

Official Bologna process conference

IMPROVING THE RECOGNITION SYSTEM

of degrees and study credit points in the European Higher Education Area

Riga, University of Latvia, December 3-4, 2004

INTERNATIONAL LEGAL FRAMEWORK FOR RECOGNITION

**Lisbon convention and its
supplementary
documents**

2004



Socrates



towards the European higher education area
bologna process

International Legal framework for Recognition -

Lisbon Recognition Convention - and supplementing legal texts

2004

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Convention on the recognition of qualifications concerning higher education in the European region

(The European Treaty Series, n°135, Council of Europe - UNESCO joint Convention)
Lisbon, 11 April 1997

The Parties to this Convention,

Conscious of the fact that the right to education is a human right, and that higher education, which is instrumental in the pursuit and advancement of knowledge, constitutes an exceptionally rich cultural and scientific asset for both individuals and society;

Considering that higher education should play a vital role in promoting peace, mutual understanding and tolerance, and in creating mutual confidence among peoples and nations;

Considering that the great diversity of education systems in the European region reflects its cultural, social, political, philosophical, religious and economic diversity, an exceptional asset which should be fully respected;

Desiring to enable all people of the region to benefit fully from this rich asset of diversity by facilitating access by the inhabitants of each State and by the students of each Party's educational institutions to the educational resources of the other Parties, more specifically by facilitating their efforts to continue their education or to complete a period of studies in higher education institutions in those other Parties;

Considering that the recognition of studies, certificates, diplomas and degrees obtained in another country of the European region represents an important measure for promoting academic mobility between the Parties;

Attaching great importance to the principle of institutional autonomy, and conscious of the need to uphold and protect this principle;

Convinced that a fair recognition of qualifications is a key element of the right to education and a responsibility of society;

Having regard to the Council of Europe and UNESCO Conventions covering academic recognition in Europe:

European Convention on the Equivalence of Diplomas leading to Admission to Universities (1953, ETS No. 15), and its Protocol (1964, ETS No. 49);

European Convention on the Equivalence of Periods of University Study (1956, ETS No. 21);

European Convention on the Academic Recognition of University Qualifications (1959, ETS No. 32);

Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region (1979);

European Convention on the General Equivalence of Periods of University Study (1990, ETS No. 138);

Having regard also to the International Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab and European States bordering on the Mediterranean (1976), adopted within the framework of UNESCO and partially covering academic recognition in Europe;

Mindful that this Convention should also be considered in the context of the UNESCO conventions and the International Recommendation covering other Regions of the world, and of the need for an improved exchange of information between these Regions;

Conscious of the wide ranging changes in higher education in the European region since these Conventions were adopted, resulting in considerably increased diversification within and between national higher education systems, and of the need to adapt the legal instruments and practice to reflect these developments;

Conscious of the need to find common solutions to practical recognition problems in the European region;

Conscious of the need to improve current recognition practice and to make it more transparent and better adapted to the current situation of higher education in the European region;

Confident of the positive significance of a Convention elaborated and adopted under the joint auspices of the Council of Europe and UNESCO providing a framework for the further development of recognition practices in the European region;

Conscious of the importance of providing permanent implementation mechanisms in order to put the principles and provisions of the current Convention into practice,

Have agreed as follows:

Section I. Definitions

Article I

For the purposes of this Convention, the following terms shall have the following meaning:

Access (to higher education)

The right of qualified candidates to apply and to be considered for admission to higher education.

Admission (to higher education institutions and programmes)

The act of, or system for, allowing qualified applicants to pursue studies in higher education at a given institution and/or a given programme.

Assessment (of institutions or programmes)

The process for establishing the educational quality of a higher education institution or programme.

Assessment (of individual qualifications)

The written appraisal or evaluation of an individual's foreign qualifications by a competent body.

Competent recognition authority

A body officially charged with making binding decisions on the recognition of foreign qualifications.

Higher education

All types of courses of study, or sets of courses of study, training or training for research at the post secondary level which are recognized by the relevant authorities of a Party as belonging to its higher education system.

Higher education institution

An establishment providing higher education and recognized by the competent authority of a Party as belonging to its system of higher education.

Higher education programme

A course of study recognized by the competent authority of a Party as belonging to its system of higher education, and the completion of which provides the student with a higher education qualification.

Period of study

Any component of a higher education programme which has been evaluated and documented and, while not a complete programme of study in itself, represents a significant acquisition of knowledge or skill.

Qualification

A. Higher education qualification

Any degree, diploma or other certificate issued by a competent authority attesting the successful completion of a higher education programme.

B. Qualification giving access to higher education

Any diploma or other certificate issued by a competent authority attesting the successful completion of an education programme and giving the holder of the qualification the right to be considered for admission to higher education (cf. the definition of access).

Recognition

A formal acknowledgement by a competent authority of the value of a foreign educational qualification with a view to access to educational and/or employment activities.

Requirement

A. General requirements

Conditions that must in all cases be fulfilled for access to higher education, or to a given level thereof, or for the award of a higher education qualification at a given level.

B. Specific requirements

Conditions that must be fulfilled, in addition to the general requirements, in order to gain admission to a particular higher education programme, or for the award of a specific higher education qualification in a particular field of study.

Section II. The competence of authorities

Article II.1

1 Where central authorities of a Party are competent to make decisions in recognition cases, that Party shall be immediately bound by the provisions of this Convention and shall take the necessary measures to ensure the implementation of its provisions on its territory.

Where the competence to make decisions in recognition matters lies with components of the Party, the Party shall furnish one of the depositories with a brief statement of its constitutional situation or structure at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, or any time thereafter. In such cases, the competent authorities of the components of the Parties so designated shall take the necessary measures to ensure implementation of the provisions of this Convention on their territory.

2 Where the competence to make decisions in recognition matters lies with individual higher education institutions or other entities, each Party according to its constitutional situation or structure shall transmit the text of this convention to these institutions or entities and shall take all possible steps to encourage the favourable consideration and application of its provisions.

3 The provisions of paragraphs 1 and 2 of this Article shall apply, *mutatis mutandis*, to the obligations of the Parties under subsequent articles of this Convention.

Article II.2

At the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, or at any time thereafter, each State, the Holy See or the European Community shall inform either depository of the present Convention of the authorities which are competent to make different categories of decisions in recognition cases.

Article II.3

Nothing in this Convention shall be deemed to derogate from any more favourable provisions concerning the recognition of qualifications issued in one of the Parties contained in or stemming from an existing or a future treaty to which a Party to this Convention may be or may become a party.

Section III. Basic principles related to the assessment of qualifications

Article III.1

1 Holders of qualifications issued in one of the Parties shall have adequate access, upon request to the appropriate body, to an assessment of these qualifications.

2 No discrimination shall be made in this respect on any ground such as the applicant's gender, race, colour, disability, language, religion, political or other opinion, national, ethnic or social origin, association with a national minority, property, birth or other status, or on the grounds of any other circumstance not related to the merits of the qualification for which recognition is sought. In order to assure this right, each Party undertakes to make appropriate arrangements for the assessment of an application for recognition of qualifications solely on the basis of the knowledge and skills achieved.

Article III.2

Each Party shall ensure that the procedures and criteria used in the assessment and recognition of qualifications are transparent, coherent and reliable.

Article III.3

1 Decisions on recognition shall be made on the basis of appropriate information on the qualifications for which recognition is sought.

2 In the first instance, the responsibility for providing adequate information rests with the applicant, who shall provide such information in good faith.

3 Notwithstanding the responsibility of the applicant, the institutions having issued the qualifications in question shall have a duty to provide, upon request of the applicant and within reasonable limits, relevant information to the holder of the qualification, to the institution, or to the competent authorities of the country in which recognition is sought.

4 The Parties shall instruct or encourage, as appropriate, all education institutions belonging to their education systems to comply with any reasonable request for information for the purpose of assessing qualifications earned at the said institutions.

5 The responsibility to demonstrate that an application does not fulfil the relevant requirements lies with the body undertaking the assessment.

Article III.4

Each Party shall ensure, in order to facilitate the recognition of qualifications, that adequate and clear information on its education system is provided.

Article III.5

Decisions on recognition shall be made within a reasonable time limit specified beforehand by the competent recognition authority and calculated from the time all necessary information in the case has been provided. If recognition is withheld, the reasons for the refusal to grant recognition shall be stated, and information shall be given concerning possible measures the applicant may take in order to obtain recognition at a later stage. If recognition is withheld, or if no decision is taken, the applicant shall be able to make an appeal within a reasonable time limit.

Section IV. Recognition of qualifications giving access to higher education

Article IV.1

Each Party shall recognize the qualifications issued by other Parties meeting the general requirements for access to higher education in those Parties for the purpose of access to programmes belonging to its higher education system, unless a substantial difference can be shown between the general requirements for access in the Party in which the qualification was obtained and in the Party in which recognition of the qualification is sought.

Article IV.2

Alternatively, it shall be sufficient for a Party to enable the holder of a qualification issued in one of the other Parties to obtain an assessment of that qualification, upon request by the holder, and the provisions of Article IV.1 shall apply mutatis mutandis to such a case.

Article IV.3

Where a qualification gives access only to specific types of institutions or programmes of higher education in the Party in which the qualification was obtained, each other Party shall grant holders of such qualifications access to similar specific programmes in institutions belonging to its higher education system, unless a substantial difference can be demonstrated between the requirements for access in the Party in which the qualification was obtained and the Party in which recognition of the qualification is sought.

Article IV.4

Where admission to particular higher education programmes is dependent on the fulfilment of specific requirements in addition to the general requirements for access, the competent authorities of the Party concerned may impose the additional requirements equally on holders of qualifications obtained in the other Parties or assess whether applicants with qualifications obtained in other Parties fulfil equivalent requirements.

Article IV.5

Where, in the Party in which they have been obtained, school leaving certificates give access to higher education only in combination with additional qualifying examinations as a prerequisite for access, the other Parties may make access conditional on these requirements or offer an alternative for satisfying such additional requirements within their own educational systems. Any State, the Holy See or the European Community may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, or at any time thereafter, notify one of the depositaries that it avails itself of the provisions of this Article, specifying the Parties in regard to which it intends to apply this Article as well as the reasons therefor.

Article IV.6

Without prejudice to the provisions of Articles IV.1, IV.2, IV.3, IV.4 and IV.5, admission to a given higher education institution, or to a given programme within such an institution, may be restricted or selective. In cases in which admission to a higher education institution and/or programme is selective, admission procedures should be designed with a view to ensuring that the assessment of foreign qualifications is carried out according to the principles of fairness and non-discrimination described in Section III.

Article IV.7

Without prejudice to the provisions of Articles IV.1, IV.2, IV.3, IV.4 and IV.5, admission to a given higher education institution may be made conditional on demonstration by the applicant of sufficient competence in the language or languages of instruction of the institution concerned, or in other specified languages.

Article IV.8

In the Parties in which access to higher education may be obtained on the basis of non-traditional qualifications, similar qualifications obtained in other Parties shall be assessed

in a similar manner as non-traditional qualifications earned in the Party in which recognition is sought.

Article IV.9

For the purpose of admission to programmes of higher education, each Party may make the recognition of qualifications issued by foreign educational institutions operating in its territory contingent upon specific requirements of national legislation or specific agreements concluded with the Party of origin of such institutions.

Section V. Recognition of periods of study

Article V.1

Each Party shall recognize periods of study completed within the framework of a higher education programme in another Party. This recognition shall comprise such periods of study towards the completion of a higher education programme in the Party in which recognition is sought, unless substantial differences can be shown between the periods of study completed in another Party and the part of the higher education programme which they would replace in the Party in which recognition is sought.

Article V.2

Alternatively, it shall be sufficient for a Party to enable a person who has completed a period of study within the framework of a higher education programme in another Party to obtain an assessment of that period of study, upon request by the person concerned, and the provisions of Article V.1 shall apply *mutatis mutandis* to such a case.

Article V.3

In particular, each Party shall facilitate recognition of periods of study when:

- a there has been a previous agreement between, on the one hand, the higher education institution or the competent authority responsible for the relevant period of study and, on the other hand, the higher education institution or the competent recognition authority responsible for the recognition that is sought; and
- b the higher education institution in which the period of study has been completed has issued a certificate or transcript of academic records attesting that the student has successfully completed the stipulated requirements for the said period of study.

