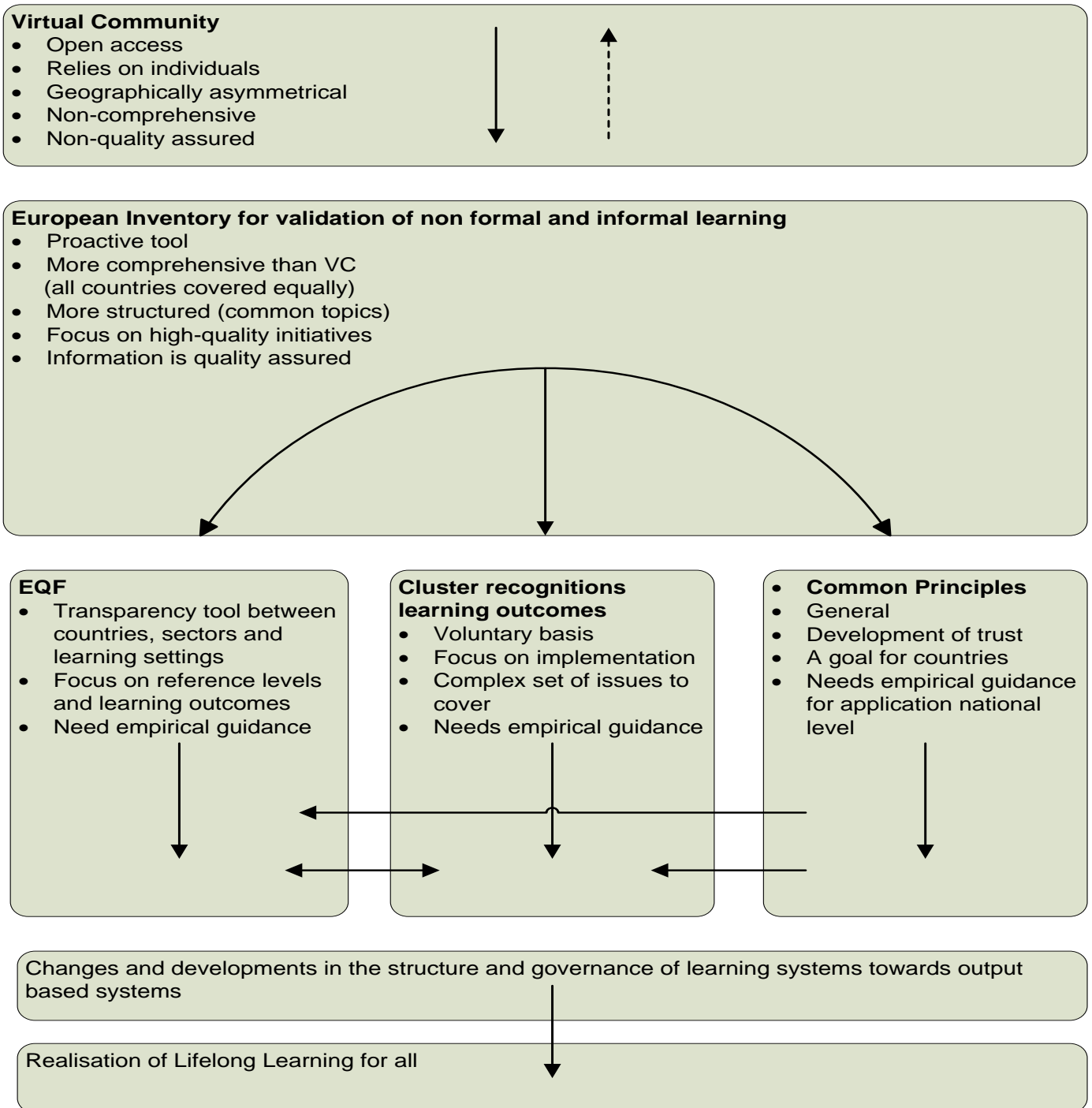
Herz, G. & Jager, A. (1998) Module in der Berufsbildung oder des Kaisers neue Kleider, *Berufsbildung in Wissenschaft und Praxis*, 27(1), 14-20.

