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THE EUROPEAN COMMISSION'S RECOMMENDATION ON RECOGNITION OF QUALIFICATIONS OF THIRD-COUNTRY NATIONALS

The European Commission published a Recommendation on the recognition of qualifications of third-country nationals on 15 November 2023, with the purpose to streamline and speed up recognition processes. These measures would aim to bring the EU's recognition system closer to the one in place for EU mobile citizens.

As acknowledged in various EU instruments, facilitating the recognition of prior learning and qualifications is key to the inclusion of non-EU nationals in the labour market. Ensuring social inclusion is not offering migrants *any* job; it is making sure their qualifications are recognized, so they can find a job that matches their aspirations and qualifications, as well as pursue education or adult learning. Access to recognition but also upskilling, reskilling and learning opportunities for all workers, are crucial to ensure a socially just green transition. This paper aims to critically analyze the Recommendation, looking at the extent to which it provides concrete avenues for Member States to provide fair, accessible and quality recognition opportunities for third-country nationals.





INTRODUCTION

The European Commission (the Commission) published the ‘Skills and talent mobility’ package on 15 November 2023, with the purpose of addressing critical labour shortages in the European Union (EU).¹ The package comprises three initiatives that aim to increase labour mobility and make the EU more attractive to foreign talents, including a Recommendation on the recognition of qualifications of third-country nationals (The Recommendation).² This paper aims to analyze the Recommendation, particularly through the angle of access to decent work and social inclusion.

As acknowledged in the EU Action Plan on Integration and Inclusion³, facilitating the recognition of prior learning and qualifications is key to the inclusion of non-EU nationals in the labour market. Almost 40% of highly qualified migrants are overqualified for the job they occupy, meaning that they work in low or medium skilled occupations despite having higher levels of education or training. This is almost double the percentage if compared to EU citizens working in their own country, which seems to indicate a structural problem of overqualification of migrant workers. Ensuring social inclusion is not offering migrants *any* job; it is making sure their qualifications are recognized, so they can find a job that matches their aspirations and qualifications, as well as pursue education or adult learning if they wish to do so.

Proper recognition of skills and qualifications of third-country nationals, as well as access to upskilling, reskilling and learning opportunities for all workers, are also crucial to ensure a socially just green transition towards equitable and sustainable societies. By harnessing the talents of third-country nationals, we can address Europe’s skills shortages in sectors that are key for accelerating our climate action. Providing decent green jobs for all and upholding workers’ rights will ensure social cohesion, equality and fairness in Europe’s transition towards sustainable societies.

This paper will analyse the Recommendation by (I) placing it in the broader context of the Commission’s efforts to tackle labour shortages in the EU, (II) before delineating the various initiatives specific to recognition of skills that exist at the European level, and (III) this will inform a critical analysis of the Recommendation featuring (IV) recommendations for implementation.

1 European Commission (2023). “Commission proposes new measures on skills and talent to help address critical labour shortages, press release”: <https://ec.europa.eu/social/main.jsp?langId=en&catId=89&furtherNews=yes&newsId=10696>

2 European Commission (2023). COMMISSION RECOMMENDATION of 15.11.2023 on the recognition of qualifications of third-country nationals: https://single-market-economy.ec.europa.eu/system/files/2023-11/C_2023_7700_1_EN_ACT_part1_v9.pdf

3 European Commission (2020). COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS | Action Plan on Integration and Inclusion: [https://home-affairs.ec.europa.eu/system/files_en?file=2020-11/action_plan_on_integration_and_inclusion_2021-2027.pdf](https://home-affairs.ec.europa.eu/system/files/en?file=2020-11/action_plan_on_integration_and_inclusion_2021-2027.pdf)



I. TACKLING LABOUR SHORTAGES IN THE EU

The launch of this package comes in the context of the European Commission's efforts to tackle widespread skills and labour shortages across the EU, notably in the face of the green and digital transitions. In the healthcare sector alone, the EU was short of 2 million workers in 2021 and the demand is expected to increase with another million by 2030⁴. A similar situation is observed in key sectors of the economy such as construction, science and engineering, or Information and Communication Technology (ICT). To address this, the Commission is acting both internally by 'upskilling, reskilling and using the untapped potential of the EU's domestic workforce'⁵ and externally by attempting to attract and retain missing skills from all over the world.

