



Republic of Bulgaria  
ECONOMIC  
AND SOCIAL COUNCIL

## **OPINION**

on

### **DRAFT ACT FOR THE AMENDMENT AND SUPPLEMENTATION OF THE VOCATIONAL EDUCATION AND TRAINING ACT**

**(own-initiative opinion)**

SOFIA

2014

The Action Plan for 2014 of the Economic and Social Council included the elaboration of an own-initiative opinion on "Draft Act for the Amendment and Supplementation of the Vocational Education and Training Act."

The elaboration of the Opinion was assigned to the Labour, Income, Living Standard and Industrial Relations Commission and the Social Policy Commission. Dimitar Brankov – ESC Member of Group I and Yanka Takeva – ESC Member of Group III were appointed co-rapporteurs.

On 14 March 2014 an extended meeting of the two commissions was held to discuss and adopt the draft Opinion. Members and experts of the Labour and Social Policy Commission and the Education and Science Committee at the 42nd National Assembly, the President of the National Agency for Vocational Education and Training, and experts from the Ministry of Education and Science were invited to attend the meeting.

At its meeting held on 27 March 2014 the Plenary Session of the Economic and Social Council adopted this opinion.

**ABBREVIATIONS USED**

TFEU - Treaty on the Functioning of the European Union

SER – State Educational Requirements

SES – State Educational Standards

ECVET – European Credit System for Vocational Education and Training

ECVET – European Credit System for Vocational Education and Training

EU – European Union

VETA – Vocational Education and Training Act

ESC – Economic and Social Council

CL – Labour Code

MES – Ministry of Education and Science

MLSP – Ministry of Labour and Social Policy

NAVET – National Agency for Vocational Education and Training

NQF – National Qualifications Framework

VET – Vocational Education and Training

LPVET – List of Professions for Vocational Education and Training

LLL – Lifelong Learning

VTC – Vocational Training Centre

## I. CONCLUSIONS AND RECOMMENDATIONS

1. The Economic and Social Council expresses its concern that early in the new programming period 2014-2020 Bulgaria still lacks a comprehensive legal framework which guarantees the correspondence of the acquired knowledge, skills and competences to the requirements of the labour market as well as a facilitated rapid realisation on the labour market of students and trainees who have acquired professional qualifications in the system for vocational education and training (VET).

2. ESC has serious expectations regarding the contribution of the two operational programmes, "Human Resources Development" and "Science and Education for Smart Growth", to significantly increasing the attractiveness and improving the quality of learning outcomes as well as investing in a modern infrastructure of vocational education and training<sup>1</sup>. In this regard, ESC calls to accelerate the introduction of the envisioned systems for planning training depending on the needs of the labour market at the national and regional level, to introduce flexible forms for learning in vocational education and training, to encourage students that are trained in professional fields of high priority for the economy, to update curricula in collaboration with businesses, to apply the modular system for credit transfer in vocational education and training (thematic objective 10).

3. ESC noted the need to intensify the links between VET institutions, higher education, science and business, update curricula in vocational and higher education with the participation of employers, extend the scope of training firms in vocational schools, which simulate real professional conditions for different areas of expertise and specialisations in high demand, accelerate the introduction of work-based learning (the so called "dual education system"<sup>2</sup>), periodically upgrade the skills of those employed in the VET system, strengthen the criteria for re-accreditation and optimise the number of the currently existing 53 higher education institutions and universities, improve the quality of learning outcomes and bring them in line with the needs of the labour market, stimulate and expand education and training in the fields of engineering, technical and natural sciences.

4. In promoting lifelong learning and reforming the VET system the Republic of Bulgaria will rely on the European Social Fund, Operational Programmes and the Youth Employment Initiative

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<sup>1</sup> As set out in Annex 2 to the draft Partnership Agreement of R. Bulgaria which frames the aid from the European structural funds and investment program 2014-2020, <http://www.eufunds.bg/bg/page/993>

<sup>2</sup> It is assumed that one of the most successful models of a functioning dual system with many years of experience is that of German vocational education and training For more information: Germany's vocational training system: a model for other countries? Prof. Dr. Dieter Euler. A study commissioned by the Bertelsmann Stiftung, 2013 ([www.bertelsmann-stiftung.de](http://www.bertelsmann-stiftung.de))

(European Youth Guarantee), the national budget, direct participation of employers in the remuneration of students' labour rendered during the training process, as well as on other sources. On this basis, favourable conditions and specific mechanisms should be ensured for the early identification and selection of talent, vocational and career guidance and counselling should be provided to all categories of students and trainees, including those involved in non-formal education system. Special effort should be made to improve the system for validation of the knowledge, skills and competences acquired through informal or non-formal learning, to put in place effective forms of adult training as well as modern systems for distance and e-learning, to reinforce the National Qualifications Framework, to develop sectorial qualifications frameworks and create sectorial funds for education and training with the active participation of the social partners.