Hine, D. (1998) Introduction: the European Union, state autonomy and national social policy, in: D. Hine and H. Kassim (eds.) *Beyond the Market: the EU and national social policy.* (London: Routledge), 1-13.

Hingel, A. J. (2001) *European Policies and European Governance*. Contribution to the Interservice Groups on European Governance of the European Commission, Brussels.

Jacobsson, K. (2001) Employment and Social Policy Coordination. A New System of EU Governance. Paper for the *Scancor workshop*, Stanford, 22-23 June.

Janne, H. (1973) Set up a Community education policy, Brussels.

Kassim, H. and D. Hine (1998) Conclusion: the European Union, member states and social policy, in: D. Hine and H. Kassim (eds.) *Beyond the Market: the EU and national social policy* (London: Routledge), 212-224.

Kingdon, J. W. (1984) *Agendas, Alternatives, and Public Policies* (Glenview/London: Scott, Foresman and Company).

Koch, R. (1994) Grundstrukturen der Mitwirkung der Sozialpartner in den Mitgliedsstaaten und auf der Gemeinschaftsebene, *Berufsbildung in Wissenschaft und Praxis*, 23(2), 26-31.

Leibfried, S. & Pierson, P. (1995) Multitiered Institutions and the Making of Social Policy, in: S. Leibfried & P. Pierson (eds.) *European Social Policy. Between Fragmentation and Integration* (Washington, D.C.: Brookings), 1-40.

Lenaerts, K. (1994) Education in European Community law after Maastricht, *Common Market Law Review*, 31(1), 7-41.

Lundvall, B.-Å. and Tomlinson, M. (2001) Learning-by-Comparing: Reflections on the Use and Abuse of International Benchmarking, in: G. P. Sweeney (ed.) *Innovation, Economic Progress and the Quality of Life* (Cheltenham: Edward Elgar), 120-136.

Marks, G., Hooghe, L. & Blank, K. (1996) European Integration from the 1980s: State-Centric v. Multi-level Governance, *Journal of Common Market Studies*, 34(3), 341-378.

Moravcsik, A. (1997) Warum die Europäische Union die Exekutive stärkt: Innenpolitik und internationale Kooperation, in: K.-D. Wolf (ed.) *Projekt Europa im Übergang? Probleme, Modelle und Strategien des Regierens in der Europäischen Union* (Baden-Baden: Nomos), 211-269.

Moravcsik, A. (1993) Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach, *Journal of Common Market Studies*, 31(4), 341-378.

Murphy, M. (2003) Covert action? Education, social policy and law in the European Union, *Journal of Education Policy,* 18(5), 551-562.

Nottage, H. (2002) Peer Review: Merits and Approaches in a Trade and Competition Context. OECD Joint Group on Trade and Competition, Paris.

Pierson, P. (1998) The Path to European Integration: A Historical Institutionalist Analysis, in: B. Nelsen & A. Stubb (eds.) *The European Union. Readings on the Theory and Practice of the European Integration* (London: Macmillan), 295-321.

Pollack, M. (1994) Creeping competence: the expanding agenda of the European Community, *Journal of Public Policy*, 14(2), 95–145.

Radaelli, C. M. (2003) The Open Method of Coordination: A new governance architecture of the European Union?, *Rapport,* 1/2003, Swedish Institute for European Policy Studies (SIEPS), Stockholm.

Rhodes, M. (1995) A Regulatory Conundrum: Industrial Relations and the Social Dimension, in: S. Leibfried & P. Pierson (eds.) *European Social Policy. Between Fragmentation and Integration* (Washington, D.C.: Brookings), 78-122.

Room, G. (2002) Education and Welfare: recalibrating the European debate, *Policy Studies,* 23(1), 37-50.

Rosenthal, G. (1991) Education and training policy, in: L. Hurwitz & C. Lequesne (eds.) *The State of the European Community: policies, institutions and debates in the transition years* (Boulder, CO: Lynn Rienne), 250–291.