Section VI. Recognition of higher education qualifications

Article VI.1

To the extent that a recognition decision is based on the knowledge and skills certified by the higher education qualification, each Party shall recognize the higher education qualifications conferred in another Party, unless a substantial difference can be shown between the qualification for which recognition is sought and the corresponding qualification in the Party in which recognition is sought.

Article VI.2

Alternatively, it shall be sufficient for a Party to enable the holder of a higher education qualification issued in one of the other Parties to obtain an assessment of that qualification, upon request by the holder, and the provisions of Article VI.1 shall apply *mutatis mutandis* to such a case.

Article VI.3

Recognition in a Party of a higher education qualification issued in another Party shall have one or both of the following consequences:

a access to further higher education studies, including relevant examinations, and/or to preparations for the doctorate, on the same conditions as those applicable to holders of qualifications of the Party in which recognition is sought;

b the use of an academic title, subject to the laws and regulations of the Party or a jurisdiction thereof, in which recognition is sought.

In addition, recognition may facilitate access to the labour market subject to laws and regulations of the Party, or a jurisdiction thereof, in which recognition is sought.

Article VI.4

An assessment in a Party of a higher education qualification issued in another Party may take the form of:

a advice for general employment purposes;

b advice to an educational institution for the purpose of admission into its programmes;

c advice to any other competent recognition authority.

Article VI.5

Each Party may make the recognition of higher education qualifications issued by foreign educational institutions operating in its territory contingent upon specific requirements of national legislation or specific agreements concluded with the Party of origin of such institutions.

Section VII. Recognition of qualifications held by refugees, displaced persons and persons in a refugee-like situation

Article VII

Each Party shall take all feasible and reasonable steps within the framework of its education system and in conformity with its constitutional, legal, and regulatory provisions to develop procedures designed to assess fairly and expeditiously whether refugees, displaced persons and persons in a refugee-like situation fulfil the relevant requirements for access to higher education, to further higher education programmes or to employment activities, even in cases in which the qualifications obtained in one of the Parties cannot be proven through documentary evidence.

Section VIII. Information on the assessment of higher education institutions and programmes

Article VIII.1

Each Party shall provide adequate information on any institution belonging to its higher education system, and on any programme operated by these institutions, with a view to enabling the competent authorities of other Parties to ascertain whether the quality of the qualifications issued by these institutions justifies recognition in the Party in which recognition is sought. Such information shall take the following form:

a in the case of Parties having established a system of formal assessment of higher education institutions and programmes: information on the methods and results of this assessment, and of the standards of quality specific to each type of higher education institution granting, and to programmes leading to, higher education qualifications;

b in the case of Parties which have not established a system of formal assessment of higher education institutions and programmes: information on the recognition of the various qualifications obtained at any higher education institution, or within any higher education programme, belonging to their higher education systems.

Article VIII.2

Each Party shall make adequate provisions for the development, maintenance and provision of:

a an overview of the different types of higher education institutions belonging to its higher education system, with the typical characteristics of each type of institution;

b a list of recognized institutions (public and private) belonging to its higher education system, indicating their powers to award different types of qualifications and the requirements for gaining access to each type of institution and programme;

c a description of higher education programmes;

d a list of educational institutions located outside its territory which the Party considers as belonging to its education system.

Section IX. Information on recognition matters

Article IX.1

In order to facilitate the recognition of qualifications concerning higher education, the Parties undertake to establish transparent systems for the complete description of the qualifications obtained.

Article IX.2

1 Acknowledging the need for relevant, accurate and up-to-date information, each Party shall establish or maintain a national information centre and shall notify one of the depositories of its establishment, or of any changes affecting it.

2 In each Party, the national information centre shall:

- a facilitate access to authoritative and accurate information on the higher education system and qualifications of the country in which it is located;
- b facilitate access to information on the higher education systems and qualifications of the other Parties;
- c give advice or information on recognition matters and assessment of qualifications, in accordance with national laws and regulations.

3 Every national information centre shall have at its disposal the necessary means to enable it to fulfil its functions.

Article IX.3

The Parties shall promote, through the national information centres or otherwise, the use of the UNESCO/Council of Europe Diploma Supplement or any other comparable document by the higher education institutions of the Parties.

Section X. Implementation mechanisms

Article X.1

The following bodies shall oversee, promote and facilitate the implementation of the Convention:

- a the Committee of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region;
- b the European Network of National Information Centres on academic mobility and recognition (the ENIC Network), established by decision of the Committee of Ministers of the Council of Europe on 9 June 1994 and the UNESCO Regional Committee for Europe on 18 June 1994.

Article X.2

1 The Committee of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (hereafter referred to as "the Committee") is hereby established. It shall be composed of one representative of each Party.

2 For the purposes of Article X.2, the term "Party" shall not apply to the European Community.

3 The States mentioned in Article XI.1.1 and the Holy See, if they are not Parties to this Convention, the European Community and the President of the ENIC Network may participate in the meetings of the Committee as observers. Representatives of governmental and non-governmental organizations active in the field of recognition in the Region may also be invited to attend meetings of the Committee as observers.

4 The President of the UNESCO Regional Committee for the Application of the Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region shall also be invited to participate in the meetings of the Committee as an observer.

5 The Committee shall promote the application of this Convention and shall oversee its implementation. To this end it may adopt, by a majority of the Parties, recommendations, declarations, protocols and models of good practice to guide the competent authorities of

the Parties in their implementation of the Convention and in their consideration of applications for the recognition of higher education qualifications. While they shall not be bound by such texts, the Parties shall use their best endeavours to apply them, to bring the texts to the attention of the competent authorities and to encourage their application. The Committee shall seek the opinion of the ENIC Network before making its decisions.

6 The Committee shall report to the relevant bodies of the Council of Europe and UNESCO.

7 The Committee shall maintain links to the UNESCO Regional Committees for the Application of Conventions on the Recognition of Studies, Diplomas and Degrees in Higher Education adopted under the auspices of UNESCO.

8 A majority of the Parties shall constitute a quorum.

9 The Committee shall adopt its Rules of Procedure. It shall meet in ordinary session at least every three years. The Committee shall meet for the first time within a year of the entry into force of this Convention.

10 The Secretariat of the Committee shall be entrusted jointly to the Secretary General of the Council of Europe and to the Director-General of UNESCO.

Article X.3

1 Each Party shall appoint as a member of the European network of national information centres on academic mobility and recognition (the ENIC Network) the national information centre established or maintained under Article IX.2. In cases in which more than one national information centre is established or maintained in a Party under Article IX.2, all these shall be members of the Network, but the national information centres concerned shall dispose of only one vote.

2 The ENIC Network shall, in its composition restricted to national information centres of the Parties to this Convention, uphold and assist the practical implementation of the Convention by the competent national authorities. The Network shall meet at least once a year in plenary session. It shall elect its President and Bureau in accordance with its terms of reference.

3 The Secretariat of the ENIC Network shall be entrusted jointly to the Secretary General of the Council of Europe and to the Director-General of UNESCO.

4 The Parties shall cooperate, through the ENIC Network, with the national information centres of other Parties, especially by enabling them to collect all information of use to the national information centres in their activities relating to academic recognition and mobility.

Section XI. Final clauses

Article XI.1

1 This Convention shall be open for signature by:

a the member States of the Council of Europe;

b the member States of the UNESCO Europe Region;

c any other signatory, contracting State or party to the European Cultural Convention of the Council of Europe and/or to the UNESCO Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in

- the States belonging to the Europe Region, which have been invited to the Diplomatic Conference entrusted with the adoption of this Convention.
- 2 These States and the Holy See may express their consent to be bound by:
- a signature without reservation as to ratification, acceptance or approval; or
 - b signature, subject to ratification, acceptance or approval, followed by ratification, acceptance or approval; or
 - c accession.
- 3 Signatures shall be made with one of the depositaries. Instruments of ratification, acceptance, approval or accession shall be deposited with one of the depositaries.

Article XI.2

This Convention shall enter into force on the first day of the month following the expiration of the period of one month after five States, including at least three member States of the Council of Europe and/or the UNESCO Europe Region, have expressed their consent to be bound by the Convention. It shall enter into force for each other State on the first day of the month following the expiration of the period of one month after the date of expression of its consent to be bound by the Convention.

Article XI.3

- 1 After the entry into force of this Convention, any State other than those falling into one of the categories listed under Article XI.1 may request accession to this Convention. Any request to this effect shall be addressed to one of the depositaries, who shall transmit it to the Parties at least three months before the meeting of the Committee of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region. The depositary shall also inform the Committee of Ministers of the Council of Europe and the Executive Board of UNESCO.
- 2 The decision to invite a State which so requests to accede to this Convention shall be taken by a two-thirds majority of the Parties.
- 3 After the entry into force of this Convention the European Community may accede to it following a request by its member States, which shall be addressed to one of the depositaries. In this case, Article XI.3.2 shall not apply.
- 4 In respect of any acceding States or the European Community, the Convention shall enter into force on the first day of the month following the expiration of the period of one month after the deposit of the instrument of accession with one of the depositaries.

Article XI.4

- 1 Parties to this Convention which are at the same time parties to one or more of the following Conventions:
- European Convention on the Equivalence of Diplomas leading to Admission to Universities (1953, ETS No. 15), and its Protocol (1964, ETS No. 49);
 - European Convention on the Equivalence of Periods of University Study (1956, ETS No. 21);
 - European Convention on the Academic Recognition of University Qualifications (1959, ETS No. 32);

International Convention on the Recognition of Studies, Dipomas and Degrees in Higher Education in the Arab and European States bordering on the Mediterranean (1976);
Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region (1979);
European Convention on the General Equivalence of Periods of University Study (1990, ETS 138),

- a shall apply the provisions of the present Convention in their mutual relations;
- b shall continue to apply the above mentioned Conventions to which they are a party in their relations with other States party to those Conventions but not to the present Convention.

2 The Parties to this Convention undertake to abstain from becoming a party to any of the Conventions mentioned in paragraph 1, to which they are not already a party, with the exception of the International Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab and European States bordering on the Mediterranean.

Article XI.5

1 Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, specify the territory or territories to which this Convention shall apply.

2 Any State may, at any later date, by a declaration addressed to one of the depositaries, extend the application of this Convention to any other territory specified in the declaration. In respect of such territory the Convention shall enter into force on the first day of the month following the expiration of a period of one month after the date of receipt of such declaration by the depositary.

3 Any declaration made under the two preceding paragraphs may, in respect of any territory specified in such declaration, be withdrawn by a notification addressed to one of the depositaries. The withdrawal shall become effective on the first day of the month following the expiration of a period of one month after the date of receipt of such notification by the depositary.

Article XI.6

1 Any Party may, at any time, denounce this Convention by means of a notification addressed to one of the depositaries.

2 Such denunciation shall become effective on the first day of the month following the expiration of a period of twelve months after the date of receipt of the notification by the depositary. However, such denunciation shall not affect recognition decisions taken previously under the provisions of this Convention.

3 Termination or suspension of the operation of this Convention as a consequence of a violation by a Party of a provision essential to the accomplishment of the object or purpose of this Convention shall be addressed in accordance with international law.

Article XI.7

1 Any State, the Holy See or the European Community may, at the time of signature or when depositing its instrument of ratification, acceptance or approval or accession,

declare that it reserves the right not to apply, in whole or in part, one or more of the following Articles of this Convention:

[Article IV.8](#)

[Article V.3](#)

[Article VI.3](#)

[Article VIII.2](#)

[Article IX.3](#)

No other reservation may be made.

2 Any Party which has made a reservation under the preceding paragraph may wholly or partly withdraw it by means of a notification addressed to one of the depositaries. The withdrawal shall take effect on the date of receipt of such notification by the depositary.

3 A Party which has made a reservation in respect of a provision of this Convention may not claim the application of that provision by any other Party; it may, however, if its reservation is partial or conditional, claim the application of that provision in so far as it has itself accepted it.

Article XI.8

1 Draft amendments to this Convention may be adopted by the Committee of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region by a two-thirds majority of the Parties. Any draft amendment so adopted shall be incorporated into a Protocol to this Convention. The Protocol shall specify the modalities for its entry into force which, in any event, shall require the expression of consent by the Parties to be bound by it.