Similar initiatives include the "Skills and Talent package" published in April 2022⁶ and the "EU Talent Partnerships" launched in 2021⁷. The European Year of Skills, announced in September 2022, also aims to 'address labour market shortages and support the sustainable growth of the EU social market economy'⁸.

It is in this context that the Commission released the Skills and Talent Mobility package, with the following three initiatives:

- **A proposal for a Regulation on the establishment of an EU Talent Pool**, a platform that Member States can join on a voluntary basis, to make international recruitment faster and easier.
- **A proposal for a Council recommendation on a learning mobility framework**, setting new goals to increase EU mobility by 2030 for various groups of learners.
- **A recommendation on the recognition of third country nationals' qualifications**: a non-binding set of measures to simplify and speed up Member States' procedures, with the idea to bring the recognition practices closer to the system established for EU nationals who move to another EU Member State.

Though two of its initiatives concern learning and qualifications, thus potentially carrying implications beyond employability and touching education in general, the package is largely praised for its proposals addressing labour market shortages, at the detriment of other objectives. The same disproportionate focus on employability is observed in the Recommendation on the recognition of qualifications, as is shown in section III.

In the next section, we will look more in depth at the existing frameworks for recognition of qualifications in the EU.

⁴ Social Protection Committee (SPC) and the European Commission (DG EMPL) (2021). Long-term care report - Trends, challenges and opportunities in an ageing society: <https://ec.europa.eu/social/main.jsp?catId=738&langId=en&pubId=8396>

⁵ European Commission (2023). Call for evidence - Ares(2023)6231681: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/13965-Recognition-of-qualifications-of-third-country-nationals_en

⁶ Julie Martinaud, Carlos Roldán Mejías (2022). Briefing Paper #104 ATTRACTING SKILLS AND TALENT TO THE EU: <https://www.solidar.org/en/publications/briefing-paper-104-attracting-skills-and-talent-to-the-eu>

⁷ Julie Martinaud, Carlos Roldán Mejías (2021). BRIEFING PAPER #101 The EU Talent Partnerships: <https://www.solidar.org/en/publications/briefing-paper-101-the-eu-talent-partnerships>

⁸ Katarina Kogej, Carlos Roldán Mejías, Briefing Paper #105 The European Year of Skills through social justice lenses: <https://www.solidar.org/en/news/briefing-paper-105-the-european-year-of-skills-through-social-justice-lenses>



II. RECOGNITION OF SKILLS AND QUALIFICATIONS IN THE EU

Definitions

‘Recognition of skills and qualifications’ is the formal acknowledgement by a relevant authority of the validity of a foreign qualification, and identification of skills, with a view to granting rights to the holder⁹. **It opens access to rights in typically three cases:**

- (1) the access to a regulated profession e.g. a professional activity for which the possession of specific professional qualifications is needed by law;
- (2) academic recognition, e.g. for the purpose of access to education or training and
- (3) in labour migration procedures, e.g. where Member States verify skills and qualifications for issuing visas or work and resident permits for employment purposes.

Initiatives to support the (self) identification of skills, or tools for transparency and comparability of skills for the purpose of employment in non-regulated professions, are not included in the definition of ‘recognition’ used in the Recommendation.

‘Skills’ are ‘the ability to apply knowledge and use know-how to complete tasks and solve problems’¹⁰. On the other hand, **‘qualification’** refers to ‘the formal outcome (certificate, diploma

or title) of an assessment process which is obtained when a competent body determines that an individual has achieved learning outcomes to given standards and/or possesses the necessary competence to do a job in a specific area of work’¹¹.