5. ESC expresses its satisfaction with the vouchers for the training of unemployed, employed and self-employed persons, introduced during the 2007-2013 programming period, including professional training, acquisition of key competences and skills specific to particular sectors and/or jobs, etc. However, a wide discussion should be held, among experts and society at large, on the need for the introduction of new forms and systems for the training of students and employees, which meet the high quality standards for the learning outcomes and efficiency, as well as of innovative forms of financing the access to lifelong learning, such as individual learning accounts, individual credit cards and other schemes that have proven effective in other EU Member States.

6. It is particularly important to create conditions for adapting learners, the workforce, enterprises and entrepreneurs, vocational schools, vocational colleges and VTCs to the changes. In this respect, comprehensive training should be provided, covering professional and career guidance, acquisition of key competences, training in the workplace, aimed at improving the professional qualification and/or acquiring a new one and thus encourage the professional, and in certain situations also the geographical, mobility of employees.

7. ESC calls for combining efforts and better coordination between MES, MLSP, MEE and other related ministries with nationally representative social partner organizations to achieve one of the requirements Bulgaria has to meet by the end of 2014: to build a national system for surveying and forecasting the need of workforce with specific characteristic features in order to cater for key sectors, branches, regional and local labour markets.

8. ESC is concerned about the unfulfilled thematic preconditions regarding the systems for vocational education and training.<sup>3</sup> The development of a national strategic framework and policy to

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<sup>3</sup> <http://www.eufunds.bg/bg/page/993>, Appendix 3.

improve the quality and effectiveness of VET systems should be boosted and brought in line with Art. 165 of the Treaty on the Functioning of the European Union (TFEU) within regional dimensions and should include the following elements:

- measures to improve compliance of VET systems to the needs of the labour market, which should be developed in close cooperation with relevant stakeholders, including through mechanisms for encouraging the acquisition of knowledge, skills and competences, adaptation of curricula and providing various opportunities for training in the workplace;

- measures to increase the quality and attractiveness of VET, including through the establishment of a national approach to assessing the quality of learning outcomes in accordance with the European Quality Assurance Reference Framework for VET and implementing instruments for ensuring the transparency and recognition provided for in the European Credit system for VET (ECVET).

9. ESC notes that the current Vocational Education and Training Act (VETA) has laid the groundwork for a system of formal education and informal learning offered by VTCs, licensed by the current tripartite principle by the National Agency for Vocational Education and Training (NAVET). At the same time, there is a constantly aggravating process of cardinal changes associated with Bulgaria's accession to the EU, the impact of global competition, the opening of the European labour market for Bulgarian citizens, the need for rapid and frequent updating and upgrading of knowledge, skills and competences, the significant share of people of working age with little or no education and training, etc. This requires the introduction of urgent and profound changes in VETA, preferably by 1 June 2014. The process of formulation and implementation of new policies for vocational education and training should take into account the national experience and good practices as well as the proven advantages of work-based learning (the so called dual education system) widely applied in many European countries.

10. The proposed Act for Amendment and Supplementation (AAS) of the Vocational Education and Training Act № 354-01-76 (Milena Damyanova and a group of Members of the National Assembly) and № 354-01-88 (Valentina Bogdanova and a group of Members of the National Assembly) include a number of proposals that coincide with the official positions and opinions of ESC about the necessary changes in the VET system. The Draft Acts are a step in the right direction to solve urgent problems in VET and the labour market, to achieve the objectives and priorities within the national and European context. ESC supports the need for urgent adoption of a comprehensive AAS for VETA in order to account for and supplement important missing key elements identified in the present Opinion.

## II. NECESSARY CHANGES IN THE SYSTEM OF VOCATIONAL EDUCATION AND TRAINING IN BULGARIA

11. The Economic and Social Council has repeatedly declared in its opinions and positions that there is a need for changes in the general, secondary, higher and vocational education and training.<sup>4</sup> It has noted that the changes made so far only partly solve some urgent problems but do not address the main challenges facing the VET system and the needs of the labour market. The issues that are now coming to the fore are related to the quality and scope of VET, to its conformity with the needs of businesses, to the possibility of validating competences acquired through formal and informal learning and of bringing them in line with the List of Professions for Vocational Education and Training (LPVET), to the introduction of modular VET programs and a credit transfer system to improve the opportunities for mobility in the educational system and lifelong learning opportunities, to learning through work (dual training) as an opportunity to acquire a profession and training in a real work environment for and a huge contingent of young people without or with low education and qualification.

12. The ESC assumes that fundamental changes in the VET Act may be made only after the adoption of a new fundamental Education Act, so that any possible contradictions between such proposed changes and the higher principles and guidelines of the more general Act could be avoided. If necessary, at a later stage the possibility should be considered to prepare and adopt an entirely new Vocational Education and Training Act that could regulate the new policies in the system of vocational education and training in line with the needs of the public or the adoption of a framework statutory act (Education Code) to outline the main policies, principles and perspectives in the development of the system of education and training.

