

Flemish Act of 30 April 2009 on the Qualifications Structure

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**THE FLEMISH GOVERNMENT
(Belgium)**

The FLEMISH PARLIAMENT has adopted, and We,
THE GOVERNMENT, ratify the following

FLEMISH ACT

on the qualifications structure

CHAPTER I

Introductory provision, definitions and purpose

Article 1

This Flemish Act governs a community matter.

Article 2

For the purposes of this Flemish Act the following definitions shall apply:

- 1° aso: general secondary education;
- 2° profession: a coherent set of tasks with the corresponding competences on which there is social consensus, making abstraction from organisation or company-specific characteristics;
- 3° professional competence profile: a complete set of competences used by a professional in a certain employment context in order to achieve (the) expected results in the workplace;
- 4° professional qualification: a complete and aligned set of competences with which a profession can be exercised;
- 5° bso: vocational secondary education;
- 6° competence: the ability to apply knowledge, skills and attitudes when performing social activities, and integrate these into one's actions. In higher education competences are called subject-specific learning outcomes;
- 7° competence profile: a complete set of competences used by a person in a certain social context in order to achieve (the) expected results in that social role, and for which no professional competence profile exists or will be developed;

- 8° recognised qualification: an educational or professional qualification for which the Flemish Government decides that it complies with certain quality requirements concerning content and form, and for which a certificate can be awarded;
- 9° higher education institutions: the higher education institutions as specified in Articles 7 and 8 of the Flemish Act of 4 April 2003 on higher education reform in Flanders;
- 10° kso: artistic secondary education;
- 11° qualification: a complete and aligned set of competences;
- 12° qualification certificate: a certificate recognised by the Flemish Community stating that an individual has obtained a recognised qualification. The certificate shall indicate the qualification(s) concerned and contain a reference to a level within the Flemish qualifications framework;
- 13° qualifications framework: the instrument defined by this Flemish Act for the systematic description and alignment of qualifications, comprising levels and level descriptors;
- 14° qualifications structure: the systematic classification of recognised qualifications based on a generally adopted qualifications framework;
- 15° level descriptor: a generic description of the characteristics of the competences that are typical for qualifications at that level;
- 16° NVAO: Dutch-Flemish Accreditation Organisation;
- 17° educational qualification: a complete and aligned set of competences which are necessary to function and participate in society, with which further studies in secondary or higher education can be undertaken or professional activities can be performed;
- 18° sector: a grouping of professional activities on the basis of service, product, technology, main economic function or industry or volunteer activities;
- 19° SERV: Flanders' Social and Economic Council;
- 20° tso: technical secondary education;
- 21° VKS: Flemish qualifications structure;
- 22° VLHORA: the Flemish Council for Non-University Higher Education;
- 23° VLIR: the Flemish Interuniversity Council;
- 24° Vlor: the Flemish Education Council.

Article 3

The qualifications structure is a systematic classification of recognised qualifications based on a generally adopted qualifications framework.

This classification aims to make qualifications and their mutual relations transparent, so that education, education providers and other social actors can communicate unambiguously about qualifications and the associated competences.

CHAPTER II

Scope and application

Article 4

This Flemish Act shall apply to recognised and registered qualifications.

The qualifications structure constitutes the reference framework for the elaboration of courses leading to recognised qualifications and for the comparison of qualification certificates. The qualifications structure can also be used as a reference framework for:

- the elaboration of assessments for the recognition of acquired competences and the mutual coordination of procedures;
- the provision of orientation and/or guidance with respect to educational and professional careers.

The competent service of the Flemish Government shall be responsible for organising the supervision of the quality of educational and training courses and procedures for recognition of acquired competences, both leading to recognised qualifications.

CHAPTER III

General characteristics of the qualifications framework

SECTION 1

Level descriptions

Article 5

The qualifications framework distinguishes between eight levels, ranging from level 1 to level 8. Each level within the framework is described by means of a level descriptor. A level descriptor offers a generic description of the characteristics of the competences typical for the qualifications at that level, and consists of five descriptor elements: knowledge, skills, context, autonomy and responsibility. These elements determine the level of the qualification. The level descriptors are used to describe and rank both educational and professional qualifications.

