

Harmonisation, Quality Assurance
and Accreditation in Africa



HAQAA-3 POLICY BRIEF SERIES on Continental and Regional Integration in African Higher Education

Policy Brief n.7

UNDERSTANDING THAT ERASMUS-like PROCESSES DO NOT INVOLVE HIGHER EDUCATION (HE) HARMONIZATION

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Note: The HAQAA Policy Briefs are written in the HAQAA-3 framework but engage only their authors. This Brief has greatly benefitted from all the comments and discussions during the second webinar of the African Network on Regional and Continental Integration in Higher Education. All remaining errors, shortcomings or confusions are the sole responsibility of the author.

The Briefs are in open access and can be freely circulated. However, from an epistemological point of view, they are always “work in progress” open to criticism and revision



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1.- INTRODUCTION

The object of this Policy Brief is

- to clarify what ERASMUS is, one of the best-known EU programmes, unanimously considered a very efficient instrument of integration in Higher Education (HE),
- in order to demonstrate that **processes and instruments similar to ERASMUS to be implemented in other continents and regions of the world do not need to involve a previous process of harmonization (however understood) of HE legislation in participating Member States.**

2.- HOW TO KNOW “WHAT ERASMUS REALLY IS” FROM A POLITICAL PERSPECTIVE

Specialized literature on so-called multilevel political structures could go a long way in trying to blur the difference between a highly decentralized federal state with different levels of government and a very advanced regional¹ integration process in which participant states have conferred plenty of competences to the regional entities, which, as a consequence, could be considered in the process of becoming a “federation”. This type of argument is completely irrelevant for our discussion. The differences between federal/decentralized “states” like the United States, Australia, Brazil, India, on one side, and “regional organizations” like the European Union or the African Union, on the other, are evident and undisputable.

States are sovereign and, because of it, their legislative powers have a sort of “general competence” that, subject to the respective constitutions, embraces all areas of policy. This is absolutely not the case for regional organizations, which are not sovereign and only have the set of SPECIFIC competences conferred or attributed to them by the Treaty or treaties that create them. The principle of “conferral of competences” has always been the “founding principle” of EC/EU integration. Article 5 of the TEU proclaims it very explicitly:

Article 5

1. The limits of Union competences are governed by the principle of conferral. The use of Union competences is governed by the principles of subsidiarity and proportionality.

2. Under the principle of conferral, the Union shall act only within the limits of the competences conferred upon it by the Member States in the Treaties to attain the objectives set out therein. Competences not conferred upon the Union in the Treaties remain with the Member States.

Therefore, before the EU (and the European Community prior to its absorption by the EU after the entry into force of the Treaty of Lisbon in 2009) acts, the first question it must put to itself is “Am I competent? Do I have in the Treaties a “legal basis” for my action?”. Because if the question cannot be answered affirmatively, the action is, simply, not possible.

¹ For the purposes of this Brief, the term “regional” covers what in different geographical areas are named “continental”, “regional” and “subregional” integration processes.,

An EU-funded Horizon 2020 research project found a metaphorical way of expressing this by saying that the European Union must be thought of not as an amorphous amoeba able to phagocyte everything it meets with but as a LEGO game that, piece by piece, is able to build a sustainable construct.²

Keeping this in mind, the question of “What ERASMUS really is” has a very clear answer: **ERASMUS has never been an instrument of HE harmonization, which the EU is forbidden to undertake, but a piece of “occupational training” aimed at contributing to the harmonious development of the economies of EU Member States and the Internal Market.**

The best and most undisputable way of proving this is by looking at the legal acts setting up the Erasmus project. We’ll examine the two more relevant ones, the first and the last.