13. Moreover, ESC states that the delay in the reforms of the VET system puts at risk the achievement of quality vocational education and training,<sup>5</sup> the efforts for decreasing the number of

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<sup>4</sup> Opinion on "The Problems of Vocational Education and Training", 2005; Opinion on "The Educational System in Bulgaria: Problems and Necessary Reforms", 2009; Opinion on "Policies to Reduce Early School Leaving", 2012; Resolution on "Actions in Support of Young People and Tackling Youth Unemployment in Bulgaria", 31 October 2013

<sup>5</sup> During the first week of February 2014 the Bulgarian Chamber of Commerce and Industry (BCCI) conducted an electronic survey which aimed to give an opportunity to businesses to assess education in the country as well as the emerging needs of professionals in the coming 10 years. The majority of surveyed members of the BCCI, 77%, believe that the learning acquired in Bulgarian universities is not sufficient for Employment. Only 8% of inquired businesses, owners and managers express high degree of satisfaction with the university education of young people. However, 80% of the entrepreneurs indicate that they find largest gaps in the area of professional skills. More than half, 56%, also point at the lack of entrepreneurial thinking. At the same time, estimates for computer knowledge are mostly positive. The largest decline in the quality of education is at the level of higher education (according to 45%) and secondary education (according to 30%). Over the next 5-10 years the BCCI members expect to hire people with average or high qualification.

workers with low and medium level professional qualification, reducing the proportion of young people out of employment, education and training<sup>6</sup>, the implementation of the European Youth Guarantee (2014-2015 years) and reaching ambitious national development goals by 2020

14. In this regard, ESC asks the competent state bodies, respective parliamentary committees and political forces represented in the 42nd National Assembly, stakeholders – unions, employers and the expert community – to make the necessary efforts and compromises to make the urgent changes in the VET system by the middle of the current year. The next thing will be to regulate basic framework conditions of key importance that allow employers, vocational schools, VTCs, branch organisations of leading experience and achievements, to "test" starting from the beginning of the academic year 2014-2015 the implementation of new requirements for training through work (the so called dual training) without infringing current legislation.

15. Without any claim for exhaustiveness, the necessary framework conditions include: establishing the terms, conditions, procedures for determining the qualifications and professions involved in training through work (determining any possible limitations for certain economic activities, work processes and locations, occupations and positions), curricula, modular system, legal and contractual relations between participants, requirements for workplace training and mentors to the relationship between state educational requirements and professional standards,<sup>7</sup> working conditions and the duration of the daily and weekly training through work, the duration of individual training, depending on the requirements of individual occupations and qualifications (min. 3-6 months), the forms and the minimal payment rates for learners, teachers and mentors, the system for evaluation and validation of the acquired knowledge and skills, the formulation and transfer of academic credits, funding systems incl. those for partially subsidizing employers, building public infrastructure, training and production equipment (specialised VET centres and vocational schools in the regions and areas where particular professions and specialties are in high demand), etc.

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It is important to note that none of the employers indicated a future need for low-skilled workers. The most wanted specialists will be those with technical education, followed by graduates in economics. The survey also shows that businesses generally have positive preliminary attitudes to the system of education through work (according to 77% of entrepreneurs). In their view, the three most important factors for the success of dual training are to improve the quality of teaching, good alignment between businesses and schools and the availability of tax incentives for businesses. As a less important factor BCCI members indicate securing European funding for the introduction of the dual system. The employers' recommendations to the education system articulated in the survey are for more practical training and real connection between business needs and university admission rates by specialty.

<sup>6</sup> The Republic of Bulgaria ranks first on this indicator among EU member states.

<sup>7</sup> Regarding the validity, applicability and use in the legislation and practice of EU Member States of professional qualifications and educational standards see footnote in section 30 of this Opinion.

16. ESC believes that it is important to define clearly the guiding principles, institutional framework and key players in the process of learning through work (dual training), incl. students who dropped out of the general education system, students and graduates who have completed secondary and higher education, employers (legal and natural persons, craftsmen, registered farmers), branch organisations of the social partners, professional schools, VTCs, etc.

17. As part of the system of school education and vocational training, the model for training through work should cover four main groups of learners and trainees:

- persons who have left the education system;
- students from vocational schools or secondary schools;
- adults who have not completed secondary education and need vocational qualification;
- training through work for persons who have completed their secondary education or are currently in higher education.

18. The regulatory framework should encourage employers incl. large businesses, SMEs, artisans, emerging businesses, trade and craft associations, vocational schools and VTCs for accelerated development of capacity for effective participation in the system of training through work, greater involvement in the preparation, discussion and approval of professional standards, curricula and requirements for manufacturing processes, equipment and jobs<sup>8</sup> meeting the requirements for quality education and learning outcomes, safety and health at work, the qualification of tutors and other necessary conditions and preparatory measures.