Article 6

§1. The descriptor elements of each level descriptor correspond to the following:

VKS level	Level descriptor elements	
	Knowledge Skills	Context Autonomy Responsibility
VKS 1	<ul style="list-style-type: none"> – recognising materials, concise, unambiguous information and simple, concrete basic concepts and rules of a part of a specific area – applying one or more of the following skills: <ul style="list-style-type: none"> – cognitive skills: retrieving information from one’s memory, remembering and applying it – motorical skills: using automatisms and imitating practical actions – performing repetitive and recognisable actions in routine tasks 	<ul style="list-style-type: none"> – acting in a stable, familiar, simple and well-structured context, in which time pressure is of little importance – acting with non-delicate objects – functioning under direct supervision – showing personal effectiveness
VKS 2	<ul style="list-style-type: none"> – understanding information, concrete concepts and standard procedures within a specific area – applying one or more of the following skills: <ul style="list-style-type: none"> – cognitive skills: analysing information by distinguishing and relating elements – motorical skills: <ul style="list-style-type: none"> – transforming sensory perceptions into motorical actions – performing acquired practical-technical actions – applying a selected number of standard procedures when performing tasks; applying prescribed strategies to solve a limited number of concrete, recognisable problems 	<ul style="list-style-type: none"> – acting in a limited number of comparable, simple, familiar contexts – acting with delicate, passive objects – functioning under supervision with limited autonomy – take limited executive responsibility for one’s work

VKS 3	<ul style="list-style-type: none"> – understanding a number of abstract concepts, laws, formulas and methods within a specific area; distinguishing between major and minor issues in information – applying one or more of the following skills: <ul style="list-style-type: none"> – cognitive skills: <ul style="list-style-type: none"> – analysing information using deduction and induction – synthesizing information – motorical skills: <ul style="list-style-type: none"> – making constructions based on a plan – performing actions which require tactical and strategic insight – applying artistic-creative skills – choosing, combining and applying standard procedures and methods to perform tasks and solve a variety of well-defined, concrete problems 	<ul style="list-style-type: none"> – acting in comparable contexts in which a number of factors change – acting with delicate, active objects – functioning with certain autonomy within a well-defined set of tasks – taking limited organisational responsibility for one’s work
VKS 4	<ul style="list-style-type: none"> – interpreting concrete and abstract data (information and concepts) within a specific area – applying reflective cognitive and productive motorical skills – evaluating and integrating data and developing strategies to perform diverse tasks and solve diverse, concrete, non-familiar (but subject-specific) problems 	<ul style="list-style-type: none"> – acting in a combination of changing contexts – functioning autonomously with some initiative – taking complete responsibility for one’s work; evaluating and correcting one’s functioning with a view to obtaining collective results
VKS 5	<ul style="list-style-type: none"> – expanding the information in a specific area with concrete and abstract data, or completing it with missing data; using conceptual frameworks; being aware of the scope of subject-specific knowledge 	<ul style="list-style-type: none"> – acting in a range of new, complex contexts – functioning autonomously with initiative – taking responsibility for the achievement

	<ul style="list-style-type: none"> – applying integrated cognitive and motorical skills – transferring knowledge and applying procedures flexibly and inventively for the performance of tasks and for the strategic solution of concrete and abstract problems 	<p>of personal outcomes and the stimulation of collective results</p>
VKS 6	<ul style="list-style-type: none"> – critically evaluating and combining knowledge and insights from a specific area – applying complex specialised skills, linked to research results – gathering and interpreting relevant data and making innovative use of selected methods and resources to solve non-familiar complex problems 	<ul style="list-style-type: none"> – acting in complex and specialised contexts – functioning with complete autonomy and considerable initiative – taking shared responsibility for the definition of collective results
VKS 7	<ul style="list-style-type: none"> – integrating and reformulating knowledge and insights from a specific area or at the interface between different areas – applying complex new skills, linked to autonomous, standardised research – critically evaluating and applying complex, advanced and/or innovative problem-solving techniques and methods 	<ul style="list-style-type: none"> – acting in unpredictable, complex and specialised contexts – functioning with complete autonomy and a right of decision – taking final responsibility for the definition of collective outcomes
VKS 8	<ul style="list-style-type: none"> – expanding and/or redefining existing knowledge from a substantial part of a specific area or at the interface between different areas – interpreting and creating new knowledge through original research or advanced scientific study – designing and executing projects which expand and redefine existing procedural knowledge, aimed at the development of new skills, techniques, applications, practices and/or materials 	<ul style="list-style-type: none"> – acting in very complex contexts with far-reaching, innovative implications – taking responsibility for the development of professional practice or scientific research with a highly critical attitude and steering capacity

§2. The level descriptors for bachelor's, master's and doctor's degrees, as specified in Article 58, §2 of the Flemish Act of 4 April 2003 on higher education reform, are equivalent to the level descriptors for levels 6, 7 and 8 respectively.

