

POLAND'S NEGOTIATION POSITION IN THE AREA OF EDUCATION, TRAINING AND YOUTH

SYNTHESIS

As a definition of the time-frame for the process of harmonisation and implementation of the Community law, the Government of Poland has adopted 31 December 2002 as the date on which Poland will be prepared for accession to the European Union.

This applies in particular to Council Directive 77/486/EEC of 1977 on children of migrant workers, the provisions of which will, within this time-frame, be included into Polish legal acts.

Poland fully accepts the *acquis communautaire* and does not report any problems in the sphere of 'Education, training and youth'.

In accordance with articles 126 and 127 of the Treaty on European Union, the organisation of education systems and the content of curricula fall within the exclusive competence of each Member State. The *acquis communautaire* in the sphere of 'Education, training and youth' consists, above all, of cooperation programmes as well as lower order legal acts, which is not of a mandatory binding nature.

Legal acts constituting the Community's body of law in the sphere of 'Education, training and youth', both the so-called 'pre-Maastricht' and 'post-Maastricht' legal instruments, lay down the direction of European Union education policy in the scope of general education, education, the initial in-service training and life-long learning, higher education and activities for the benefit of youth. Council decisions establishing cooperation programmes constitute a significant part of Community achievements in this area.

The substance of the so-called 'pre-Maastricht' instruments was incorporated into articles 126 and 127 of the Treaty on European Union, which currently constitute the basic element of the *acquis communautaire* in the above-mentioned area. The only legal act within the *acquis communautaire* in the sphere of 'Education, training and youth' which remains to be transposed into Polish law is Council Directive 77/486/EEC of 1977 on the children of migrant workers.

The European Union, through the common activities of Member States, has set itself the following goals: a constant improvement in the quality of teaching, intensifying exchanges for young people, school children, students and teaching staff, cooperation between schools of all levels, development of the European dimension in national teaching sys-



tems, introducing the recognition of diplomas and periods of study, development of distance learning, promotion and improvements in the quality of basic vocational training and life-long learning.

The legal act which constitutes the basis for the Polish system of education is the Act of 7 September 1991 on the education system (OJ 067 p. 329 as amended by OJ 106 p. 496). The rules set forth in Council Directive 77/486/EEC have already been implemented, to a large degree, in existing Polish legal acts. Apart from the above mentioned Act on the education system, these include:

- ❖ the Regulation of the Minister of National Education of 8 September 1993 on the conditions and mode of acceptance of persons without Polish citizenship to schools and public institutions and the principles of payment of such persons for study and care in schools and public institutions (OJ 088 p. 409);
- ❖ the Regulation of the Minister of National Education of 24 March 1992 on organisation of education allowing for the maintenance of feelings of national, ethnic and linguistic identity of students belonging to minorities (OJ 034 p. 150).

Poland has actively joined in the implementation of Community programmes, e.g. Socrates, Leonardo da Vinci, Youth for Europe. It is also participating in the next phase of the Tempus programme.

Poland is aware that the implementation of the European Union's common goals to a large extent rests with each of the Member States, and that each Member State alone, in accordance with commonly indicated directions of activity, is responsible for the organisation of its own education system and for the content of the curricula. With a permanent improvement of teaching in mind, which is also one of the goals of the European Union, Poland has undertaken the reform of its education system. This reform will allow Poland, at the time of its entry to the European Union, to participate fully in the common activities of the Member States in the field of 'Education, training and youth' on the basis of the body of Community laws, and in particular articles 126 and 127 of the Treaty on European Union.

The above negotiating position does not cover the issue of the recognition of qualifications which fall within the sphere of the 'Free movement of persons'.

/Adopted by the Council of Ministers of the Republic of Poland, 27 August 1998/

**ADDENDUM TO POLAND'S NEGOTIATION POSITION
IN THE AREA OF
EDUCATION, TRAINING AND YOUTH**

SYNTHESIS

Poland accepts and will implement the entire *acquis communautaire* adopted in the years 1998 – 1999, as presented by the EU in the area of 'Education, training and youth', and will not request transition periods or derogations in this area.

Poland will implement and apply the *acquis communautaire* adopted in the years 1998-1999 in the area of 'Education, training and youth' by 31 December 2002 wherever possible. Poland intends to harmonise its law with the *acquis communautaire* as soon as possible and to implement it in full before the stipulated date of its accession to the EU.

/Adopted by the Council of Ministers of the Republic of Poland, 6 February 2001/