19. This is also an avenue for achieving the necessary reliability of the preliminary estimation and subsequent registration with the Ministry of Education / National Agency for Vocational Education and Training of training companies, trainee jobs, VTCs and vocational schools for involvement in training through work by addressing key economic activities, professions, specialties, administrative positions, municipalities and settlements. The proposals of enterprises should comply with minimum conditions and formal requirements – name of the profession, specialty and position, number of training places during training curriculum and applicable professional standards, working/training conditions, remuneration for work/training, standard contracts drafts, etc.

20. Extensive information should be provided by public authorities and social partners as regards the applicable practice including foreign and domestic experience (leading VTCs, vocational

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<sup>8</sup> The annual training of 3-4 years of study at the level of elementary and secondary education, at minimal coverage of 50%, requires readiness and investment in no less than 140 thousand training jobs, without taking into account the necessary jobs for training through work of minors and adults outside the system of secondary education.

schools, businesses, industry and craft associations – in the areas of construction, mechanical engineering, electrical engineering, distribution and supply of natural gas for household needs and large consumers, tailoring and sewing industry, etc.). In order to ensure a successful start of 2014-2015 and the following academic years, preparations should be made before the initial and annual information campaigns are launched (VTCs, vocational schools, interested industry associations, training companies and training jobs should be registered, teachers and mentors should be trained, relevant contracts should be signed), which should include site visits (parents, students, teachers), vocational and career guidance, initial and subsequent selection of trainees, contracts for training through work .

21. The statutory framework should provide a clear mechanism for monitoring and controlling education through work by the competent national authorities (Ministry of Education, NAVET, GLI EA, MH, etc.), including monitoring and controlling conditions of work and training, compliance with training programmes, learning outcomes, cost effectiveness, etc.

22. The validation of knowledge, skills and competences acquired in formal, non-formal and informal modes of learning, should be done by authorised training providers of vocational education and training that meet the applicable requirements, and the functions of the National Agency for Vocational Education and Training and the Ministry of Education and Science should be clearly defined. Authorised validating institutions and organisations should issue documents recognised by the state that meet the requirements for the recognition of professional qualifications for EU nationals as well as third-country nationals.

23. All related necessary changes, including in labour and social security legislation, should be prepared and consulted early enough, comprehensive information should be provided and the participation of the social partners and the expert community should be ensured. It is necessary to develop a preliminary overall impact assessment, including estimates of required funding, including by employers, funding from the national budget, operational programmes, such as the so called Initiative for Youth Employment (European Youth Guarantee), as well as other sources.

24. The concept, design model and draft amendments of basic legislative acts aiming to introduce learning through work should be adopted after prior consultation with the social partners, other stakeholders and relevant government bodies in achieving a high level of mutual compromise and agreement .

### **III. COMMENTS AND SUGGESTIONS ON THE SUBMITTED DRAFT ACTS FOR THE AMENDMENT AND SUPPLEMENTATION OF THE VOCATIONAL EDUCATION AND TRAINING ACT**

25. Significant changes in VETA should be discussed only after the adoption of the new Law on Public Education, based on accumulated foreign and national experience including the pilot implementation of training through work. This will provide the necessary synchronization and consistency in the transition between different levels of education and enforcement of the adopted new requirements for vocational education and training.

26. The possibility to prepare, consult and adopt, at a later stage, a new VET Act that would regulate the new policies in the VET system in accordance with public needs, should also be considered. The need to develop, at a later stage, a new framework document (Education Code) outlining key policies, principles and perspectives in developing the overall relationship between the various elements of the educational system in Bulgaria, currently defined in several existing pieces of legislation, should also be considered.

27. The proposed Draft Act for the Amendment and Supplementation of the Vocational Education and Training Act № 354-01-76 (Milena Damyanova and a group of Members of the National Assembly) and № 354-01-88 (Valentina Bogdanova and a group of Members of the National Assembly) include a number of proposals that coincide with the views of the ESC for the necessary changes in the VET system.

28. By providing specific comments and suggestions in this Opinion, ESC supports the main proposals contained in each of the submitted Draft Acts (№ 354-01-76 and № 354-01-88), in the attached motives and the positions expressed by a number of institutions and nationally representative social partner organisations as follows:

- introducing key concepts such as the National Qualifications Framework, dual training, protected professions, professional standards, sectorial qualifications frameworks, sectorial funds for education and training, European application, modular training, implementation, and accumulation and credit transfer in VET;
- introducing quality management in VET and practical information of graduates;
- legal regulation of education through work (the so called "dual system");

- introducing a system for the validation of professional knowledge, skills and competences;
- promoting links between vocational education, higher education, science and businesses;
- expanding the functions of the Ministry of Education, the National Agency for Vocational Training, sectorial ministries and national representative social partners for ensuring the practical realisation of innovations in the statutory regulation of VET;
- implementing new funding schemes for vocational education and training to facilitate and promote access to lifelong learning and promote the principle of partnership.