3.- WHAT WAS ERASMUS IN THE DECISION THAT LAUNCHED IT IN 1987

ERASMUS was launched by the **Council Decision 87/327/EEC of 15 June 1987 adopting the European Community Action Scheme for the Mobility of University Students (Erasmus)**.³ The politico/legal nature of the decision can be ascertained unequivocally by its legal basis in the EEC Treaty (i.e. the EEC specific competence it exercised), and whose choice was recognized as correct by the Court of Justice of the European Communities in its judgment of 30 May 1989, case 242/87.⁴

The legal basis was article 128 of the EEC Treaty on “formation professionnelle / formazione professionale / Berufsausbildung / beroepsopleiding”, in the four only authentic languages in which the EEC Treaty existed at the time (indeed, neither the successive Accession Treaties for the new Member States nor the Single European Act provided a new authentic version) translated initially as “occupational training”⁵ until the introduction and generalized use of the expression “vocational training” created an unfortunate confusion.⁶

² See the Action Plan of the EULAC Focus Horizon 2020 project: <https://ec.europa.eu/research/participants/documents/downloadPublic?documentIds=080166e5c9f1db71&appId=PPGMS>

³ See (<https://eur-lex.europa.eu/eli/dec/1987/327/oj>).

⁴ See <https://curia.europa.eu/juris/showPdf.jsf?text=&docid=95512&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=2418925>

⁵ Indeed, see https://www.cvce.eu/en/obj/treaty_establishing_the_european_economic_community_rome_25_march_1957-en-cca6ba28-0bf3-4ce6-8a76-6b0b3252696e.html

*Article 128. The Council shall, on a proposal of the Commission and after the Economic and Social Committee has been consulted, establish general principles for the implementation of a common policy of **occupational training** capable of contributing to the harmonious development both of national economies and of the Common Market.*

⁶ It would be interesting to investigate when and how and by whom the terms “occupational training” were replaced in the European Community framework by “vocational training”. The result has certainly created a lot of confusion because it has favoured the attempt to establish a distinction between “levels” – and institutions- of education (the higher education level/institutions and the VET

To this legal basis, article 235 was added (in the interpretation of the Court) to cover the residual aspects of the Erasmus decision that fall outside the area of training.⁷

What matters for the purposes of this Brief is that article 128 did not confer to the EEC any competence to harmonize national legislations.

4.- WHAT REMAINS ERASMUS IN THE REGULATION THAT SETS IT UP FOR THE PERIOD 2021 - 2027

Plenty of changes have been introduced in the EEC Treaty between 1987 and today by the treaties of Maastricht, Amsterdam, Nice and Lisbon. The Treaty of Maastricht replaced Article 128 of the EEC treaty by articles 126 and 127. No relevant changes were introduced in this article by the treaties of Amsterdam and Nice. The Treaty of Lisbon, entered into force in 2009, included

- a Modification number 123, with the following content: Chapter 3 shall be renumbered title XI and the words ‘and youth’ at the end of the heading shall be replaced by ‘, youth and sport’.

Further,

- Articles 126 and 127 were renumbered and became articles 165 and 166 TFEU,
- And the term “Community” was replaced by that of “Union” (as all along the treaty because of the merger of the Community and the Union and the disappearance of the former).

All this evolution is detailed in Annex I, which reproduces all the texts.

For the period 2021 – 2027, ERASMUS has been set up and implemented by Regulation (EU) 2021/817 of the European Parliament and the Council of 20 May 2021 establishing Erasmus+, the Union Programme for education and training, youth and sport and repealing Regulation

level/institutions) when, as shown in the text, the treaties do not establish such a distinction but simply offer two ways of approaching the sector of education: as “general education” or as “professional/occupational training”. Indeed, how can anyone deny that higher education is not “vocational” or does not contain a very strong element of professional training?

⁷ Art. 235 was an article of the EEC Treaty whose interpretation and application were very tricky because it seemed

- Either a sort of exception to the principle of conferral of competence, by allowing the European Community “to do anything” provided there was a proposal of the Commission and unanimity in the Council to approve it;
- Or a mechanism of introducing “simplified amendments to the Treaty” by enlarging the scope of the specific competences conferred to the Community.

The Court of Justice was adamant to establish that such interpretation was not correct and gave a very restrictive interpretation of the article. However, in order not to provide a basis for an extensive interpretation, the article (renumbered as article 308 of the TFEU) has received a new drafting by amendment 289 introduced by the Lisbon Treaty, which in particular states that “*Measures based on this Article shall not entail harmonization of Member States' laws or regulations in cases where the Treaties exclude such harmonization*”

(EU) No 1288/2013.⁸ The objective is clearly described in the first “whereas” of the Regulation:

Investing in learning mobility for all, regardless of background and means, and in cooperation and innovative policy development in the fields of education and training, youth and sport is key to building inclusive, cohesive and resilient societies and sustaining the competitiveness of the Union, and is all the more important in the context of rapid and profound change driven by technological revolution and globalisation. Furthermore, such an investment also contributes to strengthening European identity and values and to a more democratic Union.