Ross, G. (1995) Assessing the Delors Era and Social Policy, in S. Leibfried & P. Pierson (eds) *European Social Policy. Between Fragmentation and Integration* (Washington, D.C.: Brookings), 357-388.

Ryba, R. (1992) Toward a European dimension in education: intention and reality in European community policy and practice, *Comparative Education Review*, 36(1), 10–24.

Schaefer, A. (2004) A new and effective form of governance? Comparing the OMC to Multilateral Surveillance by the IMF and the OECD. Paper presented at the *Conference of Europeanists*, March 11-13, Chicago.

Scharpf, F. W. (2002) The European Social Model: Coping with the challenges of diversity, *Journal of Common Market Studies*, 40(4), 645-670.

Scharpf, F. W. (2000) Notes Toward a Theory of Multilevel Governing in Europe, *MPIfG Discussion Paper*, No. 5, Cologne.

Souto Otero, M. (2007) Access to post-compulsory education and training: economic, sociological and political determinants and remaining research gaps, *Comparative Education,* 43(4), 571-586.

Souto Otero, M., A. McCoshan and K. Junge (2005) A European Inventory on validation of non-formal and informal learning. Final report to the European Commission, Birmingham.

Streeck, W. (1995) From Market Making to State Building? Reflections on the Political Economy of European Social Policy, in: S. Leibfried & P. Pierson (eds.) *European Social Policy. Between Fragmentation and Integration*, (Washington, D.C.: Brooking), 389-431.

Strøby-Jensen, C. (2000) Neofunctionalist Theories and the Development of European Social and Labour Market Policy, *Journal of Common Market Studies*, 38 (1), 71-92.

Teague, P. (2000) EU Social Policy: Institutional Design Matters, *Queen's Papers on Europeanization*, No. 1, Belfast.

Tullock, G. (1965) *The Politics of Bureaucracy* (Washington, D.C.: Public Affairs Press).

Tranholm.Mikkelsen, J. (1991) Neo-functionalism: Obstinate or Obsolete? A Reappraisal in the Light of the New Dynamism of the EC, *Millennium: Journal of International Relations*, 20(1), 1-22.

Trubek, D. M. and J. Mosher (2001) New Governance, EU Employment Policy, and the European Social Model, *Jean Monnet Working Paper*, 6/01, New York.

Wendon, B. (1998) The Commission and European Union Social Policy, in: R. Sykes & P. Alcock (eds.) *Developments in European Social Policy. Convergence and Diversity* (Bristol: Policy Press), 55-73.

Figure 1 Intervention logic of European initiatives related to recognition of learning outcomes

Virtual Community
- Open access
- Relies on individuals
- Geographically asymmetrical
- Non-comprehensive
- Non-quality assured

European Inventory for validation of non formal and informal learning
- Proactive tool
- More comprehensive than VC
  (all countries covered equally)
- More structured (common topics)
- Focus on high-quality initiatives
- Information is quality assured

EQF
- Transparency tool between countries, sectors and learning settings
- Focus on reference levels and learning outcomes
- Need empirical guidance

Cluster recognitions learning outcomes
- Voluntary basis
- Focus on implementation
- Complex set of issues to cover
- Needs empirical guidance

- **Common Principles**
- General
- Development of trust
- A goal for countries
- Needs empirical guidance for application national level

Changes and developments in the structure and governance of learning systems towards output based systems

Realisation of Lifelong Learning for all

Key: arrow means potential for support

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[1] Article 126 deals with the issue of 'quality education', while Article 127 is concerned with vocational training. Now education is accorded a different status as a community policy under Article 126. Whereas Article 127, paragraph 1 states that the EU shall 'implement' a vocational training policy, Article 126, paragraph 1, states that the EU shall 'contribute to the development of quality education, by encouraging cooperation between member states and, if necessary, by supplementing their action'. In relation to legal competence, of course, a substantial difference exists between 'implementing' and 'contributing' to a policy. These articles remained which remained unchanged in the Amsterdam Treaty (signed 1997 and in force 1998) but were renumbered to 149 and 150.