2 No amendment may be made to Section III of this Convention under the procedure of paragraph 1 above.

3 Any proposal for amendments shall be communicated to one of the depositaries, who shall transmit it to the Parties at least three months before the meeting of the Committee. The depositary shall also inform the Committee of Ministers of the Council of Europe and the Executive Board of UNESCO.

Article XI.9

1 The Secretary General of the Council of Europe and the Director-General of the United Nations Educational, Scientific and Cultural Organization shall be the depositaries of this Convention.

2 The depositary with whom an act, notification or communication has been deposited shall notify the Parties to this Convention, as well as the other member States of the Council of Europe and/or of the UNESCO Europe Region of:

a any signature;

b the deposit of any instrument of ratification, acceptance, approval, or accession;

c any date of entry into force of this Convention in accordance with the provisions of Articles XI.2 and XI.3.4;

d any reservation made in pursuance of the provisions of Article XI.7 and the withdrawal of any reservations made in pursuance of the provisions of Article XI.7;

e any denunciation of this Convention in pursuance of Article XI.6;

f any declarations made in accordance with the provisions of Article II.1, or of Article II.2;

g any declarations made in accordance with the provisions of Article IV.5;

h any request for accession made in accordance with the provisions of Article XI.3;

i any proposal made in accordance with the provisions of Article XI.8;

j any other act, notification or communication relating to this Convention.

3 The depositary receiving a communication or making a notification in pursuance of the provisions of this Convention shall immediately inform the other depositary thereof.

In witness thereof the undersigned representatives, being duly authorized, have signed this Convention.

Done at Lisbon on 11 April 1997, in the English, French, Russian and Spanish languages, the four texts being equally authoritative, in two copies, one of which shall be deposited in the archives of the Council of Europe and the other in the archives of the United Nations Educational, Scientific and Cultural Organization. A certified copy shall be sent to all the States referred to in Article XI.1, to the Holy See and to the European Community and to the Secretariat of the United Nations.

Explanatory Report to the Convention on the recognition of qualifications concerning higher education in the European region

Background

1. The proposal to elaborate a joint Council of Europe/UNESCO convention was made by the Secretary General of the Council of Europe in her letter of 30 October 1992 to the Director-General of UNESCO. The proposal was accepted by the Director-General in his letter of 28 December 1992.

The approach of the Council of Europe

2. The reasons for the Secretary General's proposals were the developments in higher education in Europe since the 1960s (cf. paragraphs 4 - 6 below) and the rapid increase in the number of countries participating in the Council of Europe's work on education and culture.

The approach of UNESCO

3. The support given by UNESCO to this initiative sprang from the belief that a joint Convention, served by two major international organizations, would benefit all member States. It would help avoid the sometimes feared "two track" Europe and, being placed in the UNESCO framework, it would also better link the European region to other regions of the world.

Developments in higher education

4. With one exception, the European Higher Education Conventions date from the 1950s or early 1960s. The UNESCO Convention on the Recognition of Studies, Diplomas and

Degrees concerning Higher Education in the States belonging to the Europe Region dates from 1979. Higher education in Europe has changed dramatically since then, and the conventions have not been adjusted accordingly. On the national level, the predominant change has been the diversification of higher education. Whereas national higher education systems in the 1950s were made up of traditional universities run explicitly by State authorities or, as in the case of Catholic universities, implicitly approved by them, systems are now much more diverse. A large percentage of students in higher education now attend non-university institutions which provide shorter and more vocationally oriented courses, such as the German Fachhochschulen or the Norwegian statlige høyskoler or follow, in universities, non-traditional programmes of shorter duration with a stronger emphasis on professional education, such as the French Instituts Universitaires de Technologie (I.U.T.). This diversification and professionalization also reaches down into the feeder courses at secondary level, creating complex admission relationships to which the concept of international equivalence is hard to apply.

5. There has also been a rapid increase in the number of private institutions. This development, which is present in most countries, is particularly acute in some of the central and eastern European countries. For the purpose of this convention, however, the issue is not whether an institution is publicly or privately operated, but rather whether there are provisions for assuring the quality of its teaching and qualifications. The European Higher Education Conventions contain no provision for differentiating between the various institutions within a national system. Provisions to this effect have been included in Section VIII of the present Convention.

6. Academic mobility has increased substantially during the lifetime of the current conventions, and especially during the past ten or fifteen years. In this respect, it may be interesting to note that ETS No. 21 European Convention on the Equivalence of Periods of University Study (1956) deals specifically with the recognition of periods of university study in modern languages as these were the subjects most commonly studied by students who spent a limited period of time at a foreign university in 1956, when the Convention was adopted. By way of contrast, ETS No. 138 European Convention on the General Equivalence of Periods of University Study (1990) deals with the recognition of periods of university study regardless of subject, while the UNESCO Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region, of an earlier date (1979), also deals with the recognition of partial studies, regardless of the subject. The vast increase in academic mobility has given the conventions on academic recognition much greater importance today. It is therefore increasingly important to bring the existing legal texts up to date.

7. Another major goal in elaborating a joint Council of Europe/UNESCO Convention, the aim of which is that it will ultimately replace the Conventions covering the recognition of qualifications concerning higher education in the European region adopted within the separate frameworks of the two Organizations, is to avoid a duplication of effort. This concern is also reflected in the decision to set up a joint Council of Europe/UNESCO Network of national information centres on academic mobility and recognition. The ENIC Network, established in June 1994, replaced the previous separate Networks of the two Organizations. It cooperates closely with the NARIC Network of the European Union.

Number of participating countries

8. All member States of the Council of Europe (40 as of 11 April 1997, but the number is likely to increase further) have an automatic right to become Party to any European Convention. Other countries may be invited to do so by the Committee of Ministers. This invitation may be preceded, in the case of the European Higher Education Conventions, by a review of the education system of the country in question to determine whether it is "essentially equivalent" to the systems of the States already party to the Higher Education Convention in question. No such review is undertaken in the case of member States.

9. On the Council of Europe side, the main development has been the very substantial increase, in the past four years, in the number of countries taking part in the Council of Europe's programmes on education and culture. 44 countries have acceded to the European Cultural Convention as of 11 April 1997, and further accessions may be expected. The Council of Europe is also establishing contacts with other countries.

10. Thus, the number of potential signatory States to the European Higher Education Conventions is increasing rapidly, and the differences among the education systems of the potential signatory States may be becoming greater. This diversification, in turn, means that the assumption underlying the European Higher Education Conventions (i.e., that national systems of higher education are essentially equivalent) is losing ground. This development could have rendered the European Equivalence Conventions obsolete unless a revision had been undertaken, through the elaboration of the present Convention.

11. The membership of the UNESCO Europe Region has also increased, due to the emergence of new independent States in the Region. At the 28th Session of the General Conference (1995), 49 Member States belonged to the Europe Region, even though some of these have also applied for membership of the Region of Asia and the Pacific. The number of Contracting States of the UNESCO Europe Region Convention had reached 43 by 11 April 1997.

12. The increase in the number of States party to the European Cultural Convention also means that there are no longer substantial differences between the number of countries involved in the Council of Europe's programmes of educational and cultural cooperation and the UNESCO Europe Region. The main remaining difference is that the UNESCO Europe Region includes some non-European countries, such as Canada, Israel and the United States of America. The Secretary General of the Council of Europe and the Director-General of UNESCO, therefore, agreed on the need to coordinate, as far as possible, the Council of Europe's activities in academic recognition and mobility with those of the UNESCO Europe Region. It should be noted that the difference in membership between the two frameworks may again increase in the future, largely depending on the modes of cooperation of each Organization with the Caucasian and Central Asian republics of the former USSR.

Developments in recognition practice

13. Practices concerning the recognition of qualifications have developed considerably over the past decades. Whereas an assessment of foreign qualifications often entailed a detailed comparison of curricula and lists of material studied ("equivalence"), the emphasis has now shifted to a broader comparison of the qualifications earned ("recognition"). Likewise, a tendency has become apparent for formal international regulations to emphasize the procedures and criteria applicable to the process of

recognition of foreign qualifications rather than to list or define degrees and diplomas that shall be recognized under the regulation.

The elaboration of the new Convention

14. The proposal to draw up a single, joint convention, which would eventually replace the European Higher Education Conventions as well as the UNESCO Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region, was submitted to the 16th Session of the Standing Conference on University Problems (CC-PU) (Strasbourg, 24 - 26 March 1993). The CC-PU felt that a Feasibility Study should be carried out before a commitment was made to elaborate a joint convention. The CC-PU also underlined the importance of ensuring its own participation in the procedure leading to any decision on the elaboration of a joint convention, and of giving its advice on the findings of the Feasibility Study. The CC-PU's position was confirmed by the Bureau of the Council for Cultural Cooperation (CDCC, Strasbourg, 12 - 13 May 1993). The proposal for a joint Feasibility Study was also approved by the 27th Session of the General Conference of UNESCO (Paris, November 1993).

15. By agreement between the two Organizations, the draft feasibility study was submitted to the 11th meeting of NEIC Network of the Council of Europe (Strasbourg, 24-25 November 1993) for advice. A number of the comments of the NEIC Network were taken into account in the version of the draft Feasibility Study submitted to an ad hoc Expert Group.

16. The Feasibility Study (bearing the reference DECS-HE 94/25) was also submitted to an ad hoc Expert Group, appointed jointly by the two Organizations (Strasbourg, 3 - 4 February 1994). The experts were appointed in their personal capacity with due regard to the principle of equitable representation. The comments of the expert group were incorporated into the final version of the Feasibility Study. The Feasibility Study was also considered by the Higher Education and Research Committee (CC-HER) of the Council of Europe (Strasbourg, 27 - 29 April 1994), by the UNESCO Regional Committee for the Application of the Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region (hereafter "UNESCO Regional Committee for Europe") (Budapest, 18 June 1994) and by the ENIC Network (Budapest, 19 - 22 June 1994), which recommended that the Secretariats proceed to the elaboration of a joint draft Convention on the basis of the study.

17. The Feasibility Study was approved by the Executive Board of UNESCO on 2 May and by the Committee of Ministers of the Council of Europe on 5 September 1994. On 26-28 October 1994, the CC-HER Forum Role Conference, held in Malta, outlined the basic principles of a joint draft Convention. The decision making bodies of both Organizations thereby authorized the Secretariats to proceed with the elaboration of a draft convention with the assistance of a second ad hoc Expert Group and, at a later stage, with the participation of representatives of all potential signatory States. The ad hoc expert group held its first meeting at UNESCO/CEPES in Bucharest on 9 - 11 February 1995 and its second meeting in Strasbourg on 5 - 7 July 1995. A meeting of a small ad hoc Working Party on the definitions to be included in the Convention was held in The Hague on 15 - 16 May 1995.

18. A Progress Report on the elaboration of the Convention was considered by the Higher Education and Research Committee (CC-HER) of the Council of Europe (Strasbourg, 29 - 31 March 1995), by the UNESCO Executive Board at its 147th session (Paris, October 1995) and by the UNESCO General Conference at its 28th session (Paris, October - November 1995). A draft text of the Convention was considered by the ENIC Network (Ljubljana, 11 - 14 June 1995).

19. In October 1995, the draft Convention and Explanatory Report were sent to the national delegations of the Higher Education and Research Committee of the Council of Europe and the UNESCO Regional Committee for Europe, with copies to the ENIC Network, in order to encourage national consultations in potential signatory States. The draft was also sent to NGOs involved in the education activities of the Council of Europe. The draft Convention and Explanatory Report were submitted for consideration at the 1996 meetings of the Higher Education and Research Committee (Strasbourg, 27 - 29 March 1996) and of the Regional Committee (Rome, 16 - 17 June 1996). An Editorial Group met in Paris on 10 - 11 July 1996 in order to review all comments by the two Committees as well as individual comments by member States and NGOs.

20. A Consultation Meeting of representatives of all potential signatory States at the level of Ministries responsible for higher education was held in The Hague on 27 - 29 November 1996 at the invitation of the Dutch authorities. 46 potential signatory States were represented at this meeting.

21. The Convention was adopted at a Diplomatic Conference held in Lisbon on 8 - 11 April 1997 at the invitation of the Portuguese authorities. 44 Delegations were present at the Conference.

The title of the Convention

22. The term "qualifications concerning higher education" in the title of this Convention should be taken to include both qualifications earned through higher education and qualifications giving access to higher education.

