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Report

drawn up on behalf of the Committee on the Environment, Public Health and
Consumer Protection

on the proposal from the Commission of the European Communities to the
Council (Doc. 256/77) for a directive on the protection of participants in home
study courses

Rapporteur: Mr A. GUERLIN

1.2.3

PE 51.642/fin.

By letter of 26 August 1977 the President of the Council of the European Communities requested the European Parliament to deliver an opinion on the proposal from the Commission of the European Communities to the Council for a directive on the protection of participants in home study courses.

The President of the European Parliament referred this proposal to the Committee on the Environment, Public Health and Consumer Protection as the committee responsible and to the Legal Affairs Committee and the Committee on Social Affairs, Employment and Education for their opinions.

On 26 September 1977 the Committee on the Environment, Public Health and Consumer Protection appointed Mr Guerlin rapporteur.

It considered this proposal at its meetings of 20 October, 19 December 1977, 25 January and 19 April 1978, and unanimously adopted the motion for a resolution and explanatory statement at the last of these meetings.

Present: Mrs Krouwel-Vlam, chairman; Mr Jahn and Mr Baas, vice-chairmen; Mr Guerlin, rapporteur; Mr Ajello, Mr Andersen, Mr Edwards, Lord Kennet, Mr Willi Müller, Mr Noe', Mr Plebe, Lord St. Oswald and Mr Verhaegen.

The opinions of the Legal Affairs Committee and the Committee on Social Affairs, Employment and Education are attached.

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A

The Committee on the Environment, Public Health and Consumer Protection hereby submits to the European Parliament the following motion for a resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the proposal from the Commission of the European Communities to the Council for a directive on the protection of participants in home study courses

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council¹,
 - having been consulted by the Council (Doc. 256/77),
 - having regard to the report by the Committee on the Environment, Public Health and Consumer Protection and the opinions of the Legal Affairs Committee and the Committee on Social Affairs, Employment and Education (Doc. 82/78),
1. Welcomes this proposal, whose purpose should be to provide participants in home study courses with effective protection;
 2. Feels that this form of education, in addition to offering opportunities for complementary studies, also constitutes a very good way for young people, who have not been able to take full advantage of the possibilities afforded by normal day or evening school courses, to make up lost ground;
 3. Therefore considers that a comprehensive accreditation system should be introduced for organizers of home study courses;
 4. Consequently urges that certificates and diplomas awarded in this type of education be mutually recognized;
 5. Requests the Commission to incorporate the following amendments into its proposal, pursuant to Article 149(2) of the EEC Treaty.

¹ OJ No. C 208, 31.8.1977, p. 12

COUNCIL DIRECTIVE ON THE PROTECTION
OF PARTICIPANTS IN HOME STUDY COURSES

Preamble

Having regard to the Treaty
establishing the European Economic
Community and Article 100 thereof,

Preamble

Having regard to the Treaty
establishing the European Economic
Community and Articles 57, 100 and
117 thereof,

Rest of preamble and first two recitals unchanged

Third recital

Whereas any disparity between the
legislation in the different Member
States may have a direct effect on
the functioning of the common market;
whereas it is therefore necessary to
harmonize legislation in this field;

Third recital

Whereas the disparities between the
legislations in the different Member
States have a direct effect on the
functioning of the common market;
whereas it is therefore necessary to
harmonize legislation in this field;

Fourth recital unchanged

Fifth recital

Whereas the prime aim of this
Directive is to afford the student
adequate protection in his dealings
with the person offering home study
courses;

Fifth recital

Whereas the prime aim of this
Directive is to afford the student
effective protection in his
dealings with the person offering
home study courses;

Sixth recital

Whereas effective protection of
students may be facilitated by a
system of compulsory accreditation
of persons wishing to offer home
study courses; whereas the Member
States must however retain the pos-
sibility of providing for a system
of optional accreditation;

Sixth recital

Whereas effective protection of
students may be facilitated by
a system of compulsory accredi-
tation of persons wishing to
offer home study courses;
(17 words deleted)

Recitals 7 to 10 unchanged

Article 1

Article 1

Paragraph 1 unchanged

2. For the purposes of this
Directive:
- (a) 'home study courses'
 - (b) 'course'
 - (c) 'organizer'
 - (d) 'student'

2. For the purposes of this
Directive:
- (a) unchanged
 - (b) unchanged
 - (c) unchanged
 - (d) unchanged
 - (e) 'accreditation' means
authorization from a
Member State to offer
home study courses.