The legal basis of the regulation remains, exclusively, the two articles that replace the former Art. 128 of the EEC Treaty: articles 165 and 166 of the TFEU, which explicitly prohibit any harmonization by the Union of national legislations. Indeed, both include the following paragraph (emphasis added):

*In order to contribute to the achievement of the objectives referred to in this Article ... the European Parliament and the Council, acting in accordance with the ordinary legislative procedure, after consulting the Economic and Social Committee and the Committee of the Regions, shall adopt incentive measures, **excluding any harmonisation of the laws and regulations of the Member States.***

Annex II reproduces the articles of the Regulation more relevant for this Brief. But it is convenient to highlight in the main text the article that summarizes its content, article 3 (emphasis added):

Article 3

Programme objectives

1. The general objective of the Programme is to support, through lifelong learning, the educational, professional and personal development of people in the fields of education and training, youth and sport, in Europe and beyond, thereby contributing to sustainable growth, quality jobs and social cohesion, to driving innovation and to strengthening European identity and active citizenship. The Programme shall be a key instrument for building a European Education Area, supporting the implementation of European strategic cooperation in the field of education and training, including its underlying sectoral agendas, advancing youth policy cooperation under the 2019-2027 European Union Youth Strategy and developing the European dimension in sport.

2. The Programme has the specific objectives to promote:

(a) the learning mobility of individuals and groups, and cooperation, quality, inclusion and equity, excellence, creativity and innovation at the level of organisations and policies in the field of education and training;

(b) non-formal and informal learning mobility and active participation among young people, and cooperation, quality, inclusion, creativity and innovation at the level of organisations and policies in the field of youth;

(c) the learning mobility of sport staff, and cooperation, quality, inclusion, creativity and innovation at the level of sport organisations and sport policies.

⁸ See (<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32021R0817>)

3. The Programme objectives shall be pursued through the following three key actions which mainly have either a transnational or an international character:

- (a) learning mobility ('key action 1');
- (b) cooperation among organisations and institutions ('key action 2'); and
- (c) support to policy development and cooperation ('key action 3').

The Programme objectives shall also be pursued through Jean Monnet actions as set out in Article 8.

The actions supported under the Programme are set out in Chapters II (education and training), III (youth) and IV (sport). The description of those actions is set out in Annex I.

It makes no doubt that ERASMUS 2021-2027 does not have the objective to harmonize EU member states policies. It proceeds, and is meant to proceed, on the basis of their divergent policies and educational structures.

5.- ERASMUS, ALWAYS FAITHFUL TO ITS ORIGINAL POLITICAL INSPIRATION

What has just been analyzed should not come as a surprise if the reader is historically and politically minded and knows the history of EU's integration. **ERASMUS's original inspiration comes from the Adonnino Reports on "A People's Europe"**, which the European Council⁹ tasked an ad-hoc committee to produce. There were two successive Adonnino Reports¹⁰. The second, of 28 and 29 June 1985, includes the following paragraph (emphasis added):

5. Youth, education, exchanges and sport

5. 6. University cooperation

University cooperation and mobility in higher education are obviously of paramount importance. There already exists, between the Member States, an embryonic form of cooperation which should be developed and built upon, including the Community Joint Study Programme Scheme.