29. ESC assumes that with the proposed changes to VETA submitted to the respective Parliamentary Commission at the 42nd National Assembly, the proposers do not aim to carry out the necessary comprehensive reform of the VET system. The Draft Acts are a step in the right direction to solve urgent problems facing VET and the labour market, as well as the pursuit of the objectives, priorities and needs of the national and European context. ESC supports the need for urgent adoption of a comprehensive AAS for VETA, taking into account and supplementing important missing elements in accordance with the findings of this Opinion.

30. The considered Draft Acts provide an opportunity in the forthcoming amendment of VETA to make an essential step forward in refining the used concepts and terminology. We propose to introduce the term "State Educational Standards" (SES) to replace the existing notion of State Educational Requirements.<sup>9</sup>

31. It is also necessary to supplement the whole text of the Act with correct terminology regarding the third form of education – the so called *informal education and training*. The current wording of the third form of education as "self-study" is misleading and restricts the rights of the citizens. The nature of informal learning as acquiring knowledge, skills and competences in the daily process of living, communication, work, hobbies, etc., is radically different from the process of learning or self-study as part of formal and informal education. The chaotic, disorganised and unsystematic accumulation of knowledge and skills while living actually enables people to validate and certify the knowledge and skills acquired in any context through informal learning.

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<sup>9</sup> Cedefop (2009a). The dynamics of qualifications: defining and renewing occupational and educational standards. p 66-67, Luxembourg: Publications Office. Cedefop Panorama series.

<http://www.cedefop.europa.eu/EN/publications/5053.aspx>;

Cedefop, WORKING PAPER, No 17, Analysis and overview of NQF developments in European countries, Annual report 2012 ([http://www.cedefop.europa.eu/EN/Files/6117\\_en.pdf](http://www.cedefop.europa.eu/EN/Files/6117_en.pdf));

Hubert, C. et al. (2006). Bildungsstandards in Deutschland, Österreich, England, Australien, Neuseeland und Südostasien [Educational standards in Germany, Austria, England, Australia, New Zealand and South-East Asia].

[http://www.edudoc.ch/static/web/arbeiten/harmos/lit\\_analyse\\_1.pdf](http://www.edudoc.ch/static/web/arbeiten/harmos/lit_analyse_1.pdf);

Development of educational standards in Austria (<https://www.bifie.at/downloads>)

32. In developing a comprehensive Draft Act, incorporating elements of both current proposals, it is necessary to supplement the missing essential provisions, following the structure of the current VETA as well as taking into account the following proposals.

### 33. **GENERAL PROVISIONS, *Purpose and Scope of the Act***

Insofar as the National Qualifications Framework is not included in the text of the Draft Acts for Amendment and Supplementation, we propose **that Article 1, paragraph 3**, after the words "The Act on the level of education, the general education minimum and the curriculum and state educational requirements" it should be added: "*as well as the National Qualifications Framework*".

### 34. *Structure of the vocational education and training system*

ESC proposes that the term "professional guidance" in **Article 4** (and elsewhere in the Act) should be replaced by "*professional and career guidance*" and supplemented with: "*learning through work and validation of professional knowledge, skills and competences*". The full text should read:

*"The system of vocational education and training includes professional and career guidance, vocational training, vocational education, including learning through work and validation of professional knowledge, skills and competences"*.

### 35. *Nature of the system of vocational education and training*

**Article 5** should be supplemented with a new **paragraph 4** as follows:

*"(4) training through work ensures the acquisition of professional qualification in a profession or part of a profession."*

The ESC assumes that at this stage there is a partial preparedness for the introduction of dual training in separate segments of the system of vocational education and training. In order to implement this system, it is necessary to *amend a number of regulations*. Extremely important aspects of this process are the funding mechanisms, and the rights and responsibilities of the persons involved in it, which cannot be ensured by amendments to the Vocational Education and Training Act.

36. It is also necessary to develop *a clear vision and precise procedures* in agreement with the stakeholders, at present, by supplementing the Act and providing a lawful opportunity to launch a *pilot implementation of training through work (dual training)* as a significant new element of the VET system, and subsequently undertake other necessary changes to related legislation.

37. ESC recommends that the transitional provisions of VETA should regulate the possibility of testing training through working, as early as the academic 2014/2015, in vocational schools and VTCs for certain professions/disciplines taught according to a modular curriculum. The pilot implementation of training through work and the prospective cooperation between vocational schools, authorised VTCs and training companies will demonstrate the advantages and the need for its future wider application. In the beginning, respecting the principle of voluntary participation, K+11 and K+12 students may be included, which according to their curriculum have more practical classes in the studied profession/specialty.