¹ For complete text see OJ No. C 208, 31.8.1977, p. 12

Article 2

1. Each Member State shall ensure that an organizer who wishes to offer home study courses:
 - (a) must be accredited for this purpose or
 - (b) has the option of being accredited for this purpose

Paragraph 2 unchanged

Article 3

1. Each Member State shall take steps to ensure that:
 - (a) the responsible body referred to in Article 2(2)
 - (b) Accreditation is granted for a period of three years and shall be renewable;
 - (c) Each accredited organizer
2. The Member States may forbid or restrict, within their territory, any activity of an organizer who has not received the accreditation under Article 2.

Article 4 unchanged

Article 7

The Member States shall take the requisite measures to ensure that:

2. The publicity material contains full details of:
 - (a) the enrolment system
 - (b) any accreditation awarded by the body referred to in Article 2;
 - (c) the course(s) proposed
 - (d) the nature of the diplomas
 - (e) size and location of the establishment

Article 2

Each Member State shall ensure that an organizer who wishes to offer home study courses must be accredited for this purpose.
(10 words deleted)

Article 3

1. Each Member State shall take steps to ensure that:
 - (a) unchanged
 - (b) Accreditation is granted for a period of three years and shall be renewable at the request of the organizers concerned;
 - (c) unchanged
2. The Member States must forbid or restrict, within their territory, any activity of an organizer who has not received the accreditation under Article 2.

Article 4a (new)

All decisions taken pursuant to the provisions adopted in implementation of this directive to refuse or withdraw accreditation shall set out in detail the reasons on which they are based. Such decisions shall be notified to the party concerned, who shall at the same time be informed of the remedies available to him under the laws in force in the Member States and of the time allowed for the exercise of such remedies.

Articles 5 and 6 unchanged

Article 7

The Member States shall take the requisite measures to ensure that:

2. unchanged
 - (a) unchanged
 - (b) the accreditation awarded by the body referred to in Article 2(2);
 - (c) unchanged
 - (d) unchanged
 - (e) unchanged

Article 8

Article 8

Paragraphs 1 to 3 unchanged

4. The Member States shall take steps to ensure that a contract in respect of participation in a course which has been concluded without observing the provisions of Articles 5 and 8(1) or which has not been signed by the contracting parties shall be invalid.

4. The Member States shall take steps to ensure that a contract in respect of participation in a course which has been concluded without observing the provisions of Articles 5 and 8(1) or which has not been signed by the contracting parties shall be void.

Articles 9 to 16 unchanged

Article 17

Article 17

Paragraph 1 unchanged

2. The Member States shall send to the Commission the text of the main provisions of national law which they adopt in the field covered by this directive.

2. The Member States shall send to the Commission the text of the (one word deleted) provisions of national law which they adopt in the field covered by this directive.

Article 18 unchanged

EXPLANATORY STATEMENTI. INTRODUCTION

1. The protection of participants in home study courses was first raised in the European Parliament in paragraph 13 of the report submitted by Mr Hougardy on behalf of the Political Affairs Committee in February 1972 on youth and education policy within the framework of the European Communities (Doc. 232/71).
2. The Commission was asked at that time to consider the matter and to draw up measures designed to protect the consumer by checking the deceitful canvassing practices of institutes interested solely in profits.
3. In February 1975, this form of education was again on the European Parliament's agenda, this time more specifically, in connection with the report by Mrs WALZ, submitted on behalf of the then Committee on Cultural Affairs and Youth, on Community regulations for home study courses (Doc. 416/74).
4. The Commission - albeit somewhat tardily - transmitted this proposal to the Council in July 1977, basing itself on the criteria put forward in the abovementioned report which Community framework legislation would have to satisfy in order to guarantee effective protection against the exploitation of participants in home study courses.

II. BRIEF SUMMARY OF THE PROPOSAL

5. This directive is to be adopted by the Council in the middle of 1978. Member States are supposed to have taken the measures required to implement this directive within eighteen months of its adoption. It is left open to them to introduce more stringent rules in this field if they wish.
6. The main features of these Community rules are:
 - (a) the introduction of an accreditation system for organizers of home study courses;
 - (b) the obligation to publish all necessary details so that the contracting party may be as fully informed as possible and thus be able to form an opinion of the courses on offer, their levels and the end results to be achieved;
 - (c) the definition of a number of rights and duties of the contracting parties.