Higher-education establishments and universities enjoy a high degree of autonomy. It is therefore necessary to take as a starting point the fact that a decisive role in the matter must be left to the establishments concerned... The Committee proposes to the European Council that:

- (i) *the discussions in the framework of the meetings of the Council and the Ministers for Education on inter-university cooperation be pursued and a firm*

⁹ The European Council is an EU institution different from the Council of the EU, which consists "of a representative of each Member State at ministerial level, who may commit the government of the Member State in question and cast its vote" (art. 16 TEU). The European Council comprises also the President of the European Commission: see article 15.2 of the TEU (emphasis added): *The European Council shall consist of the Heads of State or Government of the Member States, together with its President and the President of the Commission.*

¹⁰ See https://aei.pitt.edu/992/1/andonnino_report_peoples_europe.pdf

appeal be made to universities and higher-education establishments to establish cross-frontier cooperation aimed at enabling students, and in particular those who are concerned with a knowledge of languages and European studies, to pursue part of their studies in an establishment in a Member State other than their own;

- (ii) *it requests the relevant authorities to:*
- i. ***implement, on the basis of the experience acquired, a comprehensive European inter-university programme of exchanges and studies aimed at giving this opportunity to a significant section of the Community's student population; and***
 - ii. ***examine the possibility of introducing a European system of academic credits transferable throughout the Community (European Academic Credit Transfer System). This system would be implemented by means of bilateral agreements or on a voluntary basis by universities and higher education establishments which, by arrangement with one another, would determine the procedures for academic recognition of such credits...***

6.- CONCLUSIONS

1.- ERASMUS was not conceived and implemented as an instrument of HE Harmonization (which the EU, and previously the European Community, was not allowed to undertake) but as an instrument to bring integration closer to the people, in particular youth.

2.- ERASMUS has always proceeded on the basis of divergent member states legislations on HE.

3.- The key to the success of Erasmus has always been the capacity it has had

- to empower individual people in HE (students and staff) and HE institutions, and
- to incentivize mobility of students and staff.

4.- This is why this Policy Brief can come to an end by referring to the previous HAQAA-3 fifth Policy Brief, written by professor Olusola OYEWOLE, Secretary General of the Association of African Universities. **Indeed, ERASMUS must be considered, from an African perspective, a best practice of Giving greater Effectiveness to ... Integration in and through Higher Education by Empowering Universities as Development and Integration Agents.**

ANNEX I.- THE AUTHENTIC TEXTS OF THE RELEVANT LEGAL PROVISIONS OF THE TREATIES ON THE BASIS OF WHICH ERASMUS WAS SET UP

1.- TRAITÉ DE ROME – TRAITÉ CEE – 1957 - (only official languages : French, German, Italian, Dutch) (the easiest access to the different versions of the Treaties is <https://www.europarl.europa.eu/about-parliament/en/in-the-past/the-parliament-and-the-treaties/treaty-of-rome>)

TROISIÈME PARTIE La politique de la Communauté

TITRE III La politique sociale

Chapitre 2 LE FONDS SOCIAL EUROPÉEN (emphasis added)

*ARTICLE 128. Sur proposition de la Commission et après consultation du Comité économique et social, le Conseil établit les principes généraux pour la mise en œuvre d'une politique commune de **formation professionnelle** qui puisse contribuer au développement harmonieux tant des économies nationales que du marché commun.*

*ARTICOLO 128. Su proposta della Commissione e previa consultazione del Comitato economico e sociale, il Consiglio fissa i principi generali per l'attuazione di una politica comune di **formazione professionale** che possa contribuire allo sviluppo armonioso sia delle economie nazionali sia del mercato comune.*

*ARTIKEL 128. Auf Vorschlag der Kommission und nach Anhörung des Wirtschafts- und Sozialausschusses stellt der Rat in bezug auf die **Berufsausbildung** allgemeine Grundsätze zur Durchführung einer gemeinsamen Politik auf, die zu einer harmonischen Entwicklung sowohl der einzelnen Volkswirtschaften als auch des Gemeinsamen Marktes beitragen kann.*

*ARTIKEL 128. Op voorstel van de Commissie en na raadpleging van het Economisch en Sociaal Comité stelt de Raad de algemene beginselen vast voor de toepassing van een gemeenschappelijk beleid met betrekking tot de **beroepsopleiding** dat kan bijdragen tot een harmonische ontwikkeling zowel van de nationale economieën als van de gemeenschappelijke markt.*

The initial English translation (at least that provided in https://www.cvce.eu/en/obj/treaty_establishing_the_european_economic_community_rome_25_march_1957-en-cca6ba28-0bf3-4ce6-8a76-6b0b3252696e.html , reads as follows (emphasis added):