38. In connection with the pilot implementation of training through work a *tripartite unit should be formed at the Ministry of Education and Science and the National Agency for Vocational Education and Training, the function of which should be to monitor, report the results of the pilot projects and ensure the subsequent introduction of the dual education and training.*

39. During the pilot phase the Regional Education Inspectorates should assist the Regional Labour Inspectorates to simplify and speed up the issuance of permits for employment to persons aged 16-18, in order to guarantee the status of students involved in the pilot implementation of the dual system, while making speedy changes in the existing regulatory framework and Art. 303, para. 3 of the Labour Code;

40. Article 5 should be supplemented with a new paragraph 5 that would introduce opportunities for validating professional knowledge, skills and competences as follows:

*"(5) Validation of professional knowledge, skills and competences provides recognition of knowledge, skills and competences in a profession or part of a profession."*

#### **41. GENERAL ORGANISATIONAL REQUIREMENTS FOR THE SYSTEM OF VOCATIONAL EDUCATION AND TRAINING**

##### **Professions and qualification levels**

##### **List of Professions for Vocational Education and Training**

Article 6 should be supplemented with two new paragraphs – paragraph 4 and paragraph 5 – as follows:

*"(4) The list of professions for vocational education and training shall be updated once a year on a proposal by relevant ministries, employers' and workers' organisations and employees.*

*(5) The list of professions for vocational education and training shall be promulgated in State Gazette. "*

42. ESC believes that it is necessary and expedient to introduce a *List of professions protected by the state*. A positive concept aiming for decentralisation calls for such lists to be compiled at the regional level (**Article 6a** – Draft Act № 354-01-88). It is necessary to specify further the functions of the competent authority and procedures to compile the list (authorities, institutions, terms and procedures), what are the advantages and what are the criteria for the inclusion of a profession in the list.

**43. Classification principles of the List of Professions for Vocational Education and Training**

In order to ensure compliance with generally accepted principles and approaches, ESC proposes supplementing **Article 8** with a new **Paragraph 6**:

*"(6) The degree of qualification for each occupation from the List of Professions for Vocational Education and Training in Article 6 shall be determined in accordance with the National Qualifications Framework."*

**44. Training for acquiring professional qualification**

**Article 9** should be supplemented with new **Paragraph 4 and Paragraph 5**:

*"(4) The institutions and organizations providing vocational education and training under paragraphs 1, 2 and 3 shall be allowed to provide dual training for acquiring professional qualification in a profession or part of a profession based on unambiguously formulated contractual arrangements for conducting the respective theoretical and practical training. This change should also be reflected in Article 13, paragraph 8; Article 15, paragraph 3; and Article 26, paragraph 1 of VETA.*

*(5) The acquisition of vocational training can be performed by the validation of professional knowledge, skills and competences in accordance with the List of Professions for Vocational Education and Training (LPVET). "*

45. ESC fully supports the inclusion of wording that can specify requirements for the *quality of vocational education and training* (**Article 9a** – Draft Act № 354-01-88). The introduction of a *system for quality assurance in vocational education and training* using uniform criteria stipulated in a Regulation of the Minister of Education and Science, agreed with the Minister of Labour and Social Policy, Ministry of Economy and Energy, the Minister of Agriculture and Food, Minister of Culture, and reflected in the National Educational Requirements (Standards), will contribute to a significant

positive change in the role and capability of the VET system to recover and meet the needs of the labour market. This coordination procedure should be reflected in **Art. 54**.

46. ESC proposes that existing *internal systems for quality assurance in vocational education and training* should be regulated in such a way as to provide mechanism for sustainable feedback (receiving information) about the quality of education and training and the practical realisation of graduates.

**47. Documentation for vocational education and training**

**Art. 13** should be supplemented with a new **paragraph (1)** as follows:

*"(1) State educational standards for vocational education and training shall be formulated in accordance with professional standards and sectorial qualifications frameworks developed and adopted by the social partners."*

At the same time ESC supports the wording of **paragraphs 1 to 7** (Draft Act 354-01-76) which should be renumbered accordingly.

48. ESC supports the proposal *for the introduction, accumulation and transfer of credits* for vocational education and training as **Section V in Chapter Four**(Draft Act 354-01-76).

**49. Certification of vocational education and training**

ESC supports the creation of a new **paragraph 6 in Article 38** using the proposed text (Draft Act 354-01-76).

**50. Certification of professional qualifications of persons trained outside the system of vocational education and training**

ESC supports the introduction of *a system for the validation of professional knowledge, skills and competences in a profession or part of a profession* (**Art. 40 of VETA and related Articles**) and the proposed wording in both Draft Acts. At the same time ESC recognises that the validation of non-formal and informal knowledge, skills and competences is a wider process that covers professional and key competences, which in formal education are absorbed both in vocational and higher education as well as in training<sup>10</sup>. Furthermore, in the future it should be considered whether the issue

<sup>10</sup> For a detailed overview of Member States EU see: European Inventory on Validation of Informal and Non-formal Learning

of validation should be regulated by means of a special Act or by a separate part of a prospective framework Education Code.