Article 7

The Flemish Government shall determine the procedure for the description and aligning of professional qualifications, after receiving advice from Vlor and SERV. This decree of the Flemish Government shall contain at least the following elements:

- a) – the model for the description of the competence profiles and the professional competence profiles, using the descriptor elements;
 - the limited examination of the competence profiles and the professional competence profiles against the model;
 - the methodology for determining the level of professional qualifications, in particular for the assignment of a level to competences, the assignment of relative importance to these competences and the determination of the level of professional qualifications based on a decision-making process which leads to consensus;
 - the limited examination of the activities of the sector-specific ad hoc committees against the alignment procedure and the use of the descriptor elements;
- b) the way in which the competent service of the Flemish Government shall formulate an alignment proposal in the absence of consensus within the sector-specific ad hoc committee, taking into account the elements listed under a).

SECTION II

Types of qualifications

Article 8

Professional qualifications are complete and aligned sets of competences with which a profession can be exercised. Professional qualifications can be found at all eight levels of the qualifications structure.

Article 9

Educational qualifications are complete and aligned sets of competences which are necessary to function and participate in society, with which further studies in secondary or higher education can be undertaken or professional activities can be performed.

Educational qualifications can be found at all eight levels of the qualifications structure.

Educational qualifications are only acquired via education and only institutions accredited by the Flemish Government can deliver qualification certificates for these qualifications.

CHAPTER IV

Recognition of qualifications

SECTION 1

Recognition procedure for professional qualifications

Article 10

The SERV shall submit professional competence profiles or competence profiles, described by means of the descriptor elements, for recognition as professional qualifications to the competent service of the Flemish Government. After obtaining advice from all the strategic advisory councils involved, the Flemish Government shall determine under what conditions and for which sectors derogations may be granted with respect to the submission of the application for recognition of competence profiles through the SERV. The derogation shall not affect the obligation to organise social consultations, on equal terms, prior to the application for recognition.

Applications for recognition may be submitted permanently to the competent service of the Flemish Government.

Article 11

The competent service of the Flemish Government shall provide advice on the recognition, including a proposal for alignment, to the minister responsible for Training and the minister with functional responsibility for the qualification.

For professional qualifications based on professional competence profiles, this advice shall be prepared by a sector-specific ad hoc committee within the competent service of the Flemish Government. This committee shall be composed as follows:

- 1° representatives of employers' organisations and trade unions involved, appointed by the SERV;
- 2° representatives of education providers, appointed by Vlor;
- 3° representatives of public training providers, appointed by the Flemish Public Employment and Vocational Training Service (VDAB) and the Flemish Agency for Entrepreneurial Training (SYNTRA Flanders);
- 4° two independent alignment experts, appointed by the competent service of the Flemish Government.

The ad hoc committee shall be composed of an equal number of representatives of employers' organisations and trade unions, on the one hand, and education and public training providers, on the other.

For professional qualifications based on competence profiles, this advice shall be prepared by a sector-specific ad hoc committee within the competent service of the Flemish Government. This committee shall be composed as follows:

- 1° representatives of the sector(s) in question, appointed by the SERV if the competence profile is submitted through the SERV. In application of the derogation as contained in article 10 of this Flemish Act, the sectors involved shall appoint their own representatives;
- 2° representatives of education providers, appointed by Vlor;
- 3° representatives of public training providers, appointed by the Flemish Public Employment and Vocational Training Service (VDAB) and SYNTRA Flanders;
- 4° two independent alignment experts, appointed by the competent service of the Flemish Government.

The ad hoc committee shall be composed of an equal number of representatives of the sectors, on the one hand, and of the education and public training providers, on the other.

Article 12

The Flemish Government shall recognise the qualification or request a correction of the alignment.

The request for correction shall be reasoned. Based on the arguments provided by the Flemish Government, new advice on the alignment shall be prepared by an especially composed, sector-specific ad hoc committee. Based on this preparation the competent service of the Flemish Government shall provide its advice on the recognition, together with a proposal for alignment.

Professional competence profiles shall be recognised as professional qualifications on the joint proposal of the minister responsible for Training, the minister responsible for Employment and, if applicable, the minister having functional responsibility.