*ARTICLE 128. The Council shall, on a proposal of the Commission and after the Economic and Social Committee has been consulted, establish general principles for the implementation of a common policy of **occupational training** capable of contributing to the harmonious development both of national economies and of the Common Market.*

2.- NO CHANGES INTRODUCED BY THE SINGLE EUROPEAN ACT – 1986 - IN TITLE III, Chapter 2

3.- TREATY OF ROME – TREATY EEC - AS AMENDED BY THE TREATY OF MAASTRICHT – 1992 - (becoming the EC Treaty)

3.1.- The term “Vocational Training” appears - ONLY IN ENGLISH - in the official Treaty text. In French and Spanish, the terms “formation professionnelle” / “formación profesional” remain.

3.2.- The former art. 128 is replaced by articles 126 and 127

English version

TITLE VIII (new numbering of the Titles): SOCIAL POLICY, EDUCATION, VOCATIONAL TRAINING AND YOUTH (new name of the former title on “Le Fonds Social Européen”)

Chapter 3: Education, Vocational Training and Youth (new chapter added)

Article 126 (completely new) – emphasis added-

1. The Community shall contribute to the development of quality education by encouraging cooperation between Member States and, if necessary, by supporting and supplementing their action, while fully respecting the responsibility of the Member States for the content of teaching and the organization of education systems and their cultural and linguistic diversity.

2. Community action shall be aimed at:

- developing the European dimension in education, particularly through the teaching and dissemination of the languages of the Member States;
- encouraging mobility of students and teachers, inter alia by encouraging the academic recognition of diplomas and periods of study;
- promoting cooperation between educational establishments;
- developing exchanges of information and experience on issues common to the education systems of the Member States;
- encouraging the development of youth exchanges and of exchanges of socio-educational instructors;
- encouraging the development of distance education.

3. The Community and the Member States shall foster co-operation with third countries and the competent international organizations in the field of education, in particular the Council of Europe.

4. In order to contribute to the achievement of the objectives referred to in this Article, the Council:

- acting in accordance with the procedure referred to in Article 189b, after consulting the Economic and Social Committee and the Committee of the Regions, shall adopt incentive measures, **excluding any harmonization of the laws and regulations of the Member States;**
- acting by a qualified majority on a proposal from the Commission, shall adopt recommendations.

Article 127 (new version of former art.128) – emphasis added-

1. The Community shall implement a vocational training policy which shall support and supplement the action of the Member States, while fully respecting the responsibility of the Member States for the content and organization of vocational training.

2. Community action shall aim to:

- facilitate adaptation to industrial changes, in particular through vocational training and retraining;
- improve initial and continuing vocational training in order to facilitate vocational integration and reintegration into the labour market;
- facilitate access to vocational training and encourage mobility of instructors and trainees and particularly young people;
- stimulate cooperation on training between educational or training establishments and firms;
- develop exchanges of information and experience on issues common to the training systems of the Member States.

3. The Community and the Member States shall foster cooperation with third countries and the competent international organizations in the sphere of vocational training.

4. The Council, acting in accordance with the procedure referred to in Article 189c and after consulting the Economic and Social Committee, shall adopt measures to contribute to the achievement of the objectives referred to in this Article, **excluding any harmonization of the laws and regulations of the Member States.**

Version française

TITRE VIII (nouvelle numérotation des Titres). POLITIQUE SOCIALE, ÉDUCATION, FORMATION PROFESSIONNELLE ET JEUNESSE (nouvelle dénomination du Titre précédent « Le Fonds Social Européen »)

Chapitre 3. Éducation, formation professionnelle et jeunesse (nouveau chapitre)

Article 126 (nouveau) – emphasis added-

1. La Communauté contribue au développement d'une éducation de qualité en encourageant la coopération entre États membres et, si nécessaire, en appuyant et en

complétant leur action tout en respectant pleinement la responsabilité des États membres pour le contenu de l'enseignement et l'organisation du système éducatif ainsi que leur diversité culturelle et linguistique.