51. ESC proposes a new version of the text of Draft Act 354-01-76 **Art. 40 paragraph 5, paragraph 6 and paragraph 7** as follows:

*"(5) The institutions under Article 9 shall have the right to perform validation."*

It is not logical to exclude the institutions legitimised by Art 9 from the process of validation, because this denies them the competence to complete the final stage of VET training.

*"(6) The costs for establishing, documenting, assessing and recognising professional competences of individuals, as well as for carrying out examinations for the recognition of professional qualifications by the institutions specified in Article 9 shall be paid at rates determined by such institutions."*

*(7) Payments under paragraphs 6 shall not be collected when the activities are funded under programmes and projects co-financed by EU structural funds."*

## ***52. National Agency for Vocational Education and Training***

**Art. 41, para. 2** should be supplemented with the phrase "and validation of professional knowledge, skills and competences" as a new function of the National Agency alongside the creation and maintenance of a register of documents issued under **Art. 38 and Art. 40** issued by VTC.

## ***53. License***

ESC proposes for consideration the replacement in Article 49a, paragraph 2, item 2 of the word "material" by the phrase "own facilities"(Draft Act 354-01-76). This creates an opportunity for the introduction of mandatory requirement which can eliminate from the market a significant percentage of VTCs – providing VET services without ensuring higher learning outcomes. The proposal revises the status of training providers that are not covered with delegated budgets and puts them in a disadvantageous position. The possession of facilities does not always guarantee high quality learning outcomes and subsequent realisation on the labour market. Evidence for this is the outflow of students from schools provided with very good facilities. At the same time, the successful

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[http://www.cedefop.europa.eu/etv/Information\\_resources/EuropeanInventory/publications/inventory/EuropeanInventory.pdf](http://www.cedefop.europa.eu/etv/Information_resources/EuropeanInventory/publications/inventory/EuropeanInventory.pdf) (2008) and 2010 Update - <http://www.cedefop.europa.eu/EN/about-cedefop/projects/validation-of-non-formal-and-informal-learning/european-inventory-scope.aspx>

For the most frequently cited definition of types of professional, educational and assessment standards see: European guidelines for validating non formal and informal learning, 2009, p. 76-77  
[http://www.cedefop.europa.eu/EN/Files/4054\\_en.pdf](http://www.cedefop.europa.eu/EN/Files/4054_en.pdf)

and rapid launching of training through work requires the definition of specific, for some professions higher, requirements to VTCs, vocational schools and colleges including requirements for their own or rented facilities and educational production equipment. This entails:

- developing and expanding the educational production facilities, including by pooling and cooperation with leading professional organisations of employers;
- entering into framework agreements between VTCs, vocational schools, training establishments and representative business organisations, which govern the relations, terms and conditions for the use of hired and provided material and technical facilities, as a condition for their inclusion in the system of providing education through work;
- follow-up monitoring of the quality of education, the learning outcomes and the realisation of students on the labour market.

54. ESC objects to the wording of **Art. 49, para. 6**, which provides for the renewal of licenses over a period of time. This creates additional administrative and licensing burdens that are not in line with the policy of reducing the administrative burden and the recommendations of the European Commission. If necessary, training institutions may update their plans, programmes and teaching content in accordance with the necessary changes and external factors related to a specific profession. Moreover, the development of the controlling capacity of the competent authority, including the use of independent external assessment bodies, allows the effective supervision and imposition of sanctions, including temporary or permanent withdrawal of the respective rights and/or limiting the scope of the respective licenses.

55. ESC supports the proposed additional items in **Art. 51** with the following wording:

**"Item 13** *Following consultation with nationally representative social partners proposes for adoption by the Council of Ministers of the list of professions protected by the state (to be added in Article 56, Paragraph 2 and Art. 57, para. 2);*

**Item 14** *sanctions the adoption of Ordinance on Quality Assurance in Vocational Education and Training after consultation with the Minister of Labour and Social Policy and the Minister of Economy and Energy."* which should be added to Art. 52, para. 3 and Art. 54, para. 2.

#### 56. *Functions of employers' organisations*

ESC proposes amending the text of **Article 56** as follows: *"National representative employers' organisations.*

In **Article 56** the wording "branch/sector organisations of employers" does not sufficiently identify their status therefore we propose the following wording: *"branch/sectorial employers' organisations, members of the national representative organisations"*.

The text of **Article 56a** should be modified as follows:

**"Item 1** *develop and adopt professional standards and participate in the development and updating of syllabi and curricula for professional training in school vocational education and training;*

.....