III. PROPOSED AMENDMENTS TO THE DIRECTIVE

7. Although this directive already largely meets the wishes of the European Parliament, your rapporteur feels that certain amendments definitely still need to be made. If, for example, no comprehensive accreditation system is introduced - in other words if this entire sector is not kept under supervision - the directive will not achieve its aim.
8. According to the Commission, an accreditation system for organizers of home study courses seems in principle necessary, since this is the only way of ensuring effective supervision. Nevertheless, it has provided for a derogation to this basic condition in order to take account of the legal situation in certain Member States, where any restrictions on freedom in this sector of education are prohibited.
9. Your committee considers that in this matter, where we are mainly concerned with the protection of participants in home study courses, participants who can invariably be considered to be in good faith and who wish to make serious use of the opportunity afforded to perfect their knowledge or to take the chances they missed earlier in a specific educational sector, Community rules should take precedence over national measures. In cases of legal incompatibility, countries wishing to maintain the principle of freedom of education in their constitution should be able to introduce an exceptive provision for this increasingly common, even transnational, form of education.
10. In the light of the above remarks, your committee proposes that the consumer be afforded effective rather than adequate protection and that therefore, both in the recitals and in Articles 2, 3, 7 and 8 of the proposed text, the optional accreditation system should be deleted and reference to or mention of the accreditation granted should be considered as a sine qua non for the validity of the agreements to be concluded.
11. In addition to this amendment to the Commission's text, which is deemed vital for the consumer's interests, your committee considers that the following secondary amendments should be made, partly in the interests of clarity and partly to meet the expectations of the consumer.
- a. To establish the the principle of compulsory accreditation and the fact that mutual recognition of authorization to offer this form of teaching is implicitly assumed in this directive, this notion should be included in Article 1.
 - b. The right of an organizer to receive accreditation, as stipulated in Article 2(1), appears to be superfluous in view of the principle here followed that any organizer may obtain the accreditation in question provided he meets the conditions laid down.

- c. In Article 3(1)(b) for the sake of completeness, it is stated that renewal of accreditation is granted at the request of the organizer concerned.
- d. The wording of Article 3(2) also appears superfluous if no provision is made for an optional accreditation system; however, in view of the possibility that organizers of home study courses from third countries may offer their services to clients in the Community, a provision is needed prohibiting organizers who are not accredited in one of the Member States.
- e. The introduction of a compulsory accreditation system throughout the Community should be accompanied by provisions for an appeal procedure as proposed in a new Article 4a. This formula has already been proposed in the case of other draft directives, and your committee has unanimously adopted the modification put forward to this effect by the Legal Affairs Committee.
- f. In Article 17(2) it is laid down that the Member States shall inform the Commission of the main provisions of national laws which they adopt in the field covered by this directive. In your committee's view, however, it is desirable that the Commission be informed of the content of all measures taken at national level to implement this directive in sufficiently good time for it to be able to give its opinion on them.

12. In conclusion, your committee wonders

- a. whether, in the consumer's interest, it might not be worthwhile to have Article 10(2) worded more precisely as regards the rights of each contracting party in disputes over the receipt and date of the first materials sent, for example in the case of the unforeseen absence of the participant for more than seven days.
- b. whether, in Article 11, in addition to the possibility of cancellation, provision should not also be made for the possibility of suspending a contract for a certain period, for instance in cases of force majeure.

IV. CONSIDERATION OF THE OPINIONS OF THE LEGAL AFFAIRS COMMITTEE AND THE COMMITTEE ON SOCIAL AFFAIRS, EMPLOYMENT AND EDUCATION

- 13. Both the Legal Affairs Committee and the Committee on Social Affairs, Employment and Education recommend a compulsory accreditation system as an essential pre-condition for home-study courses. The modifications they propose confirm and complete the basic views held by the committee responsible.
- 14. As regards the legal basis of the proposal, however, your committee maintains the view that, to guarantee adequate consumer protection, use should be made not only of Article 100, as proposed by the Legal Affairs Committee, but also of Articles 57 and 117.

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Draftsman: Mr FLETCHER-COOKE

On 26 September 1977 the Legal Affairs Committee appointed Mr Fletcher-Cooke draftsman.

On 20 December 1977 it held an exchange of views on the proposal.

On 22 March 1978 it examined the draft opinion and adopted it unanimously.