23. The term "European Region" underlines that while Europe constitutes the main area of the Convention's application, certain States which do not geographically belong to the European continent (but which belong to the UNESCO Europe Region and/or are party to the UNESCO Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region), were invited to the Diplomatic Conference entrusted with the adoption of this Convention and are, thus, among the potential Parties.

24. The Convention covers assessment of qualifications concerning higher education for the purpose of recognition decisions or otherwise. However, as "recognition" is the key concept both of the previous conventions and of current practice in the field, it has been thought advisable to keep the term in the title of this Convention.

25. In view of the long official title of the Convention, and in gratitude to the Portuguese authorities for their invitation to hold the Diplomatic Conference in their capital, it is proposed that the Convention be known informally as the "Lisbon Recognition Convention".

Section I. Definitions

Article I

The definitions in Section I of the Convention are given only for the purposes of the Convention, and they serve no further purpose. In particular, they do not in any way modify the definitions States and international institutions and organizations may use in their internal administrative systems and laws.

An effort has been made to limit the definitions to key terms in the Convention. No attempt has been made to define terms not used in the Convention, or used only in a marginal sense, even when such terms may be important in other contexts of higher education.

As a general principle, definitions have been provided only for what are considered the most generic terms. As an example, the term qualifications has been defined because it has been considered the generic term, whereas degrees, diplomas and titles have been considered examples of qualifications and have been listed as such in the Explanatory Report.

Access (to higher education)

The terms "access" and "admission" are distinct, but linked. In a sense, they denote different steps in the same process towards participation in higher education. Access is a necessary, but not always sufficient, condition for admission to higher education. Further guidelines could be elaborated at national level by competent authorities.

The term "access" implies the assessment of applicants' qualifications with a view to determining whether they meet the minimum requirements for pursuing studies in a given higher education programme. Access is distinct from admission, which concerns individuals' actual participation in the higher education programme concerned.

Admission systems may be open, i.e., they may accept all candidates fulfilling the stipulated requirements, or selective, i.e., they may limit admission to a certain number of places or candidates. In an open admissions system all qualified candidates are admitted. Thus, the concepts of access and admission overlap. In a selective admissions system, however, access denotes the right to compete for admission, i.e., to gain access to the pool of qualified candidates from which the successful applicants for admission to the limited number of places available are selected. Thus, in a selective admissions system, a number of qualified candidates, having gained access to higher education, are not actually admitted to, i.e., are not actually allowed to pursue studies in, the higher education programme in question.

There are several different selective admissions systems, two of the most common being the *numerus clausus* system and the system in which selection is at the discretion of the higher education institution concerned. Admission systems may operate at national, sub-national, institutional and/or other levels. In a given country, admission may be selective to all institutions, or open to some and selective to others. In a given institution, admission may be selective to all or only to some programmes, and different admissions systems or criteria may be applied to various programmes. The number of places available in a given programme, or the requirements for admission, may vary over time.

Most countries have developed an access and admissions policy aimed at increasing participation in quality higher education. This policy aims at the increase and widening of

participation rates, retention rates and inter-institutional transfers between higher education institutions, particularly for persons belonging to under-represented groups.

Admission (to higher education institutions and programmes)

See "access", above.

Assessment (of institutions or programmes)

Assessment may be undertaken of a higher education institution as a whole, or of one or more of its programmes. In both cases, the purpose of the assessment is to determine whether the institution or programme meets the standards prescribed for higher education institutions and programmes in the Party concerned. In most cases, the assessment is carried out to determine whether an institution or programme meets the required minimum standard. In some cases, depending on national policies, the assessment may also be undertaken to establish a ranking of institutions or programmes, or to determine whether the achievements of the institution or programme in question reach a higher standard than the minimum. The Convention should not be read as taking a stand for or against one type of policy.

Methods and procedures for carrying out an assessment may vary from one country to another, as may the standards required of higher education institutions and programmes. Parties should therefore inform the other Parties of their assessment criteria and procedures, as well as of the results of the assessment, cf. Section VIII. Institutional self evaluation may be a part of the assessment process, as may the participation of an external body. The extent of the participation of an external body, if any, may vary.

Traditionally in Europe, quality is maintained through a public higher education system, in which the relevant Ministry and Parliament supervise the quality of autonomous higher education institutions, including the quality of education programmes and academic staff. They are linked to, but not interchangeable with, institutional or programme assessment, which is used as the generic term. Some examples of institutional and programme assessment are:

- * "academic audit" by the Higher Education Quality Council (HEQC) or "assessment" by the Higher Education Funding Councils (HEFCs) (United Kingdom);
- * "accreditation" (United States; under discussion in several European countries);
- * "évaluation par le Comité National d'Evaluation (CNE)" (France);
- * "visitatiecommissies" (visiting commissions) organized by the VSNU (Vereiniging van samenwerkende Nederlandse universiteiten (Association of Dutch Universities)) and the Hoger Beroepsonderwijs (HBO)-Raad (the Netherlands).

Assessment may entail activities aimed at the enhancement of quality assurance or quality assessment, which may be carried out in different ways. The Convention should not be read as taking a stand on particular mechanisms or methods of quality assurance, nor on the relative importance of institutional assessment and quality assurance.

In the context of this Convention, the assessment of higher education institutions or programmes refers to such assessment at a domestic level; i.e., the assessment is carried out by the competent authority of the country to the higher education system of which the institution or programme belongs or seeks to belong.

Assessment (of individual qualifications)

An assessment of individual qualifications should be a written evaluation of, or statement on, the qualifications in question, and may be given for a variety of purposes, ranging from formal recognition to an informal statement on "what the qualification is worth"

with no further purpose. The assessment may be made available to the competent authorities, to the holder of the qualifications in question and/or to other interested parties irrespective of whether a formal recognition decision is necessary, and within the respective national laws safeguarding privacy and the confidentiality of personalized information. The assessment may be issued by higher education institutions, agencies and competent authorities.

In the context of this Convention, the assessment of individual qualifications concerns the assessment of such qualifications at an international level, i.e., the assessment of qualifications with a view to establishing their value in a Party other than that within the education system of which the qualifications have been issued.

Competent recognition authority

The definition is specifically concerned with the concept of "competent recognition authority". There may be other authorities competent for other parts of higher education.

The competent recognition authority may be a Ministry, other government office or agency, a semi-official agency, higher education institution, professional association or any other body officially charged with making formal and binding decisions on the recognition of foreign qualifications in the cases concerned. The competence of any such authority may extend to decisions on all kinds of recognition cases or be limited. Some examples are:

- * recognition within one higher education institution only;
- * recognition limited to one kind of higher education only, e.g., non-university higher education qualifications;
- * recognition for academic purposes only;
- * recognition for employment purposes only.

For the purpose of this definition, "competence" means the legal power to make a certain kind of decision or to take a certain kind of action; it is not concerned with "competence" in the sense of knowledge. Many bodies may be knowledgeable about the recognition of higher education qualifications without being "competent" in the legal sense.

Higher education

The concepts of higher education, higher education institution and higher education programme are interlinked, and the definitions and entries in the Explanatory Report should be read in context.

Higher education builds on the level of competence, knowledge and skills generally acquired through secondary education, even though such competence, knowledge and skills may also be acquired in other ways, such as through self education or work and life experience. For the considerable majority of students, however, the competence, knowledge and skills in question are acquired through formal secondary education.

It is important to underline that higher education does not only "come after" secondary education in time, but that it builds on competence, knowledge and skills of a level normally acquired in secondary education. While higher education is normally offered through higher education programmes at higher education institutions, it should be noted that higher education institutions may give some courses of study which are not of higher education level, and which would therefore not be considered as higher education. Conversely, institutions which are not considered as belonging to the higher education system of a Party may offer some higher education programmes. Such courses of study

may, for example, be specially designed for groups other than the institution's regular students.

The exact definition of this level, and consequently of higher education and of a higher education institution or programme, may vary somewhat from one country to another. Consequently, the concept of higher education institution may also vary. For example, in some countries, nursing is considered to be a field of higher education, whereas in other countries, nursing is considered to be part of post-secondary education without being higher education. While general indications for the definition of higher education can be given, the exact definition and the usage of the term in this Convention cannot be divorced from the national practices of the Parties to the Convention. A programme or course of study falling within the definition of higher education in one Party does not therefore necessarily fall within the definition of higher education in all other Parties.

Higher education institution

A higher education programme is a course of study or a set of courses of study, the various components of which complement and build on each other in order to provide the student with a higher education qualification. It is usually provided in one given academic discipline, such as biology, computer science or history. However, in some countries, higher education programmes may focus on two or more disciplines, such as in the German Magister Artium programme or the Norwegian cand. mag. programme. Any given higher education programme may be broadly or narrowly defined, such as law or international copyright law. It may or may not lead to a specific employment skill, on the one hand, or a qualification in a general academic field, on the other hand.

Higher education programmes are generally, but not always, offered at higher education institutions, most of which offer several programmes. While "programme" denotes the academic field of study and requirements, "institution" denotes the organizational framework established in order to provide higher education. Universities are one kind of higher education institution, generally characterized by a mission of both teaching and research in a broad range of disciplines and at a variety of levels. Other types of higher education institutions may have a narrower range of higher education programmes aimed more particularly at giving their students a specific professional competence, or have higher education programmes primarily in one or in a limited number of academic fields. The names and organizational models of, as well as the kind and range of subjects offered by, non-university higher education institutions may vary considerably from one country to another, as well as within individual countries. Fachhochschulen, fóiskola, institutos politécnicos, hogescholen, colleges and statlige høyskoler are some examples of non-university higher education institutions.

In order to be considered as a higher education institution or programme in the terms of the present Convention, the institution or programme in question should be recognized by the competent authorities of a Party as belonging to its system of higher education. See also "Assessment (of institutions or programmes)" and Section VIII.

Higher education programme

See "higher education institution".

Period of study

The definition of "period of study" underlines the fact that the elements making up a partial study, however small or large, must constitute a component of a higher education programme. They cannot be elements randomly chosen without relevance to the

programme in question. In order for periods of study to be recognized, they must be documented by the higher education institution at which they were earned and evaluated. Periods of study are often, but not always, undertaken within the context of organized mobility programmes. The work successfully completed in the course of a period of study may be expressed in terms of credits. Credits earned may be transferred to other higher education institutions.

Qualification

A. Higher education qualification

B. Qualification giving access to higher education

Two types of qualifications are relevant to the Convention:

a) higher education qualifications;

b) qualifications giving access to higher education.

Both kinds of qualifications are included in the term qualifications concerning higher education, (cf. the title of the Convention).

In the terms of the Convention, a higher education qualification is any document attesting the successful completion of a higher education programme. A qualification giving access to higher education is any document attesting the successful completion of an education programme considered in the Party concerned as qualifying, in principle, the holder of this qualification for participation in higher education. It is noted that in some countries, certain non-educational qualifications may give access to higher education, cf. Article IV.8 on non-traditional qualifications. Non-traditional qualifications are not covered by this definition of the term qualification.

It is realized that "qualification" may also be taken to mean the competence, knowledge and skills acquired through the programme in question, and that it is indeed the acquisition of these that make the issuing of the document possible. However, the Convention is concerned with the recognition of documented competence, knowledge and skills without recourse to repetition of assessment, examination and testing of such competence, knowledge and skills. Therefore, the definition of "qualification" for the purpose of this Convention is limited to the documentation of competence, knowledge and skills. Particular cases in which such documentation is not possible are dealt with in Section VII of this Convention.

Qualification is further taken to mean any document attesting the successful completion of a fully completed programme, rather than any part thereof. The length and content of a completed programme may vary considerably from one country to another, from one institution to another and from one level of study to another. Periods of study and credits are, however, not included in the definition of qualification, as both terms imply smaller or larger components of a study programme, but not the complete programme itself. It should be noted that a component perceived in one Party as a component of a particular qualification may not be so perceived in all other Parties, as the composition of particular study programmes may vary from one country or higher education institution to another.

Higher education qualifications bear a wide variety of names at various levels and in various countries, such as "diploma", "degree", "title" and "certificate", or equivalent names in other languages. It should be noted that these examples do not constitute a full list of higher education qualifications, and that their ranking is arbitrary. The number of levels of higher education qualifications may vary between countries or between kinds of higher education. A higher education qualification may give access to a wide variety of

further activities, within or outside of the higher education system, such as further study or gainful employment. Parties should provide information on their higher education qualifications, including the names of the qualifications in the original language(s) and the requirements for obtaining the qualifications.