**Item 7** *appoint their representatives on the board, in the expert committees of the National Agency for Vocational Education and Training, and in sectorial funds for education and training."*

57. Considering the extremely low levels of participation of the economically active population in the process of lifelong learning, particularly in VET, ESC assumes that one of the main barriers is the lack of adequate funding.

In order to facilitate access to vocational education and training to persons over the age of 15, ESC proposes **that Art. 56, paragraph 5, and Art. 57, para 3** should be supplemented as follows:

*"(3) appoint their representatives on the board, in the expert committees of the National Agency for Vocational Education and Training, and in sectorial funds for education and training."*

The introduction of new mechanisms to facilitate and expand the access to vocational education and training, especially for adults, *such as national and sectorial funds for vocational training, individual training accounts, bilateral public-private partnerships*, facilitate the acquisition, maintenance and constant update of vocational training in accordance with the requirements of a rapidly changing labour market, which would contribute to the achievement of the targets set in the Strategy for Smart, Sustainable and Inclusive Growth Europe 2020 and the National Development Programme: Bulgaria 2020 (which lists as its topmost priority – improving the access and quality of education and training and the quality of the workforce).

#### **58. Functions of organisations of employees at the national level**

To ensure and maintain the quality of vocational education and training ESC proposes that **Art. 57** should be supplemented with a new paragraph:

**"(6)** *participate in the training of teachers, trainers and mentors"*.

59. ESC supports the proposed changes to expand the opportunities for acquisition of mandatory and optional professional training by learning subjects or modules.

**60. FUNDING VOCATIONA EDUCATION, TRAINING AND GUIDANCE, *Sources of funding***

ESC proposes that **Art. 59, para. 1 of Chapter Seven** should be replaced by the following redaction:

*"Art. 59. (1) State and municipal schools, vocational training centres, centres for information and vocational and career guidance and training centres shall be funded by:*

- 1. the state budget;*
- 2. municipal budgets;*
- 3. sponsorships, donations and bequests;*
- 4. own revenues;*
- 5. national and international programmes;*
- 6. sectorial funds for education and training;*

*7. (New – SG. 103 of 2002) other sources, including financial incentives, tax reliefs and other appropriate measures to reduce the financial burden of the parties involved in training through work (dual training)."*

61.ESC supports the proposal for the issuance of a European diploma supplement which will ensure transparency of the acquired competences and transfer of knowledge and skills at the European level.

**62. ADDITIONAL PROVISIONS**

ESC proposes the inclusion of the following formulations for the content of some basic terms and definitions.

In the additional provisions, the definition of "**professional competences**" is inaccurate and we propose that it should be clarified in accordance with the definitions adopted in the relevant EU documents as follows:

- **"Professional Standards"<sup>11</sup>**

*Professional standards provide measurable results of the performance (efficiency), which a person occupying a particular position is expected to reach. They identify and group the requirements for the respective position and describe the knowledge, skills, competences and behaviours necessary for meeting them. Professional standards are a tool for defining working roles evaluating performance on a particular position. They are a basic component in the development of educational standards, qualification plans and programmes. Professional standards perform an intermediary function linking the qualification with the requirements of the labour market.*

- **Sector Qualifications Framework**

*Reflects the dynamics of the development of knowledge, skills and competences in the sector (industry) based on the real needs of the labour market. Sector Qualifications Framework identifies the "core" of specific competences (learning outcomes) and supports the provision of training and qualifications in line with the specific needs of the sector (industry). The Framework assists in identifying the need for new skills and new knowledge, skills and competences to be included in the profile of professions/disciplines. Sectorial Qualifications Frameworks are aimed at achieving a clear correlation between sector-specific qualifications and the National Qualifications Framework and the European Qualifications Framework, respectively.*

- **Sectorial funds for education and training**

*Formed in order to facilitate access to all forms of lifelong learning. Administered by the social partners and allow for shared financing of the cost of vocational education and training and the feasibility of a sectorial approach to improving the quality and effectiveness of training and achieving full compliance with the dynamically changing needs of the labour market.*

- **Informal learning**

*Unorganised, unstructured and unsystematic accumulation of knowledge and skills in the process of living".*

**Prof. Lalko Dulevski, Ph.D.**

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<sup>11</sup> For the concept, definitions, results and application of the term "professional standards" see: General concept, guidelines and mechanisms for assessing the competence of the workforce in key sectors and regions, BIA, 2011; Methodology for developing a competence model BIA 2010; Information systems, tools and partner networks for the assessing the competences of the workforce. Exploring best practices in the EU and developing countries, BIA, 2011, 2012, 2013; Status and problems of assessing the competence of the workforce at the national, sectorial and regional level, BIA, 2010 ([www.competencemap.bg](http://www.competencemap.bg)).

**PRESIDENT OF THE ECONOMIC AND SOCIAL COUNCIL**