Present: Sir Derek Walker-Smith, chairman; Mr Fletcher-Cooke, draftsman; Lord Ardwick; Mr Bangemann; Mr Bayerl; Mr Bouquerel; Lord Brimelow; Mr Broeks; Mr Brosnan; Mr Calewaert; Mr Geurtsen; Mr Lagorce; Mr Luster; Mr Plebe; Mr Rivierez; Mr Schmidt; Mr Shaw.

Background

1. The background to this proposal dates back to 1974 when the then Committee on Cultural Affairs and Youth requested and obtained authorisation to prepare an own-initiative report on the subject. The Walz report¹ was adopted by the committee on 21 November 1974; at the end of the plenary debate² on 17 February 1975, the resolution³ was adopted unamended⁴. The resolution called on the Commission to submit a draft directive to the Council within six months.

Legal basis

2. The major legal problem raised by this proposal is linked to the choice of its legal basis.

3. The legal basis for any consumer protection measure, in the absence of sufficient explicit Treaty provisions, poses major problems, so it is hardly surprising that the legal basis for this proposal - the Commission has chosen Article 100 - is debatable.

4. Although Parliament called for a directive in this field it should be noted that it has not taken a positive stand on the use of Article 100 for a directive on home-study courses. The Walz report referred expressly to a directive to be adopted under Article 57 (EEC) (mutual recognition of diplomas) and in the debate the rapporteur referred both to Article 57 and to Article 117 (EEC) (improvement of living and working conditions). Of the political group spokesmen, Mr Laban (Soc.) stressed the need for harmonization of provisions on education; Mr Meintz (Lib.) spoke of a directive under Article 57; and Lady Elles thought that the proposal should form part of the consumer protection programme. Replying to the debate, Commissioner Scarascia Mugnozza maintained that Articles 57 and 117 were not a sufficient legal basis and that action should be taken as part of the consumer protection

1 Doc. 416/74

2 Annex to OJ 186, p.29

3 OJ No. C 60, 13.3.1975

4 The Legal Affairs Committee was not consulted for its opinion.

programme using, if necessary, Article 235.

5. There are thus several different points of view as to the best legal basis for a proposal such as the present one. It would be best for there to be a Treaty amendment to provide a firm basis for all consumer protection measures. But until then action deemed necessary should find its legal basis in the framework of existing Treaty provisions.

6. Home-study courses are frequently trans-frontier in character. In many cases students in one country participate in courses given by organisers in another. It is important that protection of a uniform standard be given to students in different countries of the Community. This can be done by means of a directive under Article 100. The Legal Affairs Committee is therefore of the view that this is a case in which the use of Article 100 is well justified.

7. Moreover, in this case it should be noted that in the Walz report Parliament pressed for action on home-study courses; in the Resolution on door-step selling, a proposal which is complementary to this one, it decided in favour of the use of Article 100. The Legal Affairs Committee therefore approves the choice of Article 100.

8. It should be added that the drafting of one of the recitals needs to be amended. In order to base the proposal firmly on Article 100 the wording of the recital needs to be closer to that of the Treaty article, as follows:

Commission proposal

Whereas any disparity between the legislation in the different Member States may have a direct effect on the functioning of the common market; whereas it is therefore necessary to harmonize legislation in this field;

Proposed amendment

Whereas the disparities between the legislations in the different Member States have a direct effect on the functioning of the common market; whereas it is therefore necessary to harmonize legislation in this field;

Contents of the proposal

9. The proposal aims to provide Community-wide protection for participants in home-study courses by means of:

- (a) a system of accreditation for course organisers
- (b) rules on advertising and other promotion of courses by organisers
- (c) rules in respect of contracts between students and organisers.

The Legal Affairs Committee notes that the harmonisation involved would mean changes in national law for several Member States so that a uniform high level of protection can be achieved. At the same time, national social and cultural traditions - in teaching methods and contents of courses, for example - will not be affected. This is to be welcomed.

Detailed legal comments

10. A number of the detailed provisions of the proposal give rise to comment from a legal point of view.

a) Article 2(1)(b)

Commission proposal

Each Member State shall ensure that an organizer who wishes to offer home study courses:

- a) must be accredited for this purpose or
- b) has the option of being accredited for this purpose.

Proposed amendment

Each Member State shall ensure that an organizer who wishes to offer home study courses must be accredited for this purpose. (10 words deleted)

The Legal Affairs Committee is not convinced that the constitutional law of any Member State is such as to require the accreditation system to be optional. It is therefore of the opinion that accreditation should be made compulsory in all Member States.

b) Article 4(a) - NEW

Proposed amendment

All decisions taken pursuant to the provisions adopted in implementation of this directive to refuse or withdraw accreditation shall set out in detail the reasons on which it is based. Such decisions shall be notified to the party concerned, who shall at the same time be informed of the remedies available to him under the laws in force in the Member States and of the time allowed for the exercise of such remedies.