2. L'action de la Communauté vise:

- à développer la dimension européenne dans l'éducation, notamment par l'apprentissage et la diffusion des langues des États membres;
- à favoriser la mobilité des étudiants et des enseignants, y compris en encourageant la reconnaissance académique des diplômes et des périodes d'études;
- à promouvoir la coopération entre les établissements d'enseignement;
- à développer l'échange d'informations et d'expériences sur les questions communes aux systèmes d'éducation des États membres;
- à favoriser le développement des échanges de jeunes et d'animateurs socio-éducatifs;
- à encourager le développement de l'éducation à distance.

3. La Communauté et les États membres favorisent la coopération avec les pays tiers et les organisations internationales compétentes en matière d'éducation et en particulier avec le Conseil de l'Europe.

4. Pour contribuer à la réalisation des objectifs visés au présent article, le Conseil adopte:

- statuant conformément à la procédure visée à l'article 189 B et après consultation du Comité économique et social et du Comité des régions, des actions d'encouragement, à **l'exclusion de toute harmonisation des dispositions législatives et réglementaires des États membres;**
- statuant à la majorité qualifiée sur proposition de la Commission, des recommandations.

Article 127 (nouvelle version de l'article 128 précédent)– emphasis added–

1. La Communauté met en oeuvre une politique de formation professionnelle, qui appuie et complète les actions des États membres, tout en respectant pleinement la responsabilité des États membres pour le contenu et l'organisation de la formation professionnelle.

2. L'action de la Communauté vise:

- à faciliter l'adaptation aux mutations industrielles, notamment par la formation et la reconversion professionnelle;
- à améliorer la formation professionnelle initiale et la formation continue afin de faciliter l'insertion et la réinsertion professionnelle sur le marché du travail;
- à faciliter l'accès à la formation professionnelle et à favoriser la mobilité des formateurs et des personnes en formation et notamment des jeunes;
- à stimuler la coopération en matière de formation entre établissements d'enseignement ou de formation professionnelle et entreprises;
- à développer l'échange d'informations et d'expériences sur les questions communes aux systèmes de formation des États membres.

3. La Communauté et les États membres favorisent la coopération avec les pays tiers et les organisations internationales compétentes en matière de formation professionnelle.

4. Le Conseil, statuant conformément à la procédure visée à l'article 189 C et après consultation du Comité économique et social, adopte des mesures pour contribuer à la réalisation des objectifs visés au présent article, **à l'exclusion de toute harmonisation des dispositions législatives et réglementaires des États membres.**

Versión española

TÍTULO VIII (new numbering of the Titles) POLÍTICA SOCIAL, DE EDUCACIÓN, DE FORMACIÓN PROFESIONAL Y DE JUVENTUD (new name of the former title on “El fondo social europeo”)

Capítulo 3.- (New Chapter added). Educación, formación profesional y juventud

Artículo 126 (nuevo) – emphasis added-

1. La Comunidad contribuirá al desarrollo de una educación de calidad fomentando la cooperación entre los Estados miembros y, si fuere necesario, apoyando y completando la acción de éstos en el pleno respeto de sus responsabilidades en cuanto a los contenidos de la enseñanza y a la organización del sistema educativo, así como de su diversidad cultural y lingüística.

2. La acción de la Comunidad se encaminará a:

- desarrollar la dimensión europea en la enseñanza, especialmente a través del aprendizaje y de la difusión de las lenguas de los Estados miembros;
- favorecer la movilidad de estudiantes y profesores, fomentando en particular el reconocimiento académico de los títulos y de los períodos de estudios;
- promover la cooperación entre los centros docentes;
- incrementar el intercambio de información y de experiencias sobre las cuestiones comunes a los sistemas de formación de los Estados miembros;
- favorecer el incremento de los intercambios de jóvenes y de animadores socioeducativos;
- fomentar el desarrollo de la educación a distancia.

3. La Comunidad y los Estados miembros favorecerán la cooperación con terceros países y con las organizaciones internacionales competentes en materia de educación y, en particular, con el Consejo de Europa.

4. Para contribuir a la realización de los objetivos contemplados en el presente artículo, el Consejo adoptará:

- con arreglo al procedimiento previsto en el artículo 189 B y previa consulta al Comité Económico y Social y al Comité de las Regiones, medidas de fomento, **con exclusión de toda armonización de las disposiciones legales y reglamentarias de los Estados miembros;**
- por mayoría cualificada y a propuesta de la Comisión, recomendaciones.