Competence profiles shall be recognised as professional qualifications on the joint proposal of the minister responsible for Training and, if applicable, the minister having functional responsibility.

Between the date of the application for recognition and the recognition decision of the Flemish Government, and between the date of the application for recognition and the request for correction, no more than ten weeks shall elapse. Between the date of the request for correction and the final decision, no more than eight weeks shall elapse.

These periods shall be interrupted during autumn, Christmas, spring and Easter breaks and during the summer recess of the Flemish Government in July and August.

Article 13

The competent service of the Flemish Government shall register the recognised professional qualification, with the corresponding competences, in a qualifications database.

SECTION II

Recognition procedure for educational qualifications for levels 1 to 5

Article 14

Educational qualifications situated on levels 1 to 5 shall consist of final objectives, specific final objectives or recognised professional qualifications, and shall be composed as follows:

1° the educational qualification for level 1 shall consist of:

- a) the final objectives for primary education;

2° the educational qualifications for level 2 shall consist of:

- a) the final objectives for basic education;
- b) the final objectives for stage 2 of bso and one or more recognised professional qualifications;

3° the educational qualifications for level 3 shall consist of:

- a) the final objectives for the second year of stage 3 of bso and one or more recognised professional qualifications;

4° the educational qualifications for level 4 shall consist of:

- a) the final objectives for stage 3 of aso, and the specific final objectives for stage 3 of aso which are linked to one or more areas of science;
- b) the final objectives for stage 3 of tso, and the specific final objectives for stage 3 of tso which are linked to one or more areas of science;
- c) the final objectives for stage 3 of kso, and the specific final objectives for stage 3 of kso which are linked to one or more areas of science;
- d) the final objectives for stage 3 of tso or kso and one or more recognised professional qualifications;
- e) the final objectives for the third year of stage 3 of bso and one or more recognised professional qualifications;
- f) the final objectives for additional general education in adult education and one or more recognised professional qualifications;

g) one or more recognised professional qualifications of level 4 ;

5° the educational qualifications for level 5 shall consist of:

a) one or more recognised professional qualifications of level 5;

For the purposes of this article, final objectives and specific final objectives shall also include replacement attainment targets or specific final objectives which have been declared equivalent as specified in Article 9 of the Flemish Act of 18 January 2002 on final objectives, developmental objectives and specific final objectives in full-time general and special secondary education and as specified in Article 15 of the Flemish Act of 15 June 2007 on adult education.

For the purposes of this Article, professional qualifications shall also include competences and basic competences as referred to in Article 7ter of the Flemish Act of 18 January 2002 on final objectives, developmental objectives and specific final objectives in full-time general and special secondary education and as referred to in Article 12 of the Flemish Act of 15 June 2007 on adult education.

Article 15

With a view to an updated and rational educational provision, the Flemish Government shall determine the criteria for the elaboration of educational qualifications and their position within the training system.

The competent service of the Flemish Government shall elaborate proposals for educational qualifications on its own initiative or at any interested party's request, taking into account the following criteria:

- social, economic or cultural need;
- the educational and pedagogical context: adapted to the target group, the profile of the type and level of education, stimulation of learning motivation;
- the expected inflow and outflow;
- the available material and financial resources and expertise;
- the possibility of collaboration with other institutions or the labour market/the world of business, if required;
- continuity in studies and career: coordination with the existing educational provision, coordination with follow-up courses and/or employment opportunities.

All proposals and requests, converted into proposals or not, shall be submitted to Vlor for advice by the competent service of the Flemish Government. For the educational qualifications mentioned in Article 14, 5°, a) the competent service of the Flemish Government shall elaborate its proposals within sixty days after the recognition of the professional qualification(s) in question. The Flemish Government shall recognise the educational qualifications on the joint proposal of the minister responsible for Training and the minister responsible for Education.

The competent service of the Flemish Government shall register the recognised professional qualifications, with the corresponding competences, in a qualifications database.

SECTION III

Recognition procedure for educational qualifications for levels 6 to 8

Article 16

Higher education institutions shall jointly describe the subject-specific learning outcomes for the higher education courses as referred to in Article 5bis of the Flemish Act of 30 April 2004 on the flexibilisation of higher education in Flanders and containing urgent measures for higher education.

Article 17

The validated descriptions of the subject-specific learning outcomes shall automatically be recognised as qualifications.

The validated descriptions of the courses leading to the bachelor's degree shall be included as level 6 qualifications, those leading to the master's degree shall be included as level 7 qualifications and those leading to the doctor's degree shall be included as level 8 qualifications.