Recognition for EU citizens

Recognition of skills and qualifications is a competence of EU Member States. Nonetheless, various instruments have been established at the EU level to ensure professional and educational standards are met when EU citizens work or study in a different country than the one where they received (prior) training. Such is the purpose of **Directive 2005/36/EC**¹² on the recognition of professional qualifications which establishes common principles, procedures and criteria to recognise EU mobile citizens’ professional qualifications in a transparent, fair and consistent way. Regarding academic qualifications, the **Lisbon Recognition Convention** in 1997 paved the way for fair recognition.¹³ Not an EU text but a Council of Europe one, it remains the main legal instrument in this field in Europe. In 2018, the Council Recommendation on “promoting automatic mutual recognition of higher education and upper secondary education and training qualifications and the outcomes of learning periods abroad”¹⁴, improved procedures for the mutual recognition of qualifications within the EU, facilitating further education and training.

⁹ Definition elaborated based on the Recommendation (point 19).

¹⁰ CEDEFOP (2014). Terminology of European education and training policy: https://www.cedefop.europa.eu/files/4117_en.pdf

¹¹ Ibid.

¹² Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005 on the recognition of professional qualifications: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32005L0036>

¹³ Council of Europe (1997). Convention on the Recognition of Qualifications concerning Higher Education in the European Region: <https://rm.coe.int/168007f2c7>

¹⁴ Council of the EU (2018). COUNCIL RECOMMENDATION on promoting automatic mutual recognition of higher education and upper secondary education and training qualifications and the outcomes of learning periods abroad [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018H1210\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018H1210(01)&from=EN)



Recognition for third country nationals

Third-country nationals, however, face a number of challenges in getting their skills recognized in the EU. Official information is hardly available or accessible to newcomers and support is limited. The process of recognition is often long and costly. Administrative requirements for verifying the authenticity of qualifications obtained are often burdensome and sometimes impossible to comply with (for instance, providing original documents may be impossible when the person had to leave their country in an emergency without the document and is not able to return or obtain a duplicate). The lack of equivalence between systems and the fact national authorities in charge of recognition in Member States are often themselves unaware of how foreign qualification systems work, makes it difficult to compare and assess qualifications.¹⁵

Under Directive 2005/36/EC, specific categories of third-country nationals, including EU long-term residents, EU Blue Card holders, beneficiaries of refugee or subsidiary protection enjoy a number of provisions, including equal treatment on the same terms as EU citizens. The Directive also explicitly states that it does not prevent Member States from recognising skills and qualifications acquired outside the EU by third-country nationals, as long as certain minimum training requirements are fulfilled.

Despite the lack of a general EU framework for the recognition of skills and qualifications of third-country nationals, the Commission has emitted guidance in this direction, that the Recommendation

builds on. The arrival in the EU of over 4 million Temporary Protection beneficiaries from Ukraine, in 2022, led the Commission to publish a **Recommendation 2022/554 on the recognition of qualifications for people fleeing Ukraine**¹⁶, to ease their access to the labour market. In June 2023, the Commission published an assessment of Member States' response to that recommendation, which was found to be positive and highlighted promising practices¹⁷. In this context, a variety of stakeholders expressed their appreciation for that recommendation and suggested the same political signal and measures should be extended to other third-country nationals.

All these instruments built up to the Recommendation on the recognition of qualifications of third-country nationals, that we will critically analyse in the section below, referring to it as “the Recommendation”.