Artículo 127 (nueva versión del anterior artículo 128) – emphasis added-

1. La Comunidad desarrollará una política de formación profesional que refuerce y complete las acciones de los Estados miembros, respetando plenamente la responsabilidad de los mismos en lo relativo al contenido y a la organización de dicha formación.

2. La acción de la Comunidad se encaminará a:

- facilitar la adaptación a las transformaciones industriales, especialmente mediante la formación y la reconversión profesionales;
- mejorar la formación profesional inicial y permanente, para facilitar la inserción y la reinserción profesional en el mercado laboral;
- facilitar el acceso a la formación profesional y favorecer la movilidad de los educadores y de las personas en formación, especialmente de los jóvenes;
- estimular la cooperación en materia de formación entre centros de enseñanza y empresas;
- incrementar el intercambio de información y de experiencias sobre las cuestiones comunes a los sistemas de formación de los Estados miembros.

3. La Comunidad y los Estados miembros favorecerán la cooperación con terceros países y con las organizaciones internacionales competentes en materia de formación profesional.

4. El Consejo, con arreglo al procedimiento previsto en el artículo 189 C y previa consulta al Comité Económico y Social, adoptará medidas para contribuir a la realización de los objetivos establecidos en el presente artículo, **con exclusión de toda armonización de las disposiciones legales y reglamentarias de los Estados miembros.**

4.- NO RELEVANT CHANGES INTRODUCED BY THE TREATIES OF AMSTERDAM – 1997 - AND NICE – 2001-

5.- CHANGES INTRODUCED BY THE TREATY ON THE FUNCTIONING OF THE EUROPEAN UNION THAT RESULTS FROM THE TREATY OF LISBON, ENTERED INTO FORCE IN 2009

- **Modification number 123:** Chapter 3 shall be renumbered TITLE XI and the words 'AND YOUTH' at the end of the heading shall be replaced by ', YOUTH AND SPORT'.
- **Further,**
 - **Articles 126 and 127 are renumbered and become articles 165 and 166 TFEU, and**
 - **the term "Community" is replaced by that of "Union", as all through the Treaty, as a result of the merger of the Community and the Union and the disappearance of the first.**

ANNEX II.- THE RELEVANT ARTICLES OF THE REGULATION THAT SETS UP THE PROGRAMME ERASMUS + FOR THE 2021 – 2027 PERIOD

CHAPTERS II, III and IV (articles 5 to 14) OF REGULATION (EU) 2021/817 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL of 20 May 2021 establishing Erasmus+: the Union Programme for education and training, youth and sport and repealing Regulation (EU) No 1288/2013

CHAPTER II

EDUCATION AND TRAINING

Article 5

Key action 1 Learning mobility

1. In the field of education and training, the Programme shall support the following actions under key action 1:

- (a) the learning mobility of higher education students and staff;
- (b) the learning mobility of vocational education and training learners and staff;
- (c) the learning mobility of school pupils and staff
- (d) the learning mobility of adult education learners and staff.

2. Learning mobility under this Article may be accompanied by virtual learning and measures such as language support, preparatory visits, training and virtual cooperation. Learning mobility may be replaced by virtual learning for those persons who are unable to participate in learning mobility.

Article 6

Key action 2 Cooperation among organisations and institutions

In the field of education and training, the Programme shall support the following actions under key action 2:

- (a) partnerships for cooperation and exchange of practices, including small-scale partnerships to foster wider and more inclusive access to the Programme;
- (b) partnerships for excellence, in particular European Universities, platforms of centres of vocational excellence and Erasmus Mundus Joint Master's Degrees;
- (c) partnerships for innovation to strengthen Europe's innovation capacity;
- (d) user-friendly online platforms and tools for virtual cooperation, including support services for eTwinning and for the Electronic Platform for Adult Learning in Europe, and tools to facilitate learning mobility, including the European Student Card initiative.