Article 18

NVAO shall submit the recognised qualifications, with the corresponding competences, to the competent service of the Flemish Government for their registration in a qualifications database.

CHAPTER V

Qualifications database and database of learning certificates and certificates for work experience

Article 19

With a view to information provision to individuals, institutions and government bodies on the Flemish qualifications policy, and with a view to policy development, all recognised qualifications shall be registered in a qualifications database by the competent service of the Flemish Government.

In this database all recognised educational and professional qualifications, with the corresponding competences, shall be documented, as well as the ways in which these qualifications can be obtained.

The competent service of the Flemish Government shall be responsible for the management of the database and for the data exchange.

Article 20

With a view to service provision or policy development, all certificates of learning and for work experience recognised or declared equivalent by the Flemish Community, together with minimal identification data of the holder of the certificate in question, shall be registered in a database of learning certificates and of certificates for work experience at the competent services of the Flemish Government.

This registration shall be carried out by the body which awarded the certificates of learning and for work experience in question or by the body which gathered the data referring to the certificates of learning and for work experience in question from the bodies which award these certificates of learning and for work experience, or based on a registered statement of honour.

A certificate of learning is a certificate which is awarded upon the successful completion of a complete set of educational or training activities, after verification by means of a test whether the predetermined competences have been acquired.

A certificate for work experience is a certificate as referred to in Article 4 of the Flemish Act of 30 April 2004 on the acquirement of a Title for Professional Competence.

The competent services of the Flemish Government shall manage the database. Giving access to this database shall be done by the Flemish E-Government Coordination Unit, which shall intervene in the communication of data from the database for learning certificates and certificates for work experience, complying with Article 8 of the Flemish Act of 18 July 2008 on electronic administrative data traffic.

CHAPTER VI

Amending provisions

Article 21

In Article 24bis, §1, 8° of the Act of 29 May 1959 amending some regulations of education legislation, the words ‘specific final objectives’ shall be replaced with the words ‘recognised educational qualifications’.

Article 22

Article 3 of the Flemish Act of 18 January 2002 on final objectives, developmental objectives and specific final objectives in full-time mainstream and special secondary education shall be replaced by the following:

“Article 3

The final objectives, specific final objectives, developmental objectives for full-time mainstream secondary education and the developmental objectives for special secondary education shall be defined by the Flemish Parliament through the ratification of an Order adopted by the Flemish Government upon Vlor’s advice.

No final objectives or developmental objectives shall be defined for education in a recognised religion, for moral philosophy based on religion, for non-confessional moral philosophy, for one’s own culture and religion or for cultural opinions.

Within one month of its approval the Flemish Government shall submit the Order to the Flemish Parliament for ratification.

The final objectives, the specific final objectives and the developmental objectives shall come into effect on the date indicated in the Flemish Act.

The final objectives and the specific final objectives shall be developed using the descriptor elements mentioned in Article 6 of the Flemish Act of [30 April 2009] on the qualifications structure.”

Article 23

In Article 5, §3 of the same Flemish Act, the third paragraph shall be replaced by the following:

“In education type 4 of special secondary education the final objectives, the developmental objectives, the specific final objectives and the recognised professional qualifications of the corresponding level of mainstream secondary education shall apply respectively as final objectives, developmental objectives, specific final objectives and recognised professional qualifications. For other types of education the class committee may take over the final objectives and/or developmental objectives and/or specific final objectives and/or recognised professional qualifications of the corresponding level of mainstream secondary education, of other types of special secondary education, or of mainstream or special primary education as developmental objectives. In either case, the class committee, taking into account the pupil’s personal characteristics, may judge on the equivalence of achievements in the education type in question to the achievements required by the final objectives and/or developmental objectives and/or specific final objectives and/or recognised professional qualifications of the corresponding level of mainstream secondary education.”

Article 24

In Chapter II of the same Flemish Act, Section 3, consisting of Articles 6 and 7, shall be replaced by the following:

“SECTION 3

Specific final objectives
and recognised professional qualifications

Article 6

Specific final objectives and recognised professional qualifications shall be obtained via the specific part of a course. The specific part of a course is the part which does not belong to the general education part or to the complementary part, as defined in Title IV of the Flemish Act of 31 July 1990 on education II, as amended.

Article 7

Specific final objectives are goals with respect to skills, specific knowledge, insights and attitudes a pupil in full-time secondary education has at his or her disposal to start further education.