¹⁵ SOLIDAR (2023). SOLIDAR's input on the recognition of qualifications of non-EU nationals:

<https://www.solidar.org/news-and-statements/solidars-input-on-the-recognition-of-qualifications-of-non-eu-nationals/>

¹⁶ European Commission (2022). Commission Recommendation (EU) 2022/554 of 5 April 2022 on the recognition of qualifications for people fleeing Russia's invasion of Ukraine: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32022H0554>

¹⁷ European Commission DG GROW (2023). Assessment of Commission Recommendation (EU) 2022/554 of 5 April 2022 on the recognition of qualifications for people fleeing Russia's invasion of Ukraine: https://single-market-economy.ec.europa.eu/publications/assessment-commission-recommendation-eu-2022554-5-april-2022-recognition-qualifications-people_en



III. ANALYSIS OF THE RECOMMENDATION

Scope

The Recommendation applies to third country nationals already residing in the EU, or in the process of obtaining a visa or work and residence permit in a Member State, and in the three cases that recognition grants rights to the third-country national. However, the text does not propose any specific provision for academic recognition. It refers instead to the work of the European Network of National Information Centres and National Academic Recognition Information Centres (ENIC-NARIC networks)¹⁸ and the general framework of the Lisbon Recognition Convention. By simply mentioning the existence of those processes, the Commission misses an opportunity to, at least, reiterate its commitment to the values of fair and transparent academic recognition. In this sense, the Recommendation stays silent on recognition of higher education diplomas for learners who studied in countries that are not party to the Lisbon Recognition Convention. Barely giving a nod to academic recognition, despite its implication in granting rights to learners, is a symptom of a reductive approach that tends to focus on employability and vocational skills for the labour market, over transversal skills and competences, while both are essential to an individual's development and social inclusion.

The Recommendation does not apply in the cases of employment in non-regulated professions, or access to funding. For those, third-country nationals may still need to showcase their skills and qualifications, but formal recognition of qualifications is not required.

Guiding principles

Reducing barriers – Member States are encouraged to systematically enhance access to recognition of skills and qualifications, in particular in sectors or occupations subject to skills shortages. States that apply labour market tests are invited to consider making exceptions for recruitments in such occupations and sectors facing workforce shortages. The Recommendation also supports the complete lifting of any formal recognition requirement in non-regulated professions, suggesting the use of transparency and comparability tools such as the Europass framework or the Skills Profile Tool for Third Country Nationals.

Cooperation – The text advocates for Member States to involve all stakeholders, including social partners, to address barriers to recognition, as well as engage in a dialogue with third countries. Notably, national approaches should mitigate the risk of 'brain drain', or skills shortages. SOLIDAR's Social Rights Monitor highlights that emigration of qualified workers to the EU is an issue for the healthcare sector in Serbia, for instance.¹⁹ Knowledge sharing and exploring circular migration²⁰ with third countries can be a solution to mitigate this.

¹⁸ ENIC and NARIC networks are networks of entities established by Parties to the Lisbon Recognition Convention. The mandate of the ENIC network is to assist parties in the national implementation of the Convention and ensure multilateral cooperation with other UNESCO regions. The mandate of the NARIC network is to facilitate access to information on the higher education system and qualifications of their country of establishment, and of other signatories parties; as well as give advice or information on recognition and assessment of qualifications. For more information access <https://www.enic-naric.net/>

¹⁹ SOLIDAR (2021). Social Rights Monitor 2021: Country monitor for Serbia: <https://www.solidar.org/publications-page/solidars-social-rights-monitor-2021/>

²⁰ "Circular migration: A form of migration in which people repeatedly move back and forth between two or more countries.", in International Organisation for Migrations (2019). Glossary on Migration: publications.iom.int/system/files/pdf/iml_34_glossary.pdf



Organisation of the recognition

Developing knowledge – The Commission shows support for competent national authorities to develop knowledge on qualifications, education and training systems, as well as quality assurance and regulated professions in third countries. Member States are also invited to develop interoperable databases on comparability of qualifications issued in third-countries, with a view to facilitate access to information on their decisions and improve transparency of procedures.

Availability of information – The Commission advocates for offering full access to user-friendly, complete and up-to-date information on procedures of recognition, including their costs. Notably, information and support should be provided in English and in languages usually spoken by incoming migrants, in addition to the national language(s) of the Member State.