Recognition

Recognition is a type of assessment of individual qualifications. However, while an assessment may be any kind of statement on the value of a foreign qualification, recognition refers to a formal statement by a competent recognition authority acknowledging the value of the qualification in question and indicating the consequences of this recognition for the holder of the qualification for which recognition is sought. For example, a qualification may be recognized for the purpose of further study at a given level (such as doctoral studies), for the use of a title or for the exercise of gainful employment, cf. Section VI.

In the terms of the Convention, "recognition" refers to transnational recognition, and not to recognition within any given country. The definition of recognition for employment purposes aims at recognition for the purpose of gainful employment activities in general and is not specifically directed towards recognition for the purpose of admission to regulated professions.

Requirements

A. General requirements

The terms "general requirements" and "specific requirements" are interlinked and should be considered in context.

General requirements stipulate conditions that must be fulfilled by all candidates in a certain category, e.g., by all candidates for access to higher education or by all candidates for a doctoral degree. In the former case, the general requirement may be the completion of secondary education. In some countries, exceptions to this general requirement may exist, such as access on the basis of life experience, work experience or other non-traditional qualifications (cf. Article IV.8). In the latter, the general requirement may be the completion of doctoral level courses as well as the writing of a thesis based on independent research.

Specific requirements stipulate conditions that must be fulfilled by candidates for admission to specific types of higher education programmes. In most cases, specific requirements are in addition to the general requirements. There can be a wide variety of specific requirements. An example of such specific requirements may be competence in specific subject areas (such as mathematics, natural sciences or foreign languages), to be demonstrated in the secondary school qualification or in specific entrance examinations. Another example may be a certain grading average in the secondary school leaving qualification, above the passing minimum. General and specific requirements are dealt with in Sections IV and VI. It is noted that the principle of fair recognition applies to both general and specific requirements.

B. Specific requirements

See "General requirements".

Section II. The competence of authorities

Article II.1

This Article describes the varying competence of central authorities of the Parties and individual higher education institutions in the matters covered by the present Convention and the obligations of the Parties according to the different categories of competence. The provisions of this Article are central to determining the obligations of the Parties under the subsequent Articles of this Convention. Paragraph 3 makes clear that the specific obligations of the Parties under the Articles of the Convention are governed by paragraphs 1 and 2.

The Article seeks to redress an imbalance in the obligations undertaken by the Parties in which authorities of the Parties have competence in recognition matters and those in which the competence belongs to higher education institutions. While recognizing the limited jurisdiction of State authorities in States in which decisions in recognition cases do not rest with central authorities, this Article places upon these Parties an obligation to make sure that information on the provisions of the Convention is disseminated to all higher education institutions on their territories, and that these are encouraged to abide by the Convention. Attention is drawn to the important role of the ENICs in disseminating such information.

Article II.3

Modelled on ETS No. 32 European Convention on the Academic Recognition of University Qualifications (1959), Article 9 (a), this Article states the principle that the present Convention shall not affect any existing bilateral or multilateral conventions or agreements between Parties containing more favourable provisions than the present Convention, nor shall it preclude the future conclusion of such conventions or agreements between Parties. Such conventions or agreements may, for example, be found within the framework of the European Union, the Nordic Council of Ministers or the Commonwealth of Independent States.

Section III. Basic principles related to the assessment of qualifications

Article III.1

This Article states the obligation of all Parties to provide for a fair assessment of all applications for the recognition of studies, qualifications, certificates, diplomas or degrees undertaken or earned in another Party. The assessment shall be given upon request by the individual concerned for the qualifications included in the request. Applicants may be required to provide documentary proof of their qualifications. The assessment may take the form of advice or of a formal decision on recognition by the competent authority. The assessment should be based on adequate expertise and transparent procedures and criteria, and it should be available at reasonable cost and within a reasonable time. The national information centres (cf. Section IX) could play a key role in providing such assessments.

The term "adequate access" implies that all Parties should make provisions for the assessment of qualifications for the various purposes covered by the Convention. The exact nature and organization of such provisions are to be established by each Party, but

it follows from this Article that no Party may choose not to make any kind of provision for a specific kind of assessment (e.g. assessment in view of further studies or for employment purposes; it is kept in mind that as concerns the latter, access to regulated professions is not covered by the present Convention). The scope and extent of these provisions should be defined by each Party and should be reasonable in view of the demand for assessment. In this context, it should be underlined that adequate access should not be taken to imply unlimited access. A Party may, for example, refuse to undertake further assessment of a qualification which has already been assessed for the same purpose within the same Party unless the applicant is able to support the application with substantial new information. Thus, a higher education institution may refuse to assess a foreign qualification for access to higher education if the qualification has already been assessed for access purposes by another institution belonging to the higher education system of the same Party.

The Article further states the obligation of Parties to provide for such an assessment on a non-discriminatory basis. Recognition cannot be denied for the sole reason that the qualification is a foreign and not a national one and circumstances unrelated to the academic merits of the qualifications may not be taken into consideration. For example, recognition of qualifications in history or a foreign language cannot be denied for the sole reason that the qualification was obtained in a certain country, or because of the holder's origin or beliefs. In this context, it should be underlined that the Convention applies to all persons whose qualifications have been obtained in one or more Parties; its application is not limited to the citizens or residents of these Parties.

It should be noted that a right to fair recognition is not a right to recognition at any price and under any circumstances. The concept of fairness applies to the procedure and criteria for recognition. A decision not to recognize a certain qualification fulfils the applicant's right to fair recognition if the procedure followed and the criteria applied have been fair.

Article III.2

This Article underlines the importance of instituting proper procedures for the handling of applications for the recognition of qualifications. These procedures apply to the assessment of qualifications, regardless of whether the qualifications are ultimately recognized or not. This provision is based on the principle that it is up to the authority evaluating the application to show that the applicant does not fulfil the requirements for recognition; it is not up to the applicant to prove that his or her qualifications meet the standards of the country in which recognition is sought.

An applicant should be informed of the procedure to be followed in handling his or her application. Procedures should be coherent in the sense that applications should not be handled very differently by the various higher education institutions within the same country. The ENIC Network could be asked to elaborate a code of good practice for the assessment of foreign qualifications, and individual national centres could play an important role in disseminating information on good practice to higher education institutions and other bodies assessing foreign qualifications in their respective countries.

Article III.3

This Article underlines the primary responsibility of the applicant to provide the necessary information for the assessment of his or her application. An integral part of this duty is the obligation to provide such information "in good faith", i.e., to provide correct and truthful information, and not to wilfully omit any relevant information or to provide false or misleading information.

The Article does, however, also underline the responsibility of education institutions to provide its former students, or the higher education institutions to which they apply for recognition of their qualifications, or the authorities of the countries in which they seek recognition, whichever may be the case, with relevant information for the assessment of an application for the recognition of qualifications earned at the institution. The term "education institution" encompasses higher education institutions as well as institutions conferring qualifications giving access to higher education. It is, however, noted that in some Parties information can be sent to another institution only at the request of the applicant.

Such information should be provided "within reasonable limits". On the one hand, this term implies that higher education institutions should provide the information requested as speedily as possible to help ensure that the application will be treated in a reasonable time (cf. Article III.5). On the other hand, it does imply that there are certain limits to the efforts required by higher education institutions in order to satisfy the requests. While the definitions of "reasonable limits" should be made explicit by the competent authorities, it may, as a general indication, be stated that the obligation to provide information may be considered reduced, or even non-existent, when the requests concern qualifications earned at the institution a very long time ago, when the information sought is readily available from other well known sources or when it is not accessible without an extensive search of archives.

Such information may include transcripts of the relevant parts of the records of the institution, information on courses taken and on the results obtained. This Article, read along with Article III.1, also underlines the obligation of the Parties to make it necessary for their education institutions to provide the information sought in such cases. For example, no Party, or education institution in a Party, may withhold such information for political, religious or other reasons.

Article III.4

This Article underlines the importance of making higher education systems, as well as the education giving access to higher education, clear to the academic community, and especially to academic recognition experts and credentials evaluators in other Parties. This Article underlines the responsibility of the Parties for giving adequate information on their own education systems. The national information centres on recognition and mobility (cf. Sections IX and X) should play a key role in providing such information.

Article III.5

The concept of an applicant's right to receive a reply within a reasonable time is central to good practice and of particular importance for applicants who apply for recognition in order to pursue further studies or to use their qualifications as the basis for gainful occupation. If the application for recognition is refused, these applicants may have to

undertake supplementary education in order to qualify. If the decision on their applications is significantly delayed, the applicants may be forced to undertake this education to avoid further delays, even though their applications may ultimately be decided in their favour. Parties are encouraged to make public, and inform applicants of, what they consider to be a "reasonable time limit" with respect to Articles III.4 and III.5 of this Convention. In this context, it is recalled that the European Union General Directives on professional recognition (Council Directives 89/48/EEC and 92/51/EEC) stipulate a deadline of four months for making a decision on professional recognition.

It is explicitly stated that the "reasonable time" is to be counted from the time the applicant has provided all necessary information for the case to be decided. It is, however, understood that the institution assessing the application should issue any request for additional information within a reasonable time from the day the application was received at the institution, and that requests for further information should be reasonable and not serve the sole purpose of avoiding or delaying a decision.

While a decision in the applicant's favour does not have to be justified, the reasons for a decision to the applicant's disadvantage should be stated. The provision that it is up to the authority evaluating the application to show that the applicant does not fulfil the requirements for recognition (cf. Article III.2) is closely linked to the applicant's right to appeal. Arrangements and procedures for such appeals are subject to the legislation in force in the Party concerned, even though the handling of the appeal should be subject to the same requirements of transparency, coherence and reliability as those imposed on the original assessment of the application. Information should be given on the ways in which an appeal could be made, and on the time limits for such an appeal. In cases in which an applicant may obtain recognition by taking further examinations or undertaking other measures, any such relevant information should be given.

Section IV. Recognition of qualifications giving access to higher education

Article IV.1

This Article concerns general requirements for access to higher education, as opposed to requirements for access only to certain types or programmes of higher education (cf. Article IV.2). The basic principle of the Convention is that qualifications giving the holder access to higher education in one Party should give the holder the same right in other Parties. It is recalled that access implies the assessment of applicants' qualifications with a view to determining whether they meet the general requirement for participation in higher education, but that their actual participation may be made dependent on the availability of places (admission). Access is therefore a first step towards pursuing studies in higher education. In some cases, access automatically gives admission, but in most cases admission is the second step towards pursuing studies in higher education, and not all applicants given access will be granted admission, cf. the definitions of access and admission under Section I.

A Party may, however, refuse to grant recognition if it can show that there is a substantial difference between its own general requirements for access and those of the Party in which the qualification in question was earned. Such differences may concern the contents of primary and secondary education, some examples of which are:

- * a substantial difference between a general education and a specialized technical education;
- * a difference in the length of study which substantially affects the curriculum contents;
- * the presence, absence or extent of specific subjects, such as prerequisite courses or non-academic subjects;
- * a substantial difference in focus, such as between a programme designed primarily for entrance to higher education and a programme designed primarily to prepare for the world of work.

The above examples show some relevant areas in which substantial differences may occur. It should be underlined, however, that not any difference with respect to one of these areas should be considered substantial.

As a general rule, in assessing whether there is a substantial difference between the two qualifications concerned, Parties and higher education institutions are, however, encouraged to consider, as far as possible, the merits of the individual qualifications in question without having recourse to an automatic comparison of the length of study required to obtain the qualification. It is the duty of the Party or institution wishing to refuse recognition to show that the differences in question are substantial.

The term "qualifications issued by other Parties" should be understood to include qualifications belonging to the education system of a Party but earned at a school or other institution located outside of the territory of that Party.

Article IV.2

The purpose of Article IV.2 is to clarify that those Parties which do not have a system for recognition should provide as an alternative a system of assessment. It is not intended that a Party which has a recognition system in place should be able to decide in any particular case only to provide an assessment.

Article IV.3

This Article concerns qualifications giving access only to certain kinds of programmes of higher education, such as technical education or nursing, or only to certain kinds of institutions, or to non-university higher education in general, but not to universities. One example of the latter case would be the Dutch HAVO (Hoger Algemeen Vormend Onderwijs) Diploma, giving access to higher education programmes in the Dutch hogescholen.