Article 7

Key action 3 Support to policy development and cooperation

In the field of education and training, the Programme shall support the following actions under key action 3:

- (a) the preparation and implementation of the Union general and sectoral policy agendas in the field of education and training, including with the support of the Eurydice network or activities of other relevant organisations, and the support to the Bologna Process;
- (b) Union tools and measures that foster the quality, transparency and recognition of competences, skills and qualifications ⁽³⁰⁾;
- (c) policy dialogue and cooperation with relevant stakeholders, including Union-wide networks, European organisations and international organisations in the field of education and training;
- (d) measures that contribute to the high-quality and inclusive implementation of the Programme;
- (e) cooperation with other Union instruments and support to other Union policies;
- (f) dissemination and awareness-raising activities about European policy outcomes and priorities and about the Programme.

Article 8

Jean Monnet actions

The Programme shall support teaching, learning, research and debates on European integration matters, including on the Union's future challenges and opportunities, through the following actions:

- (a) the Jean Monnet action in the field of higher education;
- (b) the Jean Monnet action in other fields of education and training;
- (c) support to the following institutions pursuing an aim of European interest: the European University Institute, Florence, including its School of Transnational Governance; the College of Europe (Bruges and Natolin campuses); the European Institute of Public Administration, Maastricht; the Academy of European Law, Trier; the European Agency for Special Needs and Inclusive Education, Odense; and the International Centre for European Training, Nice.

CHAPTER III

YOUTH

Article 9

Key action 1 Learning mobility

1. In the field of youth, the Programme shall support the following actions under key action 1:
 - (a) the learning mobility of young people
 - (b) youth participation activities
 - (c) discover EU activities
 - (d) the learning mobility of young workers
2. The actions under paragraph 1 may be accompanied by virtual learning and measures such as language support, preparatory visits, training and virtual cooperation. Learning mobility may be replaced by virtual learning for those persons who are unable to participate in learning mobility.

Article 10

Key action 2 Cooperation among organisations and institutions

In the field of youth, the Programme shall support the following actions under key action 2:

- (a) partnerships for cooperation and exchange of practices, including small-scale partnerships to foster wider and more inclusive access to the Programme;
- (b) partnerships for innovation to strengthen Europe's innovation capacity;
- (c) user-friendly online platforms and tools for virtual cooperation.

Article 11

Key action 3 Support to policy development and cooperation

In the field of youth, the Programme shall support the following actions under key action 3:

- (a) the preparation and implementation of the Union policy agenda on youth, with the support, as relevant, of the Youth Wiki network;
- (b) Union tools and measures that foster the quality, transparency and recognition of competences and skills, in particular through Youthpass;
- (c) policy dialogue and cooperation with relevant stakeholders, including Union-wide networks, European organisations and international organisations in the field of youth, the EU Youth Dialogue, and support to the European Youth Forum;
- (d) measures that contribute to the high-quality and inclusive implementation of the Programme, including support for the Eurodesk Network;
- (e) cooperation with other Union instruments and support to other Union policies;
- (f) dissemination and awareness-raising activities about European policy outcomes and priorities and about the Programme.

CHAPTER IV

SPORT

Article 12

Key action 1 Learning mobility

1. In the field of sport, the Programme shall support the learning mobility of sport staff under key action 1.
2. Learning mobility under this Article may be accompanied by virtual learning and measures such as language support, preparatory visits, training and virtual cooperation. Learning mobility may be replaced by virtual learning for those persons who are unable to participate in learning mobility.

Article 13

Key action 2 Cooperation among organisations and institutions

In the field of sport, the Programme shall support the following actions under key action 2:

- (a) partnerships for cooperation and exchange of practices, including small-scale partnerships to foster wider and more inclusive access to the Programme;
- (b) not-for-profit sport events aimed at further developing the European dimension of sport and promoting issues of relevance to grassroots sport.

Article 14

Key action 3 Support to policy development and cooperation

In the field of sport, the Programme shall support the following actions under key action 3:

- (a) the preparation and implementation of the Union policy agenda on sport and physical activity;
- (b) policy dialogue and cooperation with relevant stakeholders, including European organisations and international organisations in the field of sport;
- (c) measures that contribute to the high-quality and inclusive implementation of the Programme;
- (d) cooperation with other Union instruments and support to other Union policies;
- (e) dissemination and awareness-raising activities about European policy outcomes and priorities and about the Programme.