Streamlined procedures – The Recommendation stipulates Member States should ensure that procedures minimize bureaucratic burden for applicants, including by lowering requirements for translations of documents, or by contacting directly authorities in third countries to verify the authenticity of a document whenever possible, rather than requesting the applicants to do so. Requirements must be eased, especially in cases of people in need of protection, who at times have no choice but to leave their country in an emergency and may not be able to take documents with them, or to contact their country's authorities to get a duplicate. SOLIDAR is of the view that an inclusive way to practice recognition is to accept signed declarations or sworn statements made before a notary or

public body, as adequate proof, complementing the assessment with an aptitude test if necessary. Member States are also expected to ensure that costs applied do not exceed those applied for Union citizens, and where possible to eliminate these costs.

A number of innovative practices to facilitate access to skills recognition for temporary protection beneficiaries have been introduced by Member States following the April 2022 Recommendation on the recognition of qualifications for people fleeing Ukraine. For instance, Belgium, Portugal and Romania exempted Temporary Protection holders to pay fees for the recognition process. Most Member States authorities accepted alternatives means of proof as well.²¹ As suggested by the Commission in the 2023 Recommendation, these promising practices can be replicated and scaled up by Member States to include all people in need of protection or having lodged an application for protection, for instance.

Continuity of recognition of professional qualifications

Concerning the recognition of professional qualifications, the Commission pushes for an alignment of conditions applicable to third-country nationals, with the rules governing the recognition for EEA nationals, under Directive 2005/36/EC. For instance, the Recommendation encourages Member States to base their assessments of applications on what the Directive foresees. It also advises Member States to issue a decision within a reasonable period set at two months from the date of submission of a complete application.

²¹ *European Commission DG GROW (2023). Ibid.*



A welcome provision is article 41. b), suggesting that article 3.3 of the Directive, according to which **authorities should consider evidence of formal qualification issued in a third country as valid evidence when it comes with 3 years of professional experience in the profession concerned in another Member State who already issued a recognition decision, should also apply to third-country nationals.** This is crucial to ensure intra-EU consistency and continuity in employability for third-country nationals moving across the EU. In the current system, whereas the portability of qualifications provided by article 3.3 of the Directive applies to EU citizens having obtained qualifications in third countries, third-country nationals may have to start the process all over again when moving from one Member State to another, even after having worked in the first. Nonetheless, presuming the comparability of recognition standards between Member States as fostered by Directive 2005/36/EC, it would be more enabling for third-country national's access to regulated professions to **lift the 3-year work experience requirement.** SOLIDAR instead recommends that **Member States instead grant automatic recognition whenever another Member State has already issued a recognition decision.**

The Recommendation also foresees that compensation measures are applied in the same ways as under the Directive. Compensation measures are measures that host Member States may impose when the minimum training conditions for access to the regulated profession in the

Member State are not met. They can take the form of a period of adaptation (e.g. a period of time spent pursuing the regulated profession under supervision of a qualified person, possibly accompanied by further training and assessed at the end with the purpose of giving full access to the profession); or that of an aptitude test (a test of the professional knowledge of the targeted profession to assess the ability of the applicant to pursue this profession in the Member State). The Recommendation encourages Member States to leave the choice of which path to follow to the third-country national, as they would under the Directive – a welcome decision to leave workers the autonomy to choose what works best for them. Whichever the option retained, **it is key that requirements to practise a regulated profession are not reduced for third-country nationals,** which would inevitably lead to lower quality employment, but that instead **workers have the possibility to access training to help them reach the required level of qualification.**

In this regard, it is important that training opportunities are offered to all migrant workers, not only in 'priority' regulated professions. Training is a social right under the European Pillar of Social Rights²², and as such, it forms part of the path towards quality employment, career development and social inclusion. This includes asylum-applicants, as it is suggested in the Reception Conditions Directive²³ that Member States may allow their access to vocational training, irrespective of whether they have access to the labour market. The right to employee training, including upskilling and reskilling, is also an essential aspect of a