Article IV.4

This Article concerns cases in which, in addition to the general requirements for access to higher education covered in Articles IV.1 and IV.2, specific requirements are stipulated for access to particular courses of study. Examples of such specific requirements are the following:

- a) a particular course of study is open only to holders of a diploma conferred in the natural sciences or - as the case may be - the classical sector of upper secondary education;
- b) knowledge of a particular subject such as an ancient or modern language, physics, chemistry, mathematics, philosophy;
- c) a period of practical training;

d) any other supplementary certificate which may be required in addition to the school diploma.

Specific requirements should only be laid down when they are absolutely necessary from the educational point of view. In no case must they serve as a pretext for keeping out students with qualifications issued in one of the Parties. As a general rule, applicants with qualifications issued in one of the Parties may be required to fulfil equivalent conditions as those required of holders of similar qualifications of the Party concerned wishing to undertake the same studies. The Parties and their higher education institutions should, however, be generous in deciding whether students with qualifications issued in one of the Parties meet such requirements.

Article IV.5

This Article covers cases in which the general requirement for access to higher education in a Party is constituted by a secondary school leaving certificate and an additional qualifying examination, organized and standardized at a national or central level. Specific examinations intended to verify whether an applicants fulfils specific requirements for access to particular courses of study are covered by Article IV.7.

In considering whether to apply the Article, Parties should distinguish between systems in which the aim of the additional examination is to provide an additional mechanism for making a selection between highly qualified candidates, and systems in which the aim of the examination is to provide an additional mechanism for deciding whether candidates do in fact satisfy the access requirements to higher education. In applying the Article, Parties should have adequate reason to suppose that the examination fulfils the latter function.

If an additional qualifying examination is required for general access to higher education, as explained above, in a Party, the other Parties may demand that applicants from this Party fulfil this requirement before access is granted. Alternatively, the Parties may offer applicants an opportunity to satisfy the additional requirements within the educational system of the State in which the applicant has applied for access, for example, by offering special examinations of a similar nature and/or by offering preparatory courses. The Article is applicable only to applicants holding qualifications from Parties in which the additional qualifying examinations are an essential part of the full requirements for access to higher education. It should be applied with care and in good faith, and in no case should it be applied for the sole purpose of limiting the number of applicants from a given country.

Article IV.6

This Article acknowledges the fact that selective admission increasingly seems to be the norm in a large number of countries in the European Region. Admission to a higher education institution, or to certain programmes at a higher education institution, may be limited because of financial considerations, for reasons of capacity, to limit the number of practitioners of certain professions or for other reasons without infringing on an individual's right to recognition of his or her qualifications giving access to higher education in general or to a specific higher education programme. The system set up to administer selective admission may vary from one country to another. Admission systems

may operate at national, sub-national, institutional and/or other levels. Various kinds of selective admission systems, such as *numerus clausus*, are frequently used.

The implementation of a selective admission system should, however, be non-discriminatory. Specifically, holders of qualifications issued in another Party should not be excluded only because of the origin of their qualifications. The evaluation of qualifications issued in another Party should be carried out according to the principles of fairness and non-discrimination described in Section III.

It is nonetheless noted that in certain limited cases, citizenship or residency may be a decisive criterion for admission to certain types of higher education, such as to military academies or to higher education the exclusive purpose of which is to prepare the students for certain other functions limited to citizens of the country concerned. In some countries, this could be the case for courses of study preparing for careers in the civil service, or in certain branches of the civil service, if citizenship is a precondition for obtaining a post in the civil service, or in the branch(es) of the civil service for which the courses of study prepare. In some countries, access to certain very costly study programmes, such as medicine, may also be subject to citizenship and/or residency requirements.

Article IV.7

This Article states an institution's right to deny admission to otherwise qualified applicants who cannot demonstrate sufficient competence in the language(s) of instruction of the institution concerned. These need not be the official language(s) of the country in which the institution is located. For example, if an applicant seeks admission to a study programme given entirely in English at an institution located in a country with another official language, a knowledge of English rather than the local language may be required. Another example would be an applicant seeking admission to a Catalan university, in which, depending on the study programme, a knowledge of Catalan rather than - or in addition to - Spanish (Castilian) may be required. The Article would also give an institution the right to require a reading knowledge of a given language other than the language of instruction if such knowledge is required to fulfil the reading requirements for the study programme in question. This Article does not interfere with the right of an institution to require a certain starting level of students of foreign languages.

Article IV.8

This Article states the principle that when a Party accepts non-traditional qualifications as a basis for access to higher education, it should consider applicants having earned their non-traditional qualifications in other Parties in a similar way to applicants having earned their non-traditional qualifications in the Party in which recognition is sought.

This Article is in no way binding on Parties in which there is no provision giving access to higher education on the basis of non-traditional qualifications.

The term "non-traditional qualifications" is taken to mean qualifications other than secondary school leaving qualifications traditionally accepted as a basis for access to higher education (supplemented by any general or subject specific entrance examinations or requirements), such as a specified work or life experience. Non-traditional qualifications may give general access to higher education or access only to specific types of higher education.

Article IV.9

This Article reflects the increase in the number of education institutions operating outside the education system of the country in which they are located.

Given the wide diversity in:

- a) the status and quality of these institutions and
- b) the extent to which their programmes are subject to institutional assessment,

Parties may feel the need to exclude some such institutions from the scope of this Convention. While this is a valid possibility, Parties are called upon to resort to Article IV.9 with restraint and in accordance with the basic principles of this Convention.

Section V. Recognition of periods of study

Article V.1

This Article states the basic principle that periods of study undertaken abroad shall be recognized unless a substantial difference can be shown between the period of study undertaken abroad and the part of the higher education programme which they would replace. It is the duty of the Party or institution wishing to withhold recognition to show that the differences in question are substantial. This Article makes no distinction between participants in organized mobility programmes and "free movers".

It is realized that it may be more difficult for a competent recognition authority to show the existence of substantial differences in the case of the recognition of periods of study than for the recognition of access qualifications (Section IV) or higher education qualifications (Section VI). There is therefore a need for guidelines on this point; these could be proposed by the ENIC Network, taking into account the experience of higher education institutions. As an example, while account may be taken of quality and major differences in programme content in the definition of "substantial differences", Parties should show sufficient flexibility in their definitions. Attention is specifically drawn to the fact that a narrow definition of the concept of "substantial differences" with regard to course content may easily discourage academic mobility.

Article V.2

The purpose of Article V.2 is to clarify that those Parties which do not have a system for recognition should provide as an alternative a system of assessment. It is not intended that a Party, which has a recognition system in place, should be able to decide in any particular case only to provide an assessment.

Article V.3

This Article outlines some conditions which may facilitate the recognition of periods of study abroad, especially in the context of organized mobility programmes. It should be underlined that while Parties may make the recognition of periods of study conditional on the fulfilment of these conditions, Parties may also choose not to consider these as necessary conditions for the recognition of periods of study.

This Article underlines that previous agreements between the institution at which the qualification has been earned and that at which recognition is sought may greatly facilitate recognition. Such previous agreements will often be agreements between two or more institutions, made not only for individual students, but also in the context of a joint

programme concerning a number of students, and covering a period of several years. Such agreements may be bilateral agreements, agreements between a number of higher education institutions or agreements within organized exchange programmes such as SOCRATES (ERASMUS), TEMPUS, NORDPLUS or CEEPUS, or within the framework of a general agreement of the recognition of partial examinations, such as the "Rules governing the validity of Nordic intermediate examinations" adopted by the Nordic Council of Ministers (Nordiska ministerrådets beslut om nordisk tentamensgiltighet). They may also include the use of a system of credit transfer, such as the ECTS (European Credit Transfer System) scheme of the European Union.

The Article also underlines the importance for the applicant to provide documentary proof of the successful completion of the period of study for which recognition is sought, and the importance for higher education institutions to issue adequate documentation to their foreign students who are undertaking periods of study at the institution.

Section VI. Recognition of Higher Education qualifications

Article VI.1

While acknowledging that recognition decisions may entail other factors than the knowledge and skills certified by the higher education qualification, this Article states the basic principle that Parties should recognize higher education qualifications earned in the higher education system of any other Party unless a substantial difference can be shown between the qualification for which recognition is sought and the corresponding qualification in the country in which recognition is sought. It is underlined that the difference must be both substantial and relevant as defined by the competent recognition authority. Recognition cannot be withheld for reasons immaterial to the qualification or the purpose for which recognition is sought. It is the responsibility of the Party or higher education institution wishing to refuse recognition to show that the difference is substantial.

A distinction should be made between the knowledge and skills certified by the higher education qualification and other requirements for recognition for employment purposes based on that qualification. By virtue of the present Article, qualifications issued in other Parties should be recognized, in so far as they fulfil the requirements stipulated in this Article, as a precondition for recognition for employment purposes in so far as the knowledge and skills certified by the higher education qualification are concerned (cf. also Article VI.2). In addition, and especially in the case of regulated professions, the competent bodies of the Parties may stipulate other requirements for the recognition of final higher education qualifications for employment purposes, such as requirements regarding practice periods as additional or posterior to the higher education programmes or sufficient competence in the official or regional language(s) of the country in which recognition is sought. Such additional requirements for the recognition of final higher education qualifications for employment purposes are not covered by the present Convention nor does this Article in any way affect national law and regulations on the exercise of gainful employment. If a considerable part of an applicant's studies for the qualification in question have been undertaken at an institution not recognized as belonging to the higher education system of a Party, the Parties may consider this as constituting a substantial difference in the terms of this Article.

The competent authorities for the recognition of final higher education qualifications will in most cases be higher education institutions, but may also be other bodies, often set up for this specific purpose. This is the case with, for example, the German Staatsprüfung in medicine, dentistry, pharmacy, law and teacher training. To ensure the specific public interest in these professions, German Ministries have prescribed the major examination subjects for these higher education programmes within Germany. However, the responsibility for the quality of teaching and research remains entirely with the university, and the State examination boards are composed mainly of academic staff of the higher education institution teaching the particular course, so that Staatsprüfungen are considered by universities as being of the same academic level as degrees proper and are accepted equally as qualifying for admission to doctoral studies. In most central and eastern European countries, first examinations also have a double function. They give admission to a profession, and they are entrance qualifications for doctoral studies.

Article VI.2

The purpose of Article VI.2 is to clarify that those Parties which do not have a system for recognition should provide as an alternative a system of assessment. It is not intended that a Party which has a recognition system in place should be able to decide in any particular case only to provide an assessment.

Article VI.3

This Article outlines the possible consequences of the recognition of higher education qualifications issued in other Parties. Recognition may be considered with respect to one or both of the stated purposes:

a) concerns the right to seek access to any further higher education studies and/or specific courses of study or to examinations in any Party. The provision explicitly includes the right of a qualified applicant with qualifications issued in another Party to seek access to preparations qualifying for the doctoral degree;

b) concerns the right of holders of qualifications issued in another Party to use their foreign titles. The competent authorities of the Parties may grant the right to use the title in the exact form in which it was awarded in the Party concerned or in any other form. They may alternatively grant the right to use the corresponding title of the country in which recognition is sought. The Convention does not restrict the competent authorities of the Parties in this area. However, the competent recognition authorities of many Parties may wish to exclude unwarranted use of translations of titles and degrees.

In addition, this Article concerns the recognition, for employment purposes, of the knowledge and skills certified by a higher education qualification issued in another Party. The recognition of other components of a qualification, such as practice periods additional or posterior to the higher education programmes, are not covered by this Article, nor does this Article in any way affect national laws and regulations on the exercise of professional activities or gainful employment, as the case may be.

Article VI.4

This article covers the same topics as article VI.3, but in cases where an assessment, rather than a recognition decision is applicable. As a consequence, the formulation of this Article is in terms of advice, and not in terms of the consequences of the decision.

Article VI.5

This article covers the same topics as article IV.9, but with reference to higher education.