The introduction of a Community-wide accreditation system for organizers should be completed by the provisions of an appeal procedure. This formula has been proposed by the Commission itself and adopted by the Council in other directives¹ which give national authorities discretionary powers.

c) Article 6

Commission proposal

1. The Member States shall forbid organizers to offer or promise financial rewards as an inducement to recruitment to a course.
2. A free demonstration lesson shall not be considered as a financial reward within the meaning of the preceding paragraph.
3. The organizer may award a scholarship or special prize in recognition of a meritorious performance by a student in an organized examination.

Proposed amendment

1. The Member States shall forbid organizers to offer or promise financial rewards or other inducements to recruitment to a course.
2. The following shall not be considered as a financial reward or inducement within the meaning of the preceding paragraph:
 - (a) a free demonstration lesson
 - (b) a scholarship or special prize awarded by the organizer in recognition of a meritorious performance by a student in an organized examination.

3. (Deleted)

It seems advisable to prohibit any form of inducement whether of a pecuniary or other nature.

¹ E.g. Council directive 71/316/EEC of 26 July 1971

d) Article 8(4)

Commission proposal

The Member States shall take steps to ensure that a contract in respect of participation in a course which has been concluded without observing the provisions of Articles 5 and 8(1) or which has not been signed by the contracting parties shall be invalid.

Proposed amendment

The Member States shall take steps to ensure that a contract in respect of participation in a course which has been concluded without observing the provisions of Articles 5 and 8(1) or which has not been signed by the contracting parties shall be void.

The use of "invalid" is ambiguous in some languages in that it could mean "void" or "voidable". All should make it clear that such a contract shall be void.

e) Article 17(2)

Commission proposal

2. The Member States shall send to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Proposed amendment

2. The Member States shall send to the Commission the text of the (one word deleted) provisions of national law which they adopt in the field covered by this Directive.

The deletion of the word "main" would stop Member States from defining the provisions to be notified in such a restrictive way as to prevent the Commission from obtaining a clear view of progress in this field.

It should be noted that the Legal Affairs Committee has frequently pressed for a standard form to be given to the paragraph of directives concerned with their implementation by Member States and the Commission's monitoring of their action.

Conclusions

11. The Legal Affairs Committee:

- (a) welcomes the proposal
- (b) approves the use of Article 100 as its legal basis
- (c) advises the Consumer Protection Committee to propose the amendments set out above.

OPINION OF THE COMMITTEE ON SOCIAL AFFAIRS, EMPLOYMENT AND EDUCATION

Draftsman: Mr C. MEINTZ

On 20 October 1977 the Committee on Social Affairs, Employment and Education appointed Mr Meintz draftsman.

It considered the draft opinion at its meetings of 28 January and 22 February 1978 and adopted it unanimously at the latter meetings.

Present: Mr Van der Gun, chairman; Mr Nolan and Mrs Dunwoody, vice-chairmen; Mr Meintz, draftsman; Mr Albers, Mr Carpentier, Mr Dinesen, Mrs Cassanmagnago Cerretti, Mrs Kellett-Bowman, Mr Lezzi, Lord Murray of Gravesend, Mr Power, Mr Schreiber, Mr Vandewiele and Mr Wawrzik.

I. Introductory remarks

1. This proposal for a directive on the protection of participants in home study courses originated in an own-initiative report drawn up by Mrs WALZ for the Committee on Cultural Affairs and Youth on Community regulations for home study courses.¹

2. However, this report, like the proposal for a directive, was not concerned with the educational aspects of the matter, but dealt almost exclusively with consumer protection. The Committee on Social Affairs, Employment and Education finds this regrettable, as it takes the view that home study courses play a significant role in education as a whole, particularly as regards vocational training.

It is not alone in holding this view. Thus we read in the Action programme in the field of education², that 'the promotion (e.g. on radio and television) of language teaching outside the traditional school system, in particular to meet the vocational training requirements of adults' shall be encouraged.

In the communication and proposal from the Commission to the Council for a regulation on the creation of a European foundation for the improvement of living and working conditions³, the section headed 'Improvement in living conditions in general' suggests that 'education and work at home' could be dealt with.