²² European Commission website (year unknown). *The European Pillar of Social Rights in 20 principles:* https://ec.europa.eu/info/strategy/priorities-2019-2024/economy-works-people/jobs-growth-and-investment/european-pillar-social-rights/european-pillar-social-rights-20-principles_en

²³ DIRECTIVE 2013/33/EU OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 26 June 2013 laying down standards for the reception of applicants for international protection (recast): <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32013L0033&from=EN>



just transition to a green economy.²⁴ Here, public authorities as well as private employers must invest to guarantee access to training opportunities for all workers, always in collective negotiations with Trade Unions.

Recognition of skills and qualifications for labour migration

In the context of recognition for obtaining a visa or work and residence permit, Member States are recommended to clearly communicate situations where recognition of skills and qualifications is required. A practice highlighted by the Commission is to integrate recognition of skills to pre-departure assessments from the origin country, in order for applicants to enter the labour market without delay upon arrival. Here, it is crucial that recognition be a swift process in order not to delay, or ultimately prevent, the obtention of the visa or permit where all other conditions are met. In the case of people in need of protection and willing to take up employment in an EU Member State, requirements of recognition of skills and qualifications in the pre-admission phase must be reduced to the bare minimum.

The future EU Talent Pool should fulfill all these conditions in order to promote fair recruitment, decent work and social inclusion. The platform should offer applicants the possibility to enter qualitative information to document their skills, when do not match with pre-defined EU categories, in order for employers to have the fullest and most accurate possible picture of the applicant's skills.

A 'skills first' approach – the case for a broader approach to skills, yet still focused on their marketability

In the Recommendation, the Commission is putting forward a '**skills first**' approach, a terminology born with the European Year of Skills. Per the Commission's definition, it consists in "advocating for identification and full use of a person's skills – whether they are acquired in formal, non-formal or informal settings – rather than based solely on qualifications".

The rationale behind the 'Skills first' slogan is that **by assessing solely qualifications which are almost exclusively obtained in the formal education and training system** (e.g. structured learning done in education institutions, following an official curriculum), **one misses the complete picture of a person's skills and full potential**. This may lead in turn to 'over-qualification' – a situation where a person has a level of skills, education or training beyond what their job requires.

From the point of view that social inclusion encompasses more than labour market access or even job fulfillment, SOLIDAR analyses an individual's abilities and development by looking beyond their skills. Instead, the concept of **competence**, conceptualised as a knowledge, skills and attitudes triad, better captures the multidimensionality of human flourishing "across various dimensions—personal, professional, social, and political".²⁵ **Competences acquired**

²⁴ European Trade Union Confederation (2022). *ETUC Position on Equipping workers with necessary skills for the green transition*: <https://www.etuc.org/en/document/etuc-position-equipping-workers-necessary-skills-green-transition>

²⁵ Lifelong Learning Platform (2023). *Key competences for all: a lifelong learning approach*: https://d1be5e27-bbf2-4050-ae5f-36e01780c77f.filesusr.com/ugd/043d91_12facd2c33f74cd590b49b15b0e05510.pdf



in non-formal or informal settings, such as in volunteering, leisure time or on the job, form a crucial part of an individual's baggage of competences. Here, we refer to a broad array of competences ranging from vocational skills (e.g. bookkeeping, graphic design, cooking) to transversal competences and attitudes (teamwork, empathy, leadership). Those competences can make the difference between a situation of exclusion and inclusion, especially in situations of unemployment.

However, in the context of employment, skills acquired in non-formal or informal learning (NFIL) settings have the most impact on a person's opportunities when they are not only acknowledged but also validated (e.g. that a competent body confirms that those skills have been assessed against predefined criteria and were found compliant with them, typically leading to certification, by issuing a title). This validation is critical for employability, as it contributes to better matching jobs and skills, gives second chances, and allows to pursue education or training, directly contributing to social inclusion.