Specific final objectives shall be defined for the second year of stage 3 of aso, kso and tso, and shall be developed from the characteristic elements of a certain area of science.

Article 7bis

Recognised professional qualifications a pupil in full-time secondary education has at his or her disposal are complete and aligned sets of competences to exercise a profession as a beginning professional. The competences of the beginning professional shall be contained in the professional qualifications recognised according to the procedure determined by the Flemish Act of [30 April 2009] on the qualifications structure.

Article 7ter

For those specific parts of courses aimed at the exercise of a profession for which no recognised professional qualification is available, the Flemish Government shall determine the competences, as long as no recognised professional qualifications are available. The Flemish Government shall determine these competences on the basis of reference frameworks recognised by the sectors or government bodies and using the descriptor elements.”

Article 25

The following amendments to Article 8 of the same Flemish Act shall be adopted:

1° §1 shall be replaced by the following:

“§1. Taking into account the timetable based on the core curriculum determined by or by virtue of the Flemish Act, and taking into account the developmental objectives and the recognised educational qualifications, each organising body shall, for each of its institutions, have the freedom to determine timetables and curricula and to freely choose its educational methods.”;

2° in §2 the third paragraph shall be replaced by the following:

“If necessary, certain final objectives, developmental objectives, specific final objectives or recognised professional qualifications of mainstream secondary education, of other types of special secondary education or of mainstream or special primary education may be included in a plan of action by a decision of the class committee.”;

3° to §3, first paragraph, a third dash shall be added, which shall state the following:

“– the recognised professional qualifications or the competences defined instead.”.

Article 26

In Article 9, §2 of the same Flemish Act the following modifications shall be made:

- 1° in the second paragraph, 5°, the phrase ‘and/or to be able to function as a beginning professional’ shall be eliminated;
- 2° in the fourth paragraph the sentence ‘If the application for a derogation refers to specific final objectives for which the Flanders Social and Economic Council has submitted profiles, the Flemish Government shall ask the Flanders Social and Economic Council to designate a member to take part in the committee of experts as referred to in the previous paragraph.’ shall be eliminated.

Article 27

In Article 3 of the Flemish Act of 4 April 2003 on higher education reform a dash shall be added between the dash ‘executive board’ and the dash ‘qualification of a stage’, stating the following:

“– qualification: a complete and aligned set of competences or subject-specific learning outcomes”.

Article 28

In Article 11 of the same Flemish Act after the words ‘graduate’s degree’ the words ‘and specific teacher training courses leading to a teaching degree’ shall be added.

Article 29

In Article 58 of the same Flemish Act the following modifications shall be made:

- 1° to the first sentence of §2 the words ‘the learning outcomes included in the following level descriptors’ shall be added;
- 2° to §2 a point 1° shall be added, which shall state the following:

“1° in the courses leading to the graduate’s degree in higher vocational education:

- a) expanding or completing the information in a specific area with concrete and abstract data; using conceptual frameworks and being aware of the scope of subject-specific knowledge;
- b) applying integrated cognitive and motorical skills;
- c) transferring knowledge and applying procedures flexibly and inventively for the performance of tasks and for the strategic solution of concrete and abstract problems;
- d) acting in a range of new, complex contexts;
- e) functioning autonomously with initiative;

f) taking responsibility for the achievement of personal outcomes and the stimulation of collective outcomes.”;

3° the existing point 1° in §2 becomes point 2°;

4° the existing point 2° in §2 becomes point 3°;

5° to §2 a point 4° shall be added, which shall state the following:

“4° in the doctoral courses and the preparation of dissertations leading to a doctoral degree:

- a) systematically understanding a field of study and mastering the skills and methods of research in that field of study;
- b) being able to design, develop, carry out and adjust a large-scale research process with the integrity appropriate for a researcher;
- c) making a contribution to the expansion of knowledge carrying out a considerable amount of original research, part of which is worthy of a nationally or internationally reviewed publication;
- d) being able to perform a critical analysis, evaluation and synthesis of new and complex ideas;
- e) being able to communicate with colleagues in the field and the broader national and international scientific community, as well as with society at large, on one’s field of expertise;
- f) making an innovative contribution within the academic and professional context, leading to technological, social or cultural progress in a knowledge society.”.