Section VII. Recognition of qualifications held by refugees, displaced persons and persons in a refugee-like situation

Article VII

The problem of refugees, displaced persons and persons in a refugee-like situation is becoming increasingly urgent in Europe. Many refugees, displaced persons and persons in a refugee-like situation do not possess documentary evidence of their qualifications because they have had to leave their personal belongings and papers behind, because it is impossible to communicate with the institution(s) where their qualifications were earned, because the relevant files and archives have been destroyed in acts of war or violence and/or because the relevant information is withheld for political or for other reasons. The Article commits the Parties to showing flexibility in the recognition of qualifications held by refugees, displaced persons and persons in a refugee-like situation, within the limits of each Party's system and in conformity with each Party's constitutional, legal and regulatory provisions. Such a measure could be a provisional recognition of the qualifications claimed on the basis of a sworn statement and, in the case of recognition of qualifications for the purpose of further study, the provision that a place of study may be revoked if the applicant has provided false information, or the provision of special examinations to allow refugees, displaced persons and persons in a refugee-like situation to prove the qualifications they claim to have acquired.

Section VIII. Information on the assessment of Higher Education institutions and programmes

Article VIII.1

The Convention obliges Parties to make available all information on the recognition of institutions and programmes as it exists in the Party in question. It does not oblige Parties to give information on matters in which they are not competent, nor does it oblige them to make ranking lists of higher education institutions.

The diversification of higher education has led to a wide range of higher education institutions and programmes in many countries, including those privately run. This development has led to a wider range in higher education qualifications, also in the variety of quality of qualifications of the same level, but earned at different institutions or within different programmes. A knowledge of the quality of a given institution or programme is essential to determine whether a qualification issued by that institution, or on the basis of that programme, should be recognized. This Article puts an obligation on the Parties to provide adequate information on any higher education institution belonging to their higher education system, and on the programmes operated by these institutions (cf. the definitions of "higher education", "higher education institution" and "higher education programme", Section I), in order to give other Parties the necessary background knowledge to decide whether any given qualification should be recognized.

It should be underlined that the issue addressed in this Article does not concern the public or private ownership or operation of higher education institutions and programmes, but

rather the information needed to assess the qualifications issued by these institutions, or on the basis of these programmes. It is, however, recognized that this issue may be particularly important with regard to qualifications issued by private institutions, when there is no implicit or explicit assessment of the institution through the procedure of public funding. When no information is made available by the country to whose system the higher education institution belongs, or claims to belong, a country in which recognition is sought may choose to withhold recognition of the qualifications earned at the institution, or on the basis of the programme, in question. A lack of information on these institutions and programmes may, therefore, be of disadvantage to students attending - or having attended - serious private institutions and programmes.

This Article distinguishes between Parties which have established a system of formal assessment of higher education institutions and programmes and those that have not. The former should provide information on the methods and results of this assessment, and of the standards of quality specific to each type of higher education institution and programme. The latter, while lacking a formal system and perhaps formal criteria for the assessment of institutions and programmes, should nonetheless provide information on the recognition of the various qualifications earned at any institution, or on the basis of any programme, belonging to their higher education system. In many cases, non-State bodies would provide the information, but the State authorities would be responsible for setting up the information framework.

The Convention, in both its operational Articles and in the definitions in Section I, refer to institutions and programmes belonging to the higher education system of a Party rather than to institutions and programmes located or operating on the territory of a Party. This shift of emphasis in relation to the previous Conventions has been made to take account of the recent but widespread phenomenon of transnational operations of higher education institutions, of which franchising is one example.

Article VIII.2

In interpreting this Article, reference should be made to the definitions of "higher education", "higher education institution" and "higher education programme" in Section I.

This Article underlines the importance of providing adequate information on the higher education system of a Party. It enumerates some important kinds of information in this respect. The information may be provided by State authorities or other bodies. Attention is particularly drawn to the important function of the national information centres (cf. Sections IX and X) in this area. The ENIC Network could be mandated to propose a format for providing the information outlined in Section VIII.

A distinction is made between higher education institutions and higher education programmes, as a higher education institution can have several types of programmes and access criteria, and the kinds of qualifications earned may vary between programmes.

The obligation of Parties to provide information on education institutions located outside the territory which the Party considers as belonging to its education system extends to institutions issuing qualifications giving access to higher education.

The obligation to "publish" the information covered by this Article may be satisfied through a variety of measures, including electronic publishing and the publishing of

material to restricted target groups, such as the national information centres of other Parties.

Section IX. Information on recognition matters

Article IX.1

Transparent descriptions of the qualifications earned is of vital importance to facilitating the recognition of foreign higher education qualifications, as well as qualifications giving access to higher education. One example of a transparent system for the description of qualifications would be a credit system. Any credit system and credit transfer system set up by a Party or a higher education institution should, as far as possible, be compatible with those of other Parties and their higher education institutions. Attention is drawn to the ECTS system (European Credit Transfer System) of the European Union.

Article IX.2

This Article commits the Parties to establishing and maintaining a national information centre and describes the functions of the national information centres at the national level. Their function at the international level is described in Section X Implementation Mechanisms. The national information centres described in this Article constitute the ENIC Network.

Each Party shall, if it has not already done so at the time of entry into force of the Convention, establish or appoint a National Information Centre and notify one of the depositaries of the Convention of its establishment or appointment. As a rule, each Party shall have only one such Centre. It is, however, recognized that in certain cases, national policies and structures make it desirable for a State to appoint more than one centre, such as:

- a) in a federal structure of government, e.g., representing different language communities within the same country;
- b) when responsibility for providing information on recognition and mobility matters has been entrusted to different specialized centres;
- c) when responsibility for providing information on various types of higher education programmes and qualifications, such as university and non-university higher education, has been entrusted to different specialized centres.

In organizational and physical terms, the National Information Centre may be located in a Ministry, in an independent or semi-independent agency, or at a higher education institution. Regardless of the organizational model chosen, the centre should have national functions and responsibilities (except in a very few cases, e.g., when separate centres are established for different language communities).

The National Information Centre shall, in accordance with national laws and regulations, give advice and information on recognition matters and assessment of qualifications, to both individuals and institutions, including:

- a) students;
- b) higher education institutions;
- c) staff members at higher education institutions;
- d) Ministries responsible for higher education;
- e) parents;

- f) employers;
- g) national information centres of other Parties and other international partner institutions;
- h) any other interested parties.

In some countries, according to national legislation, the national information centre may also make decisions in recognition cases.

In order to fulfil a Party's obligation under the Convention, it is important that the national information centre be given adequate resources by which to fulfil its functions. These resources include an adequate number of competent staff, technical facilities and a sufficient budget to allow adequate contacts with higher education institutions in the country in which the centre is located as well as with national information centres of other Parties.

Article IX.3

The UNESCO/Council of Europe Diploma Supplement is generally considered a useful tool for promoting the transparency of higher education qualifications, and measures have been taken to encourage the use of this Diploma Supplement on a larger scale.

The Diploma Supplement explains the contents and form of the qualifications delivered by higher education institutions. It does not replace or modify those qualifications. Rather, the Diploma Supplement seeks to explain the qualifications in an internationally understandable form. The Diploma Supplement is therefore useful to higher education institutions in their relations with partner institutions in other countries, e.g., in the framework of student exchanges. The ENIC Network should periodically review the Diploma Supplement with a view to updating its contents and facilitating its use.

The inclusion of the Diploma Supplement as one of the mechanisms for the implementation of the Convention underlines its importance and commits the Parties to intensifying their efforts to promote its widespread use.

For the authentication of periods of study, the use of transcripts of records is recommended.

Section X. Implementation mechanisms

Article X.1

This Article enumerates the mechanisms to be set up with a view to assisting the Parties in their implementation of the Convention, as proposed in the Feasibility Study, chapter 16.

Article X.2

This Article establishes the Committee of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, modelled on the Regional Committee set up by virtue of the UNESCO Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region. The Committee is made up of representatives of the Parties, and is distinct from the Network of national information centres set up under Article X.3. It should, however, be noted that Parties may nominate representatives of their national

information centres as their representatives on the Committee, as has largely been the practice with respect to the UNESCO Regional Committee.

The main functions of the Committee are described, while it is envisaged that its Rules of Procedures be adopted separately. The Rules of Procedure will define the composition of the Committee, the term and general powers of the President, the representatives and observers, the quorum, the voting procedures, etc. They will be modelled on the Rules of Procedure of the UNESCO Regional Committee for Europe.

Recommendations, declarations and models of good practice are important tools for the implementation of the Convention. They offer guidance on specific issues (e.g., the role of national information centres, the recognition of secondary school leaving qualifications or recognition procedures) and complement the provisions of the Convention. These texts are not binding on the Parties, but rather provide voluntary solutions to common problems in that they generally express the considered view of all, or at least the majority, of the Parties on the issues which they address. The Article places upon the Parties the obligation to disseminate recommendations, declarations and models of good practice adopted in accordance with the present Article to the competent authorities, and to encourage their application.

Article X.3

The ENIC Network was established in June 1994 through the merger of the previous separate Networks of the two Organizations - the NEIC Network of the Council of Europe and the NIB Network of UNESCO. The ENIC Network was set up by decision of the UNESCO Regional Committee for Europe and by the Committee of Ministers of the Council of Europe. The Network is of crucial importance to the practical implementation of the Convention, and it has therefore been deemed desirable to include it among the implementation mechanisms explicitly mentioned in the Convention.

The Article describes the composition and the main functions of the Network when acting for the purposes of the Convention. Other activities of the Network are not covered by the Convention. The Article also describes the nomination of the members of the Network. The Parties should appoint as member(s) of the Network the National Information Centres established or maintained under Article IX.2. The national functions of the information centres, as well as the obligation of the Parties to take all feasible measures required to enable the centres to fulfil their tasks, are included in Section IX.

The terms of reference of the Network shall be adopted jointly by the competent bodies of the Council of Europe and UNESCO. The terms of reference are adopted for a certain time period and reviewed periodically by the competent bodies of the two Organizations.

Section XI. Final clauses

Article XI.1

This Article states that any State which is a member State of the Council of Europe, a member of the UNESCO Europe Region, or any signatory, Contracting State or a party to the European Cultural Convention of the Council of Europe and/or the UNESCO Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region, and which has been invited to

the Diplomatic Conference entrusted with the adoption of the Convention, may become a Party to this Convention. Both of these conditions must be fulfilled.

The Holy See is a party to the Conventions mentioned in Article XI.1.1.c, and is therefore covered by this provision. However, in Article XI.1.2, the Holy See is referred to explicitly at the request of the delegation of the Holy See, which felt that, because of its unique character, it should not be amalgamated with the States.

Article XI.2

This Article stipulates how the present Convention shall enter into force. It follows standard practice for Council of Europe and UNESCO Conventions.

Article XI.3

This Article regulates accession to the Convention by States which do not have an automatic right to become a Party to it under Article XI.1. Accession under the provisions of Article XI.3 will only be possible when the Convention has entered into force under the provisions of Article XI.2. Thereafter, any such accession shall require a two-thirds majority of the Parties entitled to be represented, in accordance with Article X.2, on the Committee for the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, as specified in Article XI.3.2. In deciding whether to admit new States under the provisions of this Article, the Committee may want to consider whether sufficient and accurate information is available on the education system of the States applying for accession. This procedure replaces the normal procedures in force for Conventions adopted within the respective frameworks of the Council of Europe and UNESCO. Requests for accession and their dissemination to the Parties shall follow the rules specified in the present Article.

Article XI.3.3 contains specific provisions concerning the accession to the Convention by the European Community.

Article XI.4

This Article defines the relationship between this Convention and previous Council of Europe and UNESCO Conventions on the recognition of higher education qualifications in the European region.

The Article underlines the function of this Convention as a replacement Convention, in that any

Party to the present Convention, ceases to apply any of the previous Council of Europe and UNESCO Conventions mentioned in this Article to which it is a party, but only with regard to other Parties to the present Convention. Parties shall still be bound by the previous Conventions to which they are a party with regard to other parties to those Conventions, but not to the present Convention. The instances of concrete application of the previous Conventions will thus be reduced as the number of Parties to the present Convention increases. It is hoped that the present Convention will eventually replace the previous Conventions.

In addition, the Parties to the present Convention undertake to abstain from becoming parties to the previous Conventions. An exception is made with regard to the International Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in the Arab and European States bordering on the Mediterranean. The Parties

to the present Convention may accede to the Mediterranean Convention with a view to their relations with Mediterranean and Arab States not Party to the present Convention. As stated in Article XI.4.1.a, the Parties to both the present Convention and to the Mediterranean Convention would apply the present Convention in their relations with other States party to both Conventions.