The **2012 Council Recommendation on the validation of NFIL**²⁶ was a political impetus towards better-functioning validation systems in Member States. However, according to the evaluation of this Council Recommendation, coverage of validation remains partial and asymmetrical, and Member States tend to prioritise provision in

relation to certain areas, sectors or occupations to the detriment of a wider provision of validation services²⁷. In light of this, it would be welcome for the Commission to encourage a better implementation of the 2012 Council Recommendation or of the updated European Guidelines for Validation of Non-formal and Informal Learning²⁸, particularly in relation to third-country nationals. Indeed, validation of NFIL is an issue in general in Europe but affects third-country nationals with a particular acuity. The main reason is that NFIL is typical of the education and training offered by Civil Society Organisations (CSOs), and migrants, refugees and asylum-seekers are particularly reliant on CSOs to develop their skills, especially upon arrival when CSOs play a crucial role in filling the gaps in the public reception and integration systems. It is welcome that the 2023 Recommendation encourages Member States to facilitate validation of skills acquired through NFIL in that Member State, but it misses an opportunity to call for improving validation of prior NFIL, e.g. done in another Member State or in a third country.

In the case of non-regulated professions, the Recommendation suggests recognition of skills and qualifications should not be mandatory. SOLIDAR's view is that in the absence of recognised credentials, employers should strive to assess job applications in a non-discriminatory way, looking at the full picture of third-country nationals' experiences including NFIL, making use of transparency and comparability tools available.

²⁶ Council of the EU (2012). COUNCIL RECOMMENDATION on the validation of non-formal and informal learning:

https://www.cedefop.europa.eu/files/Council_Recommendation_on_the_validation_20_December_2012.pdf

²⁷ European Commission (2020). Study supporting the evaluation of the Council Recommendation of 20 December 2012 on the validation of non-formal and informal learning:

<https://op.europa.eu/en/publication-detail/-/publication/ea175fa5-ca31-11ea-adf7-01aa75ed71a1/language-en>

²⁸ Cedefop (2023). European guidelines for validating non-formal and informal learning. Luxembourg: Publications Office. Cedefop reference series; No 124. <http://data.europa.eu/doi/10.2801/389827>



IV. PROPOSALS AND WAYS FORWARD

The Recommendation offers welcome guidance towards improved and fairer systems for the recognition of qualifications of third-country nationals.

For an improved impact, SOLIDAR recommends Member States to make sure:

- **They offer quality validation and recognition processes for prior qualifications and skills acquired in formal, non-formal and informal settings, to improve third-country nationals' chances to find work that matches their skills and aspirations, but also to allow them to pursue education and lifelong learning if they wish to;**
- **Their labour migration policies promote fair recruitment, decent work and social inclusion and work hand-in-hand with quality validation and recognition processes;**
- To make information widely available and accessible to third-country nationals in terms of procedures of recognition as well as the costs of these procedures;
- To reduce the administrative burden of proof and the application fees upon applicants as much as possible;

- To interpret provisions of article 41.b) in the most liberal way by granting automatic recognition of qualifications issued in a third-country when there is proof that another Member State has already issued a recognition decision;
- **To ensure migrant workers' access to training and lifelong learning, across all sectors and occupations. This will help achieve the target of 60% of adults participating in training every year by 2030, set out in the European Pillar of Social Rights' Action Plan²⁹ and to meet the skills challenges posed by the twin transitions.**

SOLIDAR invites the European Commission to:

- Keep on disseminating EU-wide tools for transparency and comparability of skills and qualifications;
- Monitor and support Member States' implementation of the 2012 Council Recommendation on Validation of Non-Formal and Informal Learning;
- Facilitate the harmonisation of their recognition practices, as well as the portability of recognition decisions, across Member States.

²⁹ European Commission (2021). *The European Pillar of Social Rights: turning principles into actions*: <https://ec.europa.eu/social/main.jsp?catId=1607&langId=en>

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