Article 30

To Article 61, §1, second paragraph of the same Flemish Act a point 1) shall be added, which shall state the following:

“1) the subject-specific learning outcomes jointly described by the institutions as specified in article 5bis of the Flemish Act of 30 April 2004 on the flexibilisation of higher education in Flanders and containing urgent measures for higher education.”.

Article 31

To Article 62, §3 of the same Flemish Act a point 5° shall be added, which shall state the following:

“5° the subject-specific learning outcomes jointly described by the institutions.”

Article 32

In the Flemish Act of 30 April 2004 on the flexibilisation of higher education in Flanders and containing urgent measures for higher education an article 5bis shall be inserted, which shall state the following:

“Article 5bis

The institution shall describe learning outcomes for each course and for each subject.

Based on the level descriptors as determined in article 58, §2 of the Flemish Act of 4 April 2003 on higher education reform, the institutions, coordinated by the Flemish Council for Non-University Higher Education and the Flemish Interuniversity Council, shall, in addition, jointly describe the subject-specific learning outcomes. They shall guarantee the application of Flemish, federal and international legislation on the exercise of professions.

This description of subject-specific learning outcomes shall be validated by the Dutch-Flemish Accreditation Organisation.

To this end, the Flemish Government may lay down further rules.”.

Article 33

In Article 2 of the Flemish Act of 30 April 2004 on the acquirement of a Title of Professional Competence, the following modifications shall be made:

1° a point 2°bis shall be added, which shall state the following:

“2°bis competence profile: a complete set of competences used by a person in a social context in order to achieve (the) expected results in that social role, and for which no professional competence profile exists or will be developed;”;

2° point 5° shall be replaced by the following:

“5° professional competence profile: a complete set of competences used by a professional in a certain employment context in order to achieve (the) expected results in the workplace”;

3° point 12° shall be replaced by the following:

“12° recognised professional qualification: the professional qualification as mentioned in the Flemish Act of [...] on the qualifications structure;”.

Article 34

In Article 4 of the same Flemish Act the following modifications shall be made:

1° to §1 a sentence shall be added, which shall state the following:

“In the communication to citizens, the term ‘certificate of experience’ may be used as a synonym for the term ‘certificate of professional competence.’

2° a §1bis shall be added, which shall state the following:

“§1bis. The certificate of professional competence shall also serve as proof that the person in question has obtained a recognised professional qualification.”;

3° in §2 the second paragraph shall be replaced by the following:

“Diplomas and certificates, awarded in part on the basis of existing professional competences as defined in a recognised professional qualification, shall at all times be considered to comprise the competences defined for the profession or the sub-profession in question.”.

Article 35

In Article 6 of the same Flemish Act the following modifications shall be made:

1° in point 3° the word ‘professional profiles’ shall be replaced by the words ‘professional competence profiles or competence profiles’;

2° in the first sentence of point 4° the words ‘professional competence profiles, as referred to in 3°’ shall be replaced by the words ‘professional competence profiles or competence profiles’;

3° in the second sentence of point 4° the word ‘professional profile’ shall be replaced by the words ‘professional competence profile or competence profile’.

Article 36

To Article 8 of the same Flemish Act a §2 shall be added, which shall state the following:

“§2. The competent service of the Flemish Government shall be responsible for the organisation of the supervision of the quality of the pathways leading to the awarding of a certificate of professional competence.”.

Article 37

In Article 15bis of the Flemish Act of 7 May 2004 on the Flanders Social and Economic Council, §1 and §2 shall be replaced by the following:

“§1. The Council shall define professional competence profiles or competence profiles, either on its own initiative, or at the request of the Flemish Government, or at the request of the social partners of a business sector or a coherent set of business sectors as described by the Flemish Government, or at the request of a social sector as described by the Flemish Government.

A competence profile may only be defined for social roles for which no professional competence profile exists or will be developed.

§2. When developing professional competence profiles and competence profiles, the SERV shall guarantee equal representation of all actors from the business sector, business sectors or social sectors in question, as well as the application of Flemish, federal and international legislation on the exercise of professions.”.

Article 38

In Article 2 of the Flemish Act of 15 June 2007 on adult education the following modifications shall be made:

1° in point 32° between the words ‘specific final objectives’ and the word ‘and’ the words ‘, recognised professional qualification(s)’ shall be inserted;

2° in point 39° the phrase ‘or to be able to function as a beginning professional’ shall be eliminated.

Article 39

In Title III of the same Flemish Act the Title of Chapter IV shall be replaced by what follows:

“CHAPTER IV

Final objectives, specific final objectives,
recognised professional qualifications and basic competences”.