Article XI.6

This Article states that any Party may, at any time, denounce the present Convention, and specifies the procedure for such a denunciation.

As regards international law concerning the termination or suspension of the operation of an international treaty as a consequence of a violation by a Party of a provision essential to the accomplishment of the object or purpose of the treaty, reference may be made to Article 60 of the Vienna Convention on the Law of Treaties.

Article XI.7

Reservations to the provisions of this Convention are allowed only as specified in Article XI.7.1. In general terms, no reservations are allowed with respect to the principles of the Convention, nor in respect of a State's participation in the mechanisms set up for its implementation.

Article XI.8

This Article outlines the simplified procedure for the adoption of amendments to the Convention. The possibility of amending the Convention should be used sparingly, and cannot be used with respect to the principles of the Convention.

The Article provides that any draft amendment shall require a two-thirds majority of the Parties entitled to be represented, in accordance with Article X.2, on the Committee for the Convention on the Recognition of Qualifications concerning Higher Education in the European Region.

Paragraph 1 of this article requires that the Parties to the Convention express their consent to be bound by any Protocol amending the Convention. This requirement can be satisfied either by a formal expression of consent to be bound such as a signature followed, where necessary, by ratification, acceptance or approval, or by simplified procedures, eg, permitting a Party to the Convention to "opt out", so long as the modalities used provide that the Protocol does not enter into force in respect of a Party without its consent.

Article XI.9

This Article describes the functions of the depositories of the Convention. The Secretary General of the Council of Europe and the Director-General of UNESCO shall jointly be the depositories of the Convention. The Article is modelled on Article 32 of ETS No. 127 on Mutual Administrative Assistance in Tax Matters, which is a joint Council of Europe/OECD Convention.

Recommendation on Criteria and Procedures for the Assessment of Foreign Qualifications

(adopted by the Lisbon Recognition Convention Committee
at its second meeting, Riga, 6 June 2001)

Preamble

The Committee of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region,

Considering that the aim of the Council of Europe and UNESCO is to achieve greater unity between their members, and that this aim can be pursued notably by common action in cultural matters;

Having regard to the Council of Europe/UNESCO Convention on the Recognition of Qualifications concerning Higher Education in the European Region;

Having regard to the European Cultural Convention;

Having regard to European Conventions Nos. 15 on the Equivalence of Diplomas leading to Admission to Universities, 21 on the Equivalence of Periods of University Study, 32 on the Academic Recognition of University Qualifications, 49 Protocol to the European Convention on the Equivalence of Diplomas leading to Admission to Universities and 138 on the General Equivalence of Periods of University Study as well as European Agreement No. 69 on the portability of student grants;

Having regard to the UNESCO Convention on the Recognition of Studies, Diplomas and Degrees concerning higher Education in the States belonging to the Europe Region;

Having regard to the two declarations on the application of European Convention No. 15 and to the General Declaration on the European Equivalence Conventions;

Having regard to the Declaration of the European Ministers of Education in Bologna on 19 June 1999;

Having regard to the Diploma Supplement elaborated jointly by the European Commission, the Council of Europe and UNESCO, to the UNESCO/Council of Europe Code of Good Practice in the provision of transnational education and to the European Credit Transfer System (ECTS);

Having regard to the practical action in favour of improving the recognition of qualifications concerning higher education carried out by the Council of Europe/UNESCO

European Network of national information centres on academic recognition and mobility ("the ENIC Network");

Considering that the Council of Europe and UNESCO have always encouraged academic mobility as a means for better understanding of the various cultures and languages, and without any form of racial, religious, political or sexual discrimination;

Considering that studying or working in a foreign country is likely to contribute to an individual's cultural and academic enrichment, as well as to improve the individual's career prospects;

Considering that the recognition of qualifications is an essential precondition for both academic and professional mobility;

Recommends the governments of States party to the Convention on the Recognition of Qualifications concerning Higher Education in the European Region¹:

- i. to take into account, in the establishment of their recognition policies, the principles set out in the appendix hereto;
- ii. to draw these principles to the attention of the competent bodies concerned, so that they can be considered and taken into account;
- iii. to promote implementation of these principles by government agencies and local and regional authorities, and by higher education institutions within the limits imposed by the autonomy of higher education institutions;
- iv. to ensure that this Recommendation is distributed as widely as possible among all persons and bodies concerned with the recognition of qualifications concerning higher education;

Invites the Secretary General of the Council of Europe and the Director-General of UNESCO, as appropriate, to transmit this Recommendation to the governments of those States which have been invited to the Diplomatic Conference entrusted with the adoption of the Lisbon Recognition Convention but which have not become parties to that Convention.

APPENDIX TO THE RECOMMENDATION ON PROCEDURES AND CRITERIA FOR THE ASSESSMENT OF FOREIGN QUALIFICATIONS AND PERIODS OF STUDY

I. General considerations

1. The present Recommendation is adopted within the framework of the Lisbon Recognition Convention and applies to the Parties of this Convention. The principles and practices described in this Recommendation can, however, also equally well be applied to the recognition of qualifications issued in other countries under transnational education arrangements or to the recognition of qualifications in countries other than those party to the Lisbon Recognition Convention.

2. The Recommendation codifies established best practice among credential evaluators and builds on this practice in suggesting further improvements. The provisions of the Recommendation are in particular directed at recognition cases where a complex

¹ In this Recommendation, this Convention will be referred to as "the Lisbon Recognition Convention".

assessment is required. It is realised that cases involving well-known qualifications may be treated in a simpler way.

II. Definitions

3. Terms defined in the Lisbon Recognition Convention are used in the same sense in the present Recommendation, and reference is made to the definition of these terms in Section I of the Convention. Terms that specifically refer to the provision of transnational education are defined in the UNESCO/Council of Europe Code of Good Practice in the provision of Transnational Education.

III. General principles

4. Holders of foreign qualifications shall have adequate access, upon request, to an assessment of their qualifications.

5. The provisions referring to the assessment of foreign qualifications shall apply, *mutatis mutandis*, to the assessment of periods of study.

6. Procedures and criteria for the assessment of foreign qualifications should be transparent, coherent and reliable, and they should periodically be reviewed with a view to increasing transparency, taking account of developments in the education field and eliminating requirements leading to undue complications in the procedure.

7. In the assessment of foreign qualifications concerning higher education, the international and national legal frameworks should be applied in a flexible way with a view to making recognition possible. In cases where existing national laws conflict with the present Recommendation, States are encouraged carefully to consider whether national laws may be amended.

8. Where, after thorough consideration of the case, the competent recognition authority reaches the conclusion that recognition cannot be granted in accordance with the applicant's request, alternative or partial recognition should be considered.

9. In all cases where the decision is different from the recognition requested by the applicant, including in cases where no form of recognition is possible, the competent recognition authority should inform the applicant of the reasons for the decision reached and his or her possibilities for appealing against it.

10. The assessment criteria contained in this Recommendation have been drawn up with a view to increasing the consistency of the procedures and use of criteria for the assessment of foreign qualifications, thus assuring that similar recognition cases will be considered in reasonably similar ways throughout the European region. It is nevertheless realised that a margin of flexibility in making recognition decisions is essential, and that decisions will to some extent vary according to national systems of education.

11. The procedural recommendations contained in the present document aim at making assessment procedures more consistent and transparent and at assuring all applicants a fair consideration of their application. The recommendations on procedures and criteria to be followed are equally valid regardless of whether the outcome of the assessment procedure is:

- (i) a recognition decision;
- (ii) advice to the competent recognition authority making the decision;

- (iii) a statement addressed to individual(s), institution(s), potential employer(s) or others.

It is recommended that applicants have access to an assessment relevant to the case.

12. While the aim of assessments should be to assess applicants' foreign qualifications in qualitative terms, it is realised that quantitative criteria will have to be used to a certain extent. Their use should, however, be limited to cases where quantitative criteria are relevant to quality and may supplement qualitative criteria.

IV. Assessment procedures

Information to applicants

13. The competent recognition authority should give all applicants an acknowledgement of the receipt of their application.

14. National information centres, competent recognition authorities and other assessment agencies should publish standardised information on the procedures and criteria for the assessment of foreign qualifications concerning higher education. This information should automatically be given to all applicants as well as to persons making preliminary inquiries about the assessment of their foreign qualifications.

15. The time normally required to process recognition applications, counted from such time as all relevant information has been provided by applicants and/or higher education institutions, should be specified to applicants. Applications should be processed as promptly as possible, and the time of processing should not exceed four months.

16. National information centres, competent recognition authorities and other assessment agencies should provide advice to individuals enquiring about the possibilities and procedures for submitting formal applications for the recognition or assessment of their foreign qualifications. As appropriate, in the best interests of the individual, informal advice should also be provided in the course of, as well as after, the formal assessment of the applicants' qualifications, if required.

17. National information centres and competent recognition authorities should draw up an inventory of typical recognition cases and/or a comparative overview of other education systems or qualifications in relation to that of their own country as an aid in making recognition decisions consistent. They should consider whether this information could be made available to applicants with the proviso that this information serve only as an indicative guide, and that each application will be assessed on an individual basis.

Information on the qualification for which recognition is sought

18. The responsibility for providing information on the qualification for which recognition is sought is shared by applicants, higher education institutions at which the qualifications in question were awarded and the competent recognition authority undertaking the assessment as specified in the Lisbon Recognition Convention, in particular in its Articles III.3 and III.4. Higher education institutions are strongly encouraged to issue a Diploma Supplement in order to facilitate the evaluation of the qualifications concerned, in particular by credential evaluators and potential employers.

19. In cases where refugees, persons in a refugee-like situation or others for good reason cannot document the qualifications they claim, credential evaluators are encouraged to create and use a Background Paper giving an overview of the qualifications or periods of study claimed with all available documents and supporting evidence.

Fees

20. The competent recognition authorities and other assessment agencies should consider whether it is possible to provide for assessment of foreign qualifications as a public service free of charge. Where this is not feasible, fees should be kept as low as possible and should not be so high as to constitute a barrier to the assessment of foreign qualifications.

21. In deciding the size of any fees charged, due account should be taken of the cost of living and the level of salaries and student support in the country concerned. Special measures aimed at low income groups, refugees and displaced persons and other disadvantaged groups should be considered in order to ensure that no applicant is prevented from seeking recognition of his or her foreign qualifications because of the costs involved.

22. Any fees charged for the assessment of foreign qualifications should, without exception, be payable in the currency of the country in which the assessment is undertaken.

Translation

23. Requirements for the translation of documents should be carefully weighed and clearly specified, especially as concerns the need for authorised translations by sworn translators. It should be considered whether requirements for translation could be limited to key documents, and whether documents in certain foreign languages, to be specified by the competent recognition authority, could be accepted without translation. The countries concerned are encouraged to revise any current laws preventing the acceptance of documents in non-national languages without translation. Attention is drawn to the fact that the use of the Diploma Supplement may help reduce the need for translation of other key documents.

24. As a rule, titles of foreign qualifications should be provided in the original language, without translation.

Verification of the authenticity of documents

25. In view of the increasing occurrence of falsified diplomas and other documents, verification of the authenticity of documents is becoming increasingly important. Such verification seeks to establish:

- (i) whether the documents in question are genuine, i.e. whether they have been issued by the institution indicated in the document and whether they have not subsequently been unlawfully altered by the applicant or others; and
- (ii) whether the documents in question have in fact been rightfully issued to the applicant.

26. While the need to establish the authenticity of documents as a part of the assessment procedure is therefore very real, this need should nonetheless be balanced against the burdens placed upon applicants. The basic rules of procedure should assume that most applicants are honest, but they should give the competent recognition authorities the opportunity to require stronger evidence of authenticity whenever they suspect that documents may be forged. While certified photocopies of documents will be sufficient in most cases, the competent recognition authorities should be in a position to require original documents where this is considered necessary for the purpose of detecting or preventing the use of forged documents.

27. States are encouraged to review any national laws requiring overly complicated and costly authentication procedures, such as full legalisation of all documents. Modern communications make it easier to verify the authenticity of documents in less cumbersome

ways, and competent recognition authorities and higher education institutions of home countries are encouraged to react swiftly and positively to requests for direct information on documents claimed to have been issued