

## **NOTE ON THE CRITERIA FOR NEW CONSULTATIVE MEMBERS ESTABLISHED BY THE BFUG**

### **On UNICE's representativeness and organisational form:**

UNICE "Union of Industrial and Employers' Confederations of Europe" is an AISBL (Association Internationale Sans But Lucratif) under Belgian law established since 1958 in Brussels. It is the largest and most representative cross-industry employer federation at European level.

UNICE's object is:

- to bring together national professional associations of European companies and employers, and to maintain and develop links of solidarity and cooperation between them;
- to study, encourage and propose any action which may contribute to the lasting development of companies in Europe;
- to identify appropriate means for promoting economic and social progress, and to strengthen Europe's competitiveness;
- to participate, on the basis of a mandate given by the statutory bodies, in the dialogue between the social partners provided for in the Treaty establishing the European Community.

UNICE is composed of central and nationally representative confederations and federations of industry and/or of industrial and other businesses and/or of employers. In 2005, there are 38 members and 1 observer from 32 countries, including the European Union countries, the European Economic Area countries, and some central and Eastern European countries. The exact list of members is available at [www.unice.org](http://www.unice.org).

UNICE statutes can be found at annex.

### **On the added-value and relevance of UNICE to the Bologna process:**

Since its creation, UNICE has been active in the field of education and training. UNICE believes that a strong and well-educated workforce is one of the main assets of the EU and yet skills shortages and mismatches co-exist with unemployment in Europe. The Bologna process, its goals and action lines are at the heart of UNICE's work.

In UNICE's **Business vision for Europe** published in 2004 (at annex), the three main recommendations UNICE addresses to policy makers on education issues are:

- Empowering individuals to adapt their skills throughout their working lives implies giving them a solid basis for continuous learning through initial education and

encouraging them to upgrade their skills regularly. The answer does not lie in creating rights to continuous training but in finding the best way to motivate people to invest time and effort in learning. The EU can play a useful role in organising structured exchanges of experience.

- For a company, developing competences means identifying available skills, defining ways to enhance them and mobilising them more efficiently. In the process of competence development, informal learning is as important as formal training, if not more so. In order to encourage companies to invest in competences, the EU should take this new reality into account when devising policies to modernise education and training.
- Shortages in advanced managerial skills and science and technology require priority attention because they create bottlenecks for economic and employment growth in Europe. Internationalisation of markets enhances the importance of studying abroad. Diversity in Europe constitutes an in-built competitive advantage. The EU should make full use of it and give priority to implementation of the Bologna process in order to make diplomas and degrees comparable and facilitate student mobility. European companies also see in the Bologna process an opportunity for involving business more closely in shaping the curricula of higher education to ensure that they respond better to labour market needs.

Moreover, UNICE issued a **position paper on the Bologna process** on 15 October 2004 (at annex).

In its position paper, UNICE states that to turn the Bologna Process into a real success, it is key that the Bologna objectives and priorities are realised through implementation of measures at national and institutional level. It is also indispensable that all stakeholders (including employers) are involved in three major fields:

- It is necessary to develop a system of comparable quality requirements. The course towards comparable and reliable quality assurance, as set by the participating states and higher education institutions, must be continued.
- Courses of study need to be conceived with regard to the employability of graduates in international labour markets. Extensive employability of graduates needs to be ensured. Dialogue between higher education institutions and business about the relevant labour-market-related competences and qualifications must be intensified.
- High quality student and teacher mobility has to be ensured. Study abroad should be regarded as an internal part of regular study courses and should not lead to a prolongation of regular study periods. The increase in mobility needs to be monitored closely by higher education institutions and states

Finally, UNICE is a recognised social partner at European level. In 2002, European social partners adopted a **framework of actions for the lifelong development of competences and qualifications**, which proposes a new approach to lifelong learning (at annex). The framework aims at empowering individuals to adapt their skills throughout their working lives, encouraging companies to develop competences, and ensuring that education and training systems respond to labour market needs.

Since 2002, European social partners monitor the actions taken by social partners at national, sectoral and company levels in Member States and publish each year follow-up reports. These reports are presented to the Head of States and Governments at the Spring European Councils as part of the European social partners contributions to the implementation of the Lisbon Strategy.

The involvement of UNICE as a consultative member of the Bologna process will contribute to strengthening the links between higher education and the labour market as called for by the Ministers in the Berlin Communiqué adopted in 2003 and therefore help a successful realisation of the Bologna goals and priorities.

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15 October 2004

**THE BOLOGNA PROCESS****UNICE'S POSITION AND EXPECTATIONS****Summary**

The more than 40 European states that participate in the Bologna Process have agreed on the creation of a common **European higher education area** by the year 2010.

European employers **welcome this development** and fully support the goals of the Bologna Process:

- In light of the growing internationalisation of **labour markets** and the evolving demands on the **competences and qualifications** of graduates, UNICE considers the goals of the Bologna Process – when implemented – to be a reliable framework for preparing students for professional activities.
- The consistent realisation of the credit point system, the Europe-wide introduction of the Diploma Supplement as well as the transparency of the study content will improve the comparability of learning outcomes. Therefore Europe's employers support these instruments. Indeed, transparency and compatibility are important in order to facilitate student **mobility**, the **flexibility** of study courses and **permeability** between the different branches of (higher) education.
- The Bologna Process makes it possible to intensify **cooperation between higher education institutions and enterprises** and, in addition to cooperation in the field of research, to follow common goals in other areas such as quality assurance.

To turn the Bologna Process into a real success, it is key that the Bologna objectives and priorities are realised through implementation of measures at national and institutional level. In addition it is indispensable that all stakeholders (including employers) are involved in **three major fields**:

- 1) It is necessary to develop a system of **comparable quality requirements**. The course towards comparable and reliable quality assurance, as set by the participating states and higher education institutions, must be continued.
- 2) Courses of study need to be conceived with regard to the **employability of graduates** in international labour markets. Extensive employability of graduates needs to be ensured. Dialogue between higher education institutions and business about the relevant labour-market-related competences and qualifications must be intensified.
- 3) **High quality student and teacher mobility** has to be ensured. Study abroad should be regarded as an internal part of regular study courses and should not lead to a prolongation of regular study periods. The increase in mobility needs to be monitored closely by higher education institutions and states.

15 October 2004

**THE BOLOGNA PROCESS****UNICE'S POSITION AND EXPECTATIONS****I. UNICE welcomes and supports the goals of the Bologna Process**

1. The more than 40 European states that participate in the Bologna Process have agreed on the creation of a common European higher education area by the year 2010. The most important **goals** connected to the so called Bologna Declaration, which are being discussed intensively in higher education institutions and in politics and which are being realised step by step, are:
  - Introduction of a **two-tier higher education system** with the internationally recognised degrees "bachelor" as the first degree after 3 to 4 years of study and the "master" as a possible second degree after an additional 1 to 2 years of study.
  - Introduction of a **diploma supplement** as an addition to the regular diploma, which will provide information on the profile, length and contents of the completed studies.
  - Introduction of a Europe-wide compatible **credit point system** for courses (ECTS: European Credit Transfer System) which will create transparency and improve student mobility.
  - Stimulation of the **exchange of students and teachers** within Europe through the elimination of remaining obstacles that hinder mobility.
  - Promotion of European cooperation on the subject of **quality assurance**.
2. European employers welcome this development and fully support the goals of the Bologna Process:
  - In light of the growing internationalisation of labour markets and the evolving demands on the competences and qualifications of graduates UNICE considers the goals of the Bologna Process – when implemented – to be a reliable framework for preparing students for professional activities.
  - Consistent realisation of the credit point system, the Europe-wide introduction of the Diploma Supplement as well as the transparency of the study content will improve the comparability of learning outcomes. Therefore Europe's employers support these instruments. Indeed, transparency and compatibility are important in order to facilitate student mobility, the flexibility of study courses and permeability between the different branches of (higher) education.
  - The Bologna Process makes it possible to intensify the cooperation between higher education institutions and enterprises and, in addition to cooperation in the field of research, to follow common goals in other areas such as quality assurance

## II. Making the Bologna Process a success – Business requests

3. To turn the Bologna Process into a real success, it is key that the Bologna objectives and priorities – supplemented at the Berlin conference – are realized through implementation of measures at national and institutional level. In addition it is indispensable that all stakeholders (including employers) are involved in **three major fields**:
  - a) it is necessary to develop a system of comparable quality requirements,
  - b) study courses need to be conceived with regard to the employability of graduates in international labour markets and
  - c) student and teacher mobility has to be ensured.
4. To ensure that the new study structure, new degrees and the new content of study courses receive broad acceptance on the European labour market, it is necessary for **business to become involved** in the different working groups managing the Bologna Process. The importance to include all social and economic partners in the process was recognised by Ministers in the Berlin Communiqué adopted in 2003.

### a) First field of cooperation: quality assurance

*The course towards comparable and reliable **quality assurance**, as set by the participating states and higher education institutions, must be continued. This is a prerequisite to ensure transparency of the outcomes of higher education institutions, which will gain more autonomy in the future.*

5. Employers underline that **quality assurance** starts when students enter the institution in question. The requirements of the study course and the profile of the applicant need to correspond as far as possible so that the student will be able to attain his desired goals within the allocated timeframe and achieve excellent study results. Apart from selection mechanisms, institutions should support students at this stage with the necessary information, and provide orientation and support systems.
6. When changing to the two-tier system, the quality of **study courses** offered by a higher education institution should be reviewed in its entirety. This includes an orientation towards the output as well as a review of the educational results.
7. In our opinion, quality assurance is best achieved through a system of **external experts and peers** combined with an internally developed quality culture. All stakeholders – including representatives from the professional world (business, employer organisations) – should be involved in this system.
8. Regardless of the method of quality assurance, certain elements of that process need to be guaranteed. Important requirements for reliable quality assurance are **comparable and valid criteria** which sufficiently address aspects such as employability and practical relevance, quality management and internal evaluation as well as internationality. All participants in research, business and politics need to cooperate in this regard.
9. At national level, it is necessary to incorporate these criteria in a **clear framework**, which guarantees their uniform application. Furthermore higher education and quality assurance institutions should develop a **common framework at European level** which allows applied national criteria to be compared.

**b) Second field of cooperation: employability of graduates**

*It must be a common objective to improve the **employability** of graduates and to assure a continuous updating by offering attractive lifelong learning programmes and facilities. Dialogue between higher education institutions and business about the relevant labour-market-related competences and qualifications must be intensified.*

10. A minimum of three years of training for a **bachelor degree** will have to sufficiently qualify the graduate for a professional or self-employed occupation.
11. A three-year bachelor degree (180 ECTS) should give a student **broad professional basic knowledge** and competencies but probably can not teach highly specified knowledge. With a four-year bachelor degree (240 ECTS) or within a binary system of higher education (such as in the Netherlands, Austria, Finland, Germany, Denmark and others) it is possible to give students a more specific knowledge and the curriculum could give more scientific depth; hence, these bachelor degrees can be differentiated into more practical or more research-oriented degrees. This possible differentiation depends on the profile of the higher education institution in question and the study courses offered.
12. Master programmes should in principle be **designed in two ways**: further specialisation in a specific field (as continuation of a bachelor programme) or as interdisciplinary study programmes broadening academic qualifications. Master studies should be offered as full study courses or as a modular programme especially designed for (employed) adult learners in order to support lifelong learning. It is key that permeability from Bachelor degrees to Master degrees is guaranteed to support mobility between higher education institutions.
13. Within study courses it is necessary to teach cross-disciplinary qualifications (methodological, social and personal competences) in addition to the regular course-related knowledge. In the view of the employers, a person with a bachelor degree will only succeed on the labour market if subject-specific and **cross-disciplinary education goals** are equally followed and reached. Cross-disciplinary competences need to be developed simultaneously and need to be practiced in tangible situations.
14. Higher education institutions should make use of the possibility of differentiation of the **study course profiles** as foreseen in the Bologna Process. This not only allows for the sharpening of the respective institutions' very own profile but also complies with the demands of the labour market. Practice-related courses of study will primarily prepare for employment in a company whereas research related courses of study will mainly be focused on a later scientific career in public or private research facilities.
15. Independent of the profile of each study course or higher education institution, employability also relies on cross-disciplinary qualifications. Among these **indispensable cross-disciplinary qualifications and competences**, which also need to be included in a quality assurance review process, are:
  - An appropriate level of verbal and written articulacy in the national language
  - An appropriate level of verbal and written articulacy in at least one foreign language (preferably English for non-native speakers)
  - Ability to work in a team
  - Research and work techniques
  - Moderation and feedback techniques
  - Presentation techniques
  - Analytical abilities

- Coherent thinking
- General method competence
- Creativity and flexibility in the application of knowledge, experience and methods
- Realisation competence
- Entrepreneurial thinking and acting
- Intercultural understanding and competence
- Continuous learning ability (Lifelong learning)
- ICT literacy

16. The **professional world** needs to be integrated in higher education to the largest possible extent. This does not solely mean the completion of internships as regular parts of study programmes but also the inclusion of teachers with a professional background. Case studies are a good method to combine theory and practice. In addition, there should already be close cooperation with representatives of the professional practice during the conception of study courses. This is especially important in regard to practice-oriented study courses. Programme councils can be helpful in quickly communicating changes in different professional practices to the respective institutions, guaranteeing a continuous improvement of study courses.

17. In the opinion of employers, the **international orientation** of the courses is indispensable. This includes foreign language segments as well as the widest possible integration of foreign teachers and a high number of foreign students. Student mobility should be regarded as an integral part of study, and teacher mobility as a regular part of career development.

### c) Third field of cooperation: mobility

*The increase in student and teacher **mobility** needs to be promoted closely by higher education institutions and states; studies abroad must not translate into a prolongation of regular course periods.*

18. The introduction and development of **joint degrees** or double degrees which result from close cooperation between higher education institutions across national boundaries and allows an effective pooling of expertise needs to be accelerated.

19. **Semesters abroad** or study time abroad should be regarded as a regular part of higher education and should increasingly be integrated in courses; this explicitly includes internships abroad.

20. Similarly, the **integration of foreign teachers** in courses needs to become a natural option. The international mobility of teachers and cooperation among them should not be limited to research but should also extend to teaching.

21. National governments are especially called upon to **discard regulations** which limit or complicate the development of international cooperation and exchanges.

22. In order to assure a certain level of transparency and comparability of the study achievements while also improving student mobility, many higher education institutions have begun to offer their study courses in the form of **modules**. Employers believe this to be useful as it also supports the cross-disciplinary structuring of higher education as well as being a useful precondition for Lifelong learning-friendly study programmes. Each unit of the course should be defined with regard to its significance and its contribution to the goals of the entire study course.

23. When courses are being developed, **ECTS credit points** need to be taken into account as indicators of the invested study time. The educational goals connected to a specific course unit are tied to the estimated effort needed for its completion. As a result, students are enabled to continuously expand and simultaneously assess their study achievements. The introduction of credit points allows the higher education institutions an improved definition of teaching and learning achievements as well as an improved comparability of study achievements within Europe.
24. To guarantee at least a minimum of transparency, the **inflation of titles and degrees** must be strictly avoided.
25. As a result of the introduction of the **diploma supplement**, employers also receive the required and requested additional information about the profile of each type of higher education and the individual performance of the graduate.

### III. Conclusion

26. European employers support the goals of the Bologna Process, since they regard it as a historic opportunity to realise a European higher education area which is distinguished by high quality standards, attractiveness of study programmes and international competitiveness. In order to realise a European higher education area, further efforts have to be set, in particular in the implementation of these goals at national and institutional level.
27. Employers offer their support to this process. An important prerequisite for successful realisation of the Bologna Process is the inclusion of business as it will be the future workplace for the majority of graduates. This was recognised by Ministers in the Berlin Communiqué adopted in 2003 which called for the inclusion of all social and economic partners. Furthermore it is necessary to communicate the Bologna Process, its targets and the need for this ongoing change to companies, since their acceptance of the new structure, in particular the new degree programmes, is crucial for the success of a European higher education area.
28. In order to progress towards the realisation of a common European higher education area, broad agreement at the next European conference of ministers responsible for higher education in Bergen/Norway in May 2005 should be achieved on the need to have functioning quality assurance systems in all signatory states linked to common framework at European level, on the need to develop a European qualification framework taking into account existing national qualification frameworks, and on concrete measures to increase the international attractiveness of European higher education.
29. Alongside the Bologna Process there are several more Europe-wide processes and strategies within the field of research, education and training. The European research framework programme and the Copenhagen Process concerning vocational training should be linked with the Bologna Process to enforce the ambitious targets to be achieved by 2010, to increase permeability between all sectors of education and to make lifelong learning a reality within Europe.

**European Trade Union Confederation\***  
**Union of Industrial and Employers' Confederations of Europe –**  
**UNICE/UEAPME\*\***  
**European Centre of Enterprises with Public Participation and**  
**of Enterprises of General Economic Interest**

14 March 2002

**« FRAMEWORK OF ACTIONS FOR THE LIFELONG DEVELOPMENT OF  
COMPETENCIES AND QUALIFICATIONS »**

**I./ CHALLENGES**

1. The 21<sup>st</sup> century is beginning with changes, the extent of which it is difficult to assess at present for enterprises and employees, as well as for society as a whole.
2. New information and communication technologies represent one factor in speeding up trade flows. Markets globalise and simultaneously segment in order to retain increasingly mobile customers. Businesses will have to adapt their structures more and more quickly in order to remain competitive. The intensive use of team-work, flattening of hierarchies, devolved responsibilities, as well as greater multi-tasking are leading to the growth of learning organisations. This contrasts with the Taylorist work organisations, which still operate in a number of enterprises in Europe. Public service enterprises are confronted with the same challenges.
3. The ability of organisations to identify key competencies, to mobilise them quickly, to recognise them and to encourage their development for all employees, represents the basis for new competitive strategies. This allows enterprises to keep in line with customer expectations and employees to improve their employability and career prospects.
4. In the context of technological developments and of diversification of work relations and organisations, employees are confronted with greater mobility, internal and external to the enterprise, geographical and occupational, and to the need to maintain and improve competencies and qualifications levels.
5. Against this background of rapid pace of change, the social partners at European level affirm the development of competencies and the acquisition of qualifications as major challenges of lifelong learning.
6. The ageing population and the social expectations, which have resulted from higher levels of education of younger generations require a new way of approaching learning systems, ensuring that there are opportunities for all age groups – both women and men, skilled and unskilled – if significant increases in competencies and qualifications levels are to be achieved. Lifelong learning contributes to the development of an inclusive society and the promotion of equal opportunities.

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\* The ETUC delegation includes representatives of the Eurocadres/CEC Liaison Committee

\*\* UEAPME - European Association of Craft, Small and Medium-Sized Enterprises

## **II./ SOCIAL PARTNERS' APPROACH**

7. Whilst lifelong learning encompasses all learning activity undertaken throughout life, the focus of this initiative by the European social partners is to:
- make an effective and specific contribution to the realisation of lifelong learning in the context of the strategic objectives established at the European Councils of Lisbon and Feira on employment, social cohesion and competitiveness;
  - give impetus so that the development of competencies and the acquisition of qualifications are perceived as a shared interest by both enterprises and employees in each Member State;
  - affirm the joint responsibility of social partners at all levels with regard to competencies development and promote their cooperation;
  - acknowledge the broader dimension of the challenge, which calls for a close concertation with public authorities as well as education and training institutions at all levels.
8. In addition to social dialogue, the success of this initiative depends on:
- each enterprise making the development of its employees' competencies crucial for its success;
  - each employee making her/his own competencies development crucial for the management of her/his working life;
  - the State and local communities fostering learning opportunities in the interest of competitiveness and social cohesion.
9. The social partners call for the creation, within the institutional framework of each Member State, of conditions, which will further encourage the concerted development of competencies and qualifications, in addition to existing unilateral approaches to learning.
10. The lifelong development of competencies depends on the existence of a solid foundation<sup>1</sup>, with which individuals are equipped during their initial education.
11. This solid foundation should be jointly defined and updated by the national education systems and the social partners. It is necessary to reflect further on the subject, in order to specify the content and the conditions needed for each young person to obtain this solid foundation. The social partners must be associated with this reflection.

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<sup>1</sup> The following elements have been identified as forming part of the solid foundation: reading, writing, numeracy and at least a second language, problem-solving ability, creativity and teamwork, computing skills, ability to communicate, including in a multi-cultural context, and the ability to learn how to learn, etc.

### **III./ DEFINITIONS**

12. For the purpose of this initiative,

- “Competencies” are the knowledge, skills and know-how applied and mastered in a given work situation;
- “Qualifications” are a formal expression of the vocational or professional abilities of the employee. They are recognised at the national or sectoral level.

### **IV./ FOUR PRIORITIES**

13. The social partners assert the principle of shared responsibility of players with regard to four priorities and call for the intensification of dialogue and partnership at the appropriate levels. The social partners believe that the lifelong development of competencies depends on the implementation of the following four priorities:

- identification and anticipation of competencies and qualifications needs;
- recognition and validation of competencies and qualifications;
- information, support and guidance;
- resources.

#### **1. IDENTIFY AND ANTICIPATE THE COMPETENCIES AND THE QUALIFICATIONS NEEDED**

14. Identifying competencies and qualifications needs and anticipating their development represents a complex task given the numerous socio-economic factors, which must be taken into consideration, but it is imperative nevertheless. The social partners regard this identification and anticipation as taking place at two levels:

The enterprise level:

15. Identification of competencies at enterprise level must become a main axis of human resources policies covering all employees in enterprises and an issue for in-depth social dialogue:

- responsibility lies at the highest managerial level for deciding the overall competencies development plan necessary for the success of a company's business strategy;
- defining and answering competencies needs require the joint involvement of employers and employees;
- individual competencies development plans jointly elaborated by the employer and the employee are important to foster joint efforts to develop the employee's competencies;
- developing a learning environment is also important for success; professionals and managers play a crucial role in this respect.

The national and/or sectoral level:

16. The collective analysis of competencies needs and of the development of vocational or professional qualifications is a priority in relation to what is at stake for:

- young people in the context of their career guidance and integration into working life;
- employees in the management of their careers and their capacity to remain in employment;
- job-seekers, in view of the developments on the labour market;
- companies, in terms of their competitiveness.

17. In order to put this identification and anticipation into practice, the European social partners consider it necessary to:

- work in partnerships with education and training providers at all levels;
- develop networks to collect information and exchange experiences, including by making effective use of existing European instruments such as the European monitoring centre for change or Cedefop.

## **2. RECOGNISE AND VALIDATE COMPETENCIES AND QUALIFICATIONS**

18. The European social partners regard the recognition and validation of competencies as essential, in order that:

- each employee is aware of and encouraged to develop her/his competencies in the course of her/his occupational life;
- each enterprise has the tools to better identify and manage the competencies in the company.

19. The social partners consider it necessary to deepen dialogue with the aim of improving transparency and transferability, both for the employee and for the enterprise, in order to facilitate geographical and occupational mobility and to increase the efficiency of labour markets:

- by promoting the development of means of recognition and validation of competencies;
- by providing a system for transferable qualifications;
- by identifying the possible links and complementarities with recognised diplomas.

20. At European level, social partners will contribute to on going discussions on transparency and recognition of competencies and qualifications.

### **3. INFORMING, SUPPORTING AND PROVIDING GUIDANCE**

21. In order that both employees and enterprises can pursue a strategy for competencies development, it is necessary:

- to enable each employee and each enterprise to access all the necessary information and advice;
- to provide SMEs with suitable information and to assist their managers through the creation of customised support.

With this aim in mind, the social partners call for:

- the development of facilities allowing employees and enterprises to be supported in their choices of learning, and to tailor the content according to competencies they have already developed, for example through a one-stop-shop facility in Member States, including a database on lifelong learning possibilities and opportunities for career evaluation;
- these facilities to be easily accessible and relevant with regard to labour market developments.

22. To promote a lifelong learning culture, both trade union and employer organisations have a key role to play in informing, supporting and advising their members and need to develop in house expertise to perform this role.

### **4. MOBILISING RESOURCES**

23. Mobilising resources for the lifelong development of competencies is a key question, which cannot be regarded as depending exclusively on social partners. Other players have also an important role, notably:

- public authorities in order to promote labour market integration;
- the enterprise in order to develop its key competencies;
- the employee in order to play a part in her/his own development.

All players (enterprises, employees, public authorities, social partners) need to seek new and diversified sources of financing.

24. As regards the social partners, they consider the lifelong development of competencies as a priority and assert the principle of shared responsibility for mobilising and optimising resources. The social partners want to promote co-investment and to encourage new ways of resourcing lifelong learning, through the effective and creative management of funding, time and human resources.

25. They call upon the whole range of players in this effort and advocate that it should operate in the following directions:

- to promote exchanges between national social partners and public authorities within Member States, with the aim of ensuring that the taxation of

enterprises and individuals encourages investment in competencies development activities;

- to direct the use of structural funds, and particularly the European Social Fund, towards giving a stronger encouragement to social partners to develop initiatives and innovations.

#### **V./ ACTIONS AND FOLLOW-UP**

26. The member organisations of UNICE/UEAPME, CEEP and ETUC<sup>2</sup> will promote this framework in Member States at all appropriate levels taking account of national practices. Meetings can be organised at national level for presentation of this document. Given the interest of the matter under consideration, the social partners also decide to transmit this document to all interested players at European and national levels.
27. The social partners will draw up an annual report on the national actions carried out on the four priorities identified.
28. After three annual reports, the social partners will evaluate the impact on both companies and workers. This evaluation can lead to an update of the priorities identified. The ad hoc group on Education and Training will be entrusted with this evaluation, which will be presented in March 2006.
29. When preparing the structured work programme of the social dialogue, the social partners will take account of this framework of actions.

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<sup>2</sup> The ETUC delegation includes representatives of the Eurocadres/CEC Liaison Committee

# **UNICE AISBL**

## **STATUTES**

**Statutes approved by the Council of Presidents**

**6<sup>th</sup> June 2003**

## **STATUTES OF UNICE AISBL**

## **ARTICLE 1      NAME, LEGAL CHARACTER, DURATION AND REGISTERED OFFICE**

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**1.1** An Association Internationale Sans But Lucratif has been set up with the name: “Union of Industrial and Employers' Confederations of Europe” in English; “Union des Confédérations de l'Industrie et des Employeurs d'Europe” in French; and in abbreviated form "UNICE".

It has been created for an indefinite period and its financial year coincides with the calendar year.

**1.2** This Association is governed by the Belgian law of 25 October 1919 as amended by the laws of 6 December 1954 and 30 June 2000.

**1.3** The registered office of the Association is in Brussels, at 168 Avenue de Cortenbergh. It may be transferred to any other premises within greater Brussels on a decision of the Executive Committee published in the Annexes to the Belgian Official Monitor within one month.

## **ARTICLE 2      OBJECT**

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**2.1** The object of the Association is:

- to bring together national professional associations of European companies and employers, and to maintain and develop links of solidarity and cooperation between them;
- to study, encourage and propose any action which may contribute to the lasting development of companies in Europe;
- to identify appropriate means for promoting economic and social progress, and to strengthen Europe's competitiveness;
- to participate, on the basis of a mandate given by the statutory bodies, in the dialogue between the social partners provided for in the Treaty establishing the European Community.

In the framework of realisation of this objective, the Association promotes the common professional interests of the firms represented by its members and disseminates their ideas, in particular in the economic, social, environmental, technical, scientific, fiscal, legal and external relations fields. To this end, its task is to represent its member organisations as a whole, notably with regard to the institutions of the European Communities, and to act so that its member organisations coordinate their European policies.

To carry out its task effectively, the Association provides its members with information, carries out studies, adopts positions and takes action to promote the latter.

- 2.2** The Association may carry out any lawful act directly or indirectly connected with its object, in part or in whole, or liable to help it develop or achieve its object.
- 2.3** The Association is a non-profit-making organisation.

## ARTICLE 3 MEMBERS

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- 3.1** The Association is composed of central and nationally representative confederations and federations of industry and/or of industrial and other businesses and/or of employers from Member States of the Council of Europe, it being understood that membership of such federations must be voluntary. The members are legal persons legally constituted under the laws and customs of their country of origin.
- 3.2** The Association comprises three categories of members whose membership of or transfer from one category to another is a discretionary decision on the authority of the Council of Presidents:
- 1. Full members** are federations or confederations which meet the criteria set out in article 3.1. This category of members participates in all the Association's rights and obligations. They are the only category of members with voting rights. The weighting of votes within the Association is based on the conventions of the Council of the European Union for members from a member country of the Union. The weighting of the votes of other members is determined by the Council of Presidents. The weighting of voting rights is recalled in the rules of procedure. To become a full member, each candidate must previously have been an associate member.
  - 2. Associate members** are federations or confederations which meet the criteria set out in article 3.1 other than full members and which come from one of the countries with which the European Union is negotiating accession. Associate members are invited to participate, without voting rights, in meetings of the Council of Presidents and Executive Committee. This category of members does not participate in the rights and obligations of the Association and does not have voting rights. Membership of this category of members is subject to a time limitation: two years renewable as many times as the Council of Presidents deems necessary. These members may

request to become full members on accession of their country to the European Union.

3. **Observer members** are federations or confederations which meet the criteria set out in article 3.1 other than full and associate members and which come from a country which is a candidate or a potential candidate for accession to the European Union. Membership of this category of members is subject to a time limitation: two years renewable as many times as the Council of Presidents deems necessary. This category of members does not participate in the Association's rights and obligations, and does not have the right to vote or to participate in the Council of Presidents and Executive Committee. They are kept informed about UNICE's activities.

**3.3** Only full members are signatories of these statutes.

**3.4** Any membership application is sent in writing to the Association's President. It is accompanied by a copy of its statutes, a list of members of its statutory bodies together with a short report which makes possible an assessment of its importance and its level of representativeness.

The admission of new members is subject to an undertaking to conform to the statutes of the Association as well as to its rules of procedure, and is a matter for the Council of Presidents to decide on its own authority without having to explain the reasons for its decision.

## **ARTICLE 4      RESIGNATION AND EXPULSION OF A MEMBER**

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**4.1** Membership of the Association ceases in the event of resignation or expulsion. Any member is entitled to withdraw from the Association.

**4.2** Resignations must be submitted to the President of the Association by registered letter addressed to its registered office. A resignation notified during a particular year will only become effective as of 31 December of the year following the notification of resignation. Should a member resign because it has been put in a minority position in a vote on the budget or the subscription formula, its subscription for the calendar year following its resignation will be equivalent only to the amount payable in the year during which it announced its resignation.

**4.3** A member may be expelled from the Association if it has seriously failed to meet its obligations under the present statutes, if it wilfully hinders the achievement of the Association's declared aims, or is no longer

representative under the terms of article 3.1 of these statutes. Any member whose expulsion is envisaged has the possibility to present its defence.

- 4.4** Any member that has not paid its subscription and does not do so within six months of the dispatch of a registered letter requesting payment has seriously failed to meet its obligations.
- 4.5** Expulsion is decided by the Council of Presidents. It becomes effective on the date fixed by the Council of Presidents, or at the end of the year during which expulsion was decided. In the event of expulsion, all subscriptions due for the current year must be paid immediately. Expulsion for non-payment of the subscription will be treated as resignation.
- 4.6** A member that resigns or is expelled has no claim on the Association's assets.

## **ARTICLE 5      SUBSCRIPTIONS**

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- 5.1** Membership imposes the obligation to pay an annual subscription. This subscription is calculated in accordance with the subscription formula laid down by the Council of Presidents. This subscription formula is based essentially on the economic weight of the country represented as compared with all the member countries of the Union. It may be re-examined and modified, either in the event of the withdrawal or admission of a full member, or every five years at the request of at least two full members from different States.
- 5.2** If a State is represented by two or more members, these must inform the Association in writing how the amount decided by the Council of Presidents for the State in question will be apportioned. Failing such notification, the subscription is due from each of the members in equal parts.
- 5.3** Each December the Secretariat calls on the members to pay their annual subscriptions in two instalments, payable respectively at the latest by 15 January and 15 July of the following year.
- 5.4** Overdue payments will be penalised with late interest of 1% per month except in cases where, on the recommendation of the Executive Committee, a special exception is granted by the Council of Presidents. In the latter case, the unpaid amount will be deemed to be a fixed-term

loan attracting interest at the Belgian bank rate for thirty-day deposits and repayable under the foreseen arrangements.

- 5.5** When a member fails to pay the late penalties despite an official warning, the Executive Committee, on the Secretary General's proposal, may decide that the Association will cease to provide its services to this member pending full payment of the penalties.
- 5.6** Under the terms decided by the Council of Presidents, a UNICE Advisory and Support Group (UASG) comprising individual companies contributes to UNICE's budget through payment of an annual subscription. Members of this consultative group do not have any rights or obligations vis-à-vis the Association.

## **ARTICLE 6      COUNCIL OF PRESIDENTS**

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- 6.1** The Council of Presidents is the Association's general assembly. Full and associate members of the Association are represented in the Council of Presidents by their respective presidents or a representative designated by name.
- 6.2** The Council of Presidents has full powers, and is the supreme body as regards definition of the Association's policies and strategy. It is empowered to interpret the scope of the Association's objectives.
- 6.3** Furthermore, only the Council of Presidents is empowered inter alia:
- to elect the President of the Association;
  - to nominate and dismiss members of the Executive Committee in accordance with article 9.1 of these statutes;
  - to establish the Association's rules of procedure and amend these as necessary;
  - to decide on the admission of new members;
  - to decide on the expulsion of members;
  - to appoint and dismiss the Secretary General, and approve the terms of his/her contract;
  - to decide on any amendments to these statutes;
  - to approve the Association's annual accounts;
  - to decide on the dissolution of the Association;
  - to define the attitude to be taken by the Association and approve results negotiated in the framework of the dialogue between the social partners.
- 6.4** The Council of Presidents meets as often as required in the interests of the Association, and at least twice a year. Except in urgent cases, the

President sends the invitation to and agenda for meetings of the Council of Presidents at least three weeks before the date of the meeting. The necessary background documents for items on the agenda are sent as early as possible and, except in urgent cases, at least two weeks before the meeting.

- 6.5 The Council of Presidents' deliberations are only valid if the Association's members present or properly represented total at least two-thirds of the votes of all members of the Association with voting rights. Depending on the nature of the deliberations, votes are calculated according to the provisions of either article 7.2, 7.4 or 8.1.
- 6.6 Should this quorum not be reached, a further meeting of the Council of Presidents will be convened at which its deliberations will be valid regardless of the number of members present or properly represented.
- 6.7 Decisions taken by the Council of Presidents will be recorded in minutes which will be formally approved at the first subsequent meeting.

## **ARTICLE 7 VOTING PROCEDURES IN THE COUNCIL OF PRESIDENTS**

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- 7.1 In adopting a position or deciding on its own affairs, the Association shall normally seek a consensus among its members. The Association shall take into consideration the duly justified interests of its members. Only if all reasonable attempts to reach common agreement fail may voting be resorted to, according to the provisions of these statutes, by the members having voting rights.
- 7.2 When matters are put to the vote, each member with voting rights is entitled to a number of votes laid down in the provisions of article 3.2.1 of these statutes, unless a State is represented by two or more members. In this case, the members concerned are entitled together to a total of votes corresponding to the total laid down in the Rules of Procedure for the State in question and it is for them to indicate to the Association in writing how the votes have been shared out between them. Failing notification to this effect in writing, the share-out will be deemed to be in equal parts. This article is without prejudice to the provisions of Article 7.4.
- 7.3 A proposal is approved if 71% or more votes are cast in favour by the members with voting rights and whose country is affected by the proposal in question, save as otherwise provided for in these statutes.

- 7.4** In voting on the annual accounts, each member has a number of votes in direct proportion to the share it contributes to the budget, unless a State is represented by two or more members, in which case the votes are calculated in line with the provisions in Article 5.2.
- 7.5** The annual accounts are approved if at least four-fifths of votes cast are in favour, representing at least two-thirds of members having voted - the members in this case being those defined under Article 3.2 and having voting rights.
- 7.6** The admission of a new member under the terms of Article 3.1 of the present statutes may be approved by the Association only on the basis of consensus among all the members having voting rights.
- 7.7** With regard to position papers, the holders of a minority view may require this view to be stated in the paper. In this case the minority view must be mentioned every time the Association's position is put forward.
- 7.8** In the framework of the social dialogue between the social partners within the meaning of article 6.3, the Council of Presidents may deliberate validly only if the number of members present or validly represented comprises at least two thirds of members of the association whose country is affected by the decision in question. The decision to enter into negotiations in the framework of the dialogue between the social partners within the terms of article 6.3 may be approved by the Association only if at least four-fifths of the votes cast are in favour, the members entitled to vote being only those having voting rights and whose country is affected by the decision in question. Any draft agreement negotiated in the framework of the dialogue between the social partners may only be approved by the Association on the basis of consensus among all the members having voting rights and whose country is affected by the agreement in question.
- 7.9** Any amendments to the statutes and/or to the Rules of Procedure of the Association may be approved only if at least four-fifths of the votes cast by the members having voting rights are in favour. Any amendments to the statutes must be submitted to the Belgian Justice Minister and published in the Annexes to the Belgian Official Monitor.

## **ARTICLE 8      PRESIDENT AND VICE-PRESIDENTS**

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- 8.1** The Council of Presidents elects the President of the Association for a term of office of two years. He/she may be re-elected once for a further two-year term.

**8.1.1** The choice of President is normally made by consensus, in the spirit of Article 7.1.

**8.1.2** If a vote is required, Articles 6.1, 6.5, 6.6 and 7.2 will apply. Article 7.3 will not apply.

**8.1.3** When there are only two candidates, election of the President is decided on the first ballot by a majority of at least two-thirds of the votes cast.

If the first ballot does not produce a two-thirds majority, a second ballot is held immediately.

Election of the President is decided by a simple majority of the votes cast on the second ballot.

**8.1.4** When there are more than two candidates, one or more ballots are held until the two candidates obtaining respectively the highest and second highest number of votes have been determined. The procedure in Article 8.1.3 above is then applied to elect one of these two candidates as President.

**8.2** The President chairs the meetings of the Council of Presidents and of the Executive Bureau. In his/her absence meetings are chaired by a Vice-President from the Member State holding the EU Presidency, or failing that, by a Vice-President from one of the troika States. Members of the Council confirm the latter's nomination at the start of the meeting for the duration of that meeting.

**8.3** The President, as the authorised representative of the Council of Presidents, is responsible for ensuring that its decisions are implemented by the Secretary General. He/she represents the Association at high level.

**8.4** Should the President be seriously incapacitated, the Council of Presidents decides to whom to delegate his/her powers and for how long.

**8.5** The President invites the Presidents in office of federations from the EU Troika States that are full members of UNICE to serve in turn for periods of 18 months, as Vice-Presidents of UNICE and to form part of the Group of Vice-Presidents (the GVP). In addition, the President invites a maximum of five Presidents in office of federations that are full members of UNICE to serve for a period of 24 months, renewable once, as Vice-

Presidents and members of the Group of Vice-Presidents. The Group of Vice-Presidents is not one of the Association's decision-making bodies.

- 8.6** Invitations to join the GVP are at the President's discretion, but will be issued in accordance with guidelines adopted by the Council of Presidents, which may require their amendment. Such guidelines will be attached to the minutes of meetings of the Council of Presidents at which they were discussed.

## **ARTICLE 9 EXECUTIVE COMMITTEE**

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- 9.1** The Executive Committee is the Association's board of directors. The Council of Presidents nominates and dismisses members of the Executive Committee in accordance with the proposals made by the confederations and federations concerned, each full and associate member having one representative who should be its director general or a representative designated by name. The duration of their mandate is five years renewable.
- 9.2** The Executive Committee meets whenever necessary and at least twice a year. Except in urgent cases, the Secretary General sends the invitation to and agenda for meetings of the Executive Committee at least three weeks before the date of the meeting. The necessary background documents for items on the agenda are sent as early as possible and, except in urgent cases, at least two weeks before the meeting. The Secretary General of the Association chairs the Executive Committee.
- 9.3** The tasks of the Executive Committee, which acts on its own initiative or on proposals by the Secretary General, are:
- to take decisions on financial and major administrative matters, including the budget and staff policy. It submits proposals to the Council of Presidents concerning the annual accounts and the formula for subscriptions;
  - to direct and supervise the Association's activities and the implementation of its policies;
  - to decide on the setting-up or dissolution of Policy Committees;
  - to approve the work programmes to be pursued by the Policy Committees, ensuring that these are compatible and consistent with the Association's aims and resources.

- 9.4** The Executive Committee's deliberations are only valid if the members present or properly represented total at least two-thirds of the votes of all the members of the Association with having voting rights. Should this quorum not be reached, a further meeting of the Executive Committee will be convened at which its deliberations will be valid regardless of the number of members present or properly represented.

## **ARTICLE 10 VOTING PROCEDURES IN THE EXECUTIVE COMMITTEE**

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- 10.1** In principle, decisions are taken on the basis of consensus.

Failing that, in the event of a vote in the Executive Committee, and subject to the proviso set out below regarding financial matters, a proposal is approved if 71% or more of votes are cast in its favour by members of the Executive Committee with voting rights and whose country is affected by the proposal in question, save as otherwise provided for in these statutes.

Members of the Executive Committee have a number of votes as laid down in the provisions of article 3.2.1 of these statutes, unless a State is represented by two or more members. In this case, the members concerned are entitled together to a total of votes corresponding to the total laid down in the Rules of Procedure for the State in question and it is for them to indicate to the Association in writing how the votes have been shared out between them. Failing notification to this effect in writing, the share-out will be deemed to be in equal parts.

In the case of a vote on financial matters, each member of the Executive Committee has a number of votes directly proportional to the share of his or her confederation or federation in the Association's budget, unless one State is represented by two or more members. In that case, the vote of each member of the Executive Committee is determined by applying the provisions of article 5.2. Decisions on financial matters are approved if they receive at least four-fifths of the votes cast, representing at least two-thirds of members having voted.

Members of the Executive Committee within the meaning of this provision are those defined in article 3.2 and having voting rights.

- 10.2** Decisions taken by the Executive Committee will be recorded in minutes which will be formally approved at the first subsequent meeting and will be kept at the registered office.

## **ARTICLE 11 EXECUTIVE BUREAU**

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**11.1** An Executive Bureau is created. It comprises ten persons representing full members drawn from the Council of Presidents and Executive Committee who will be designated by the Council of Presidents on the proposal of the Association's President

The Executive Bureau comprises the following members:

- a representative of the five countries whose subscriptions to the association's budget are the highest. Their mandate will be two years, renewable automatically;
- a representative of the country occupying the presidency of the European Union;
- a maximum of five representatives of other member federations nominated for a period of two years. These mandates will be attributed on a rotating basis between the other full member federations taking account of the size and geographical location of the countries from which they are drawn.

**11.1.1** Invitations to meetings of the Executive Bureau may be issued on an ad hoc basis to the Chairpersons of Policy Committees and any other person whose presence is deemed desirable by members of the Executive Bureau.

**11.1.2** Members are nominated on a personal basis. Any president unable to be present may be represented by the director general of his/her federation, and the director general by the president of the association he/she heads.

**11.2** The Executive Bureau has three main tasks:

- to monitor progress in activities in accordance with UNICE's annual programme, and to stimulate coordination of actions with member federations;
- to ensure that resources correspond to the Association's tasks, to recommend budget proposals accordingly, and to monitor its implementation;
- in response to any urgent and critical matters which may arise between meetings of the Council of Presidents and the Executive Committee, to take any necessary urgent measures and to inform

one or other of those bodies immediately, depending on competence, without encroaching on the competences of these two bodies.

- 11.3** The Executive Bureau is convened as often as necessary by the Association's President. It is chaired by the Association's President, with the Association's Secretary General acting as secretary.
- 11.4** The Executive Bureau operates on the basis of a consensus among its members.
- 11.5** The President ensures that members not represented in the Executive Bureau are kept informed. In addition, the President or the Secretary General will report on the activities of the Executive Bureau to the competent bodies.

## **ARTICLE 12      COMMITTEE OF PERMANENT DELEGATES**

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- 12.1** The Committee of Permanent Delegates consists of representatives appointed by the members. It is chaired by the Association's Secretary General.
- 12.2** The Committee of Permanent Delegates is the sub-committee of the Executive Committee which acts as a permanent link between the Member Federations and the Secretary General. Its object is to help the Executive Committee to carry out its administrative functions and policy activities, and to help the Secretary General with routine matters concerning the coordination of activities, the selection of issues to be dealt with and the organisation of work in their regard, as well as the day-to-day representation of the Association.

## **ARTICLE 13      POLICY COMMITTEES**

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- 13.1** On the basis of decisions by the Executive Committee, the Association sets up Policy Committees on a consultative basis whose object is to monitor developments in their respective fields, help devise the Association's policies in their regard, suggest action to be taken and implement the strategies adopted.
- 13.2** The Policy Committees are composed of persons nominated by the members and representing them.

- 13.3** The Chairpersons and Vice-Chairpersons of the Policy Committees are nominated for a period of two years by the President of the Association in consultation with the Executive Committee. This period may be extended once for a further term.
- 13.4** Should a vote be taken in a Policy Committee, the provisions of Articles 7.1, 7.2, 7.3 and 7.7 apply.

#### **ARTICLE 14 REPRESENTATION OF ONE MEMBER BY ANOTHER**

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A member may give another one a written proxy to represent it at meetings of the Association's various bodies, each member being able to hold a maximum of four proxies. In this case, an announcement must be made at the latest when the meeting opens.

#### **ARTICLE 15 SECRETARY GENERAL AND SECRETARIAT**

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- 15.1** The Secretary General of the Association is appointed and dismissed by the Council of Presidents, which determines his/her tasks and powers. He/she reports to the Council of Presidents after consulting the Executive Committee.
- 15.2** He/she is responsible for the day-to-day running of the Association.
- 15.3** The Secretary General is assisted in his/her task by a secretariat. He/she recruits and dismisses secretariat staff, bearing in mind the limits of the budget and the views of the Executive Committee on staff policy.

#### **ARTICLE 16 REPRESENTATION**

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The President of the Association is its authorised representative vis-à-vis third parties, and represents it in law as either plaintiff or defendant. He/she is not obliged to show proof of a prior resolution by the Council of Presidents. He/she may delegate all or part of his/her powers to a Vice-President, the Secretary General or to any other specifically nominated person.

**ARTICLE 17      DISSOLUTION AND WINDING UP**

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**17.1** If the Council of Presidents decides to dissolve the Association, it appoints one or more liquidators. In the event of dissolution, for whatever reason, any assets remaining after clearing liabilities and covering costs will be distributed to the organisation or organisations which succeed(s) UNICE or, in the absence of such, to an organisation or organisations which pursue(s) similar or analogous non-profit-making objectives to those pursued by UNICE, as designated by the Council of Presidents.

**ARTICLE 18**

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All matters not envisaged in these statutes shall be governed by the law of 25 October 1919 as amended by the laws of 6 December 1954 and 30 June 2000.

Done in duplicate by the Council of Presidents at its meeting on 6<sup>th</sup> June 2003 in French and English, the French version being legally binding.

List and signatures of full members on the foundation of this AISBL

A Industriellenvereinigung – IV



B Verbond van Belgische  
Ondernemingen /  
Fédération des Entreprises de  
Belgique



CH economiesuisse  
Swiss Business Federation



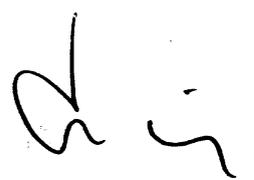
CH Schweizerische  
Arbeitgeberverband  
Union patronale suisse



CY Omospondia Ergodoton ke  
Viomichanon Kyprou - OEB



D Bundesvereinigung der Deutschen  
Arbeitgeberverbände - BDA



D Bundesverband der Deutschen  
Industrie - BDI



DMK Dansk Arbejdsgiverforening - DA



DMK Dansk Industri - DI

E Confederación Española de Organizaciones Empresariales - CEOE

F Mouvement des Entreprises de France  
MEDEF

FLD Teollisuuden ja Työntekijöiden Keskusliitto - TT

FLD Palvelutyöntekijät - PT

GB Confederation of British Industry - CBI

GR Syndesmos Ellinikon Viomechanion - SEV

I Confederazione generale dell' Industria Italiana -- Confindustria

IRL Irish Business and Employers' Confederation - IBEC

ISL Samtök atvinnulífsins - SA

ISL Samtök lönáðarins - SI

L Fédération des Industriels  
Luxembourgeois - FEDIL

M Malta Federation of Industry  
- MFOI

N Naeringslivets  
Hovedorganisasjon  
- NHO

NL Vereniging – VNO-NCW

P Associação Industrial  
Portuguesa  
AIP

P Confederação de Industria  
Portuguesa - CIP

S Svenskt Näringsliv - SN

TR Türk Sanayicileri ve Isadamlari  
Derneği - TÜSIAD

TR Türkiye İşveren Sendikaları  
Konfederasyonu - TISK