Article 40

In Article 11 of the same Flemish Act the following modifications shall be made:

1° in §3 between the words ‘specific final objectives’ and the words ‘as for’, the words ‘and recognised professional qualifications’ shall be inserted;

2° a §6 shall be added, which shall state the following:

“§6. The final objectives and the specific final objectives shall be developed using the descriptor elements mentioned in article 6 of the Flemish Act of [30 April 2009] on the qualifications structure.”.

Article 41

In Article 12 of the same Flemish Act the following modifications shall be made:

1° in §2 between the words ‘specific final objectives’ and the word ‘apply’, the words ‘and recognised professional qualifications’ shall be inserted;

2° to §3, 1° the following sentence shall be added:

“The basic competences which are defined for courses leading to a profession shall include recognised professional qualifications in a recognisable way.”;

3° in §3, 2° between the words ‘specific final objectives’ and the word ‘defined’, the words ‘or recognised professional qualifications’ shall be inserted;

4° to §3 a sentence shall be added, which shall state the following:

“The basic competences for courses leading to a profession for which no recognised professional qualifications exist shall be determined on the basis of reference frameworks recognised by the sectors or by government bodies and making use of the descriptor elements, and this as long as no recognised professional qualifications are available.”.

Article 42

In Article 13 of the same Flemish Act the following modifications shall be made:

1° in §1, between the word ‘skills’ and the word ‘with’, the words ‘and recognised professional qualifications’ shall be inserted;

2° in §2, between the words ‘specific final objectives’ and the word ‘or’, the words ‘, recognised professional qualifications’ shall be inserted.

Article 43

In Article 14, §2, first paragraph of the same Flemish Act, the sentence ‘In the curricula the final objectives, the specific final objectives or the basic competences shall be included in a recognisable way’ shall be replaced with the sentence ‘In the curricula the final objectives, the specific final objectives, the basic competences or the recognised professional qualifications shall be included in a recognisable way’.

Article 44

In Article 15, §2 of the same Flemish Act the following modifications shall be made:

1° in the second paragraph, 5°, the phrase ‘or to be able to function as a beginning professional’ shall be eliminated;

2° in the third paragraph the sentence ‘If the application for an derogation refers to specific final objectives or basic competences for which the Flanders Social and Economic Council has published professional (competence) profiles, the Flemish Government shall ask the Flanders Social and Economic Council to render advice stating its reasons.’ shall be eliminated.

Article 45

In Article 24, §1, second paragraph, 4° of the same Flemish Act, between the words ‘specific final objectives’ and the word ‘or’, the words ‘, recognised professional qualifications’ shall be inserted.

Article 46

In Article 45, 4° of the same Flemish Act, between the words ‘specific final objectives’ and the word ‘and’, the words ‘, recognised professional qualifications’ shall be inserted.

Article 47

In Article 56, 8° of the same Flemish Act, between the words ‘specific final objectives’ and the word ‘basic competences’, the words ‘recognised professional qualifications,’ shall be inserted.

Article 48

In Article 30, §1 of the Flemish Act of 10 July 2008 on alternance training in the Flemish Community, the words ‘professional competence profiles as developed by the Flanders Social and Economic Council’ shall be replaced with the words ‘recognised professional qualifications specified in the Flemish Act of [30 April 2009] on the qualifications structure’.

Article 49

In Article 32, §1 of the same Flemish Act, the words ‘professional competence profiles as developed by the Flanders Social and Economic Council’ shall be replaced with the words ‘recognised professional qualifications mentioned in the Flemish Act of [30 April 2009] on the qualifications structure’.

CHAPTER VII

Final provisions

Article 50

Courses which lead to a diploma of secondary education and do not contain an educational qualification as described in article 14, 4° of this Flemish Act shall be deemed to lead to a level 4 educational qualification up to and including school year 2012-2013.

Article 51

Up to and including academic year 2012-2013, the learning outcomes included in the reference frameworks of the inspection reports of the courses included in the Higher Education Register, shall automatically be recognised and registered in a qualifications database.

Article 52

Articles 21, 25, 42, 43 and 47 shall come into effect on the date to be determined by the Flemish Government.

Pronounce this Flemish Act and order that it shall be announced in the Belgian Official Gazette.

Brussels, 30 April 2009

The Minister-President of the Flemish Government,

Kris PEETERS

The Flemish Minister for Employment, Education and Training,

Frank VANDENBROUCKE