The WALZ report itself also drawn attention to the educational aspects of the question, stating as it does in its explanatory statement that all home study courses 'should be fully integrated in the overall education system of our states'.

This view was also brought out in the European Parliament's debate on the WALZ report⁴, where the rapporteur herself pointed out that 'since advanced education and vocational training have become a political issue of the first order - and this at a time of growing unemployment, ... - home study has gained considerably in importance'.

Mr Laban said that home study courses included retraining and further education, and felt that 'home study courses ought to be a part of the total educational system in our countries'. Finally, Mr Scarascia Mugnozza, Vice-President of the Commission, drew attention to the significance of

¹ Doc. 416/74

² OJ No. C 38, 19.2.1976, point 17

³ Doc. 306/73

⁴ OJ Annex No. 186, February 1975, pp. 29-30

home education courses in relation to further education as a whole, by pointing out that 'approximately 2½ million citizens are following correspondence courses or the adult courses ... '.

3. While regretting the limited scope of the directive the committee cannot but welcome the proposal, particularly at this time of high unemployment, especially among young people, where there is a great need for further education through home education courses, and hence for the effective protection of those who use them.

4. In this connection, the committee wishes to draw attention to an especially vulnerable group, the migrant workers. Their unfamiliarity with the language and customs of their host countries make them an easy mark for exploitation by unscrupulous operators, who are only interested in home education for the money they can get out of it. But it is precisely this group which can derive most benefit from this form of education, as the provision of instructional material in their mother tongue gives them a real chance of further education even in a foreign country.

II. Discussion of the proposal for a directive

5. As the proposal for a directive is therefore devoted almost exclusively to consumer protection, the Committee on Social Affairs, Employment and Education has little comment to make on it.

6. However, an initial point, which was also made by Mr SCHUIJT in a written question¹, is the regrettable delay in production of the proposal for a directive by comparison with the time-scale requested in the WALZ report (six months) and promised by the Commission (12 months), as it first saw the light of day 32 months after the WALZ report was finally adopted in the European Parliament².

7. Turning to the individual articles, the committee would like to comment on Article 2(1), which first lays down that a person who wishes to offer home study courses 'must be accredited for this purpose', but goes straight on to lift this condition by the words: 'or has the option of being accredited for this purpose'.

The Commission explains this system of optional accreditation by reference to the legal situation in some Member States 'which forbids any restriction of freedom in education'³. The Committee on Social Affairs, Employment and Education cannot accept this, as accreditation must be a compulsory condition if the directive is to achieve its objective of introducing effective control over undertakings offering courses.

¹ OJ No. C 167, 21.7.1976, p. 15

² OJ Annex No. 186, February 1975, p. 39

³ Doc. 256/77, p. 10

III. Conclusions

8. While the Committee on Social Affairs, Employment and Education thus welcomes this proposal for a directive, it feels obliged to make the following criticisms and specific proposals which it requests the Committee on the Environment, Public Health and Consumer Protection to incorporate in its motion for a resolution.

- (1) In view of the important role played in education generally by home study, regrets that the proposal for a directive is chiefly concerned with consumer protection, whereas there should also be action at Community level on the purely educational aspects of the matter. Articles 57 and 117 and 128 of the EEC Treaty should therefore also be taken as the legal basis for the proposed directive, not merely Article 100, which covers only the commercial aspect.
- (2) Considers, in this connection, that special attention should be given to home study which could be of special benefit to migrant workers, as they are frequently cut off from further education by their unfamiliarity with the language of their host country; such education could be offered by way of well-planned home study courses in their own language.
- (3) Believes that it would also be valuable, both for society and for the unemployed, if special home education courses for the latter were encouraged, so that the otherwise unproductive time spent waiting for employment could be used for further education and retraining.
- (4) Emphasizes, however, that both courses and teaching staff must meet the same quality requirements as apply to similar education offered in other forms.
- (5) Regrets that the proposal for a directive does not make accreditation compulsory in all Member States, especially as the development of audio-visual aids seems likely to make home study courses a prominent element of education in the future. The Committee also regrets that the Commission did not adopt the idea of a certificate of quality¹, which would have given the consumer a separate indication of the value of each course.
- (6) Believes that, in view of the fact that private enterprise has played a major role in the home study sector and indeed was its initiator, the regret expressed above should not be interpreted as a wish to have the state take over the establishments active in this sector but as a desire to protect those taking part in home study by allowing only authorized establishments to operate in this field.

¹Doc. 416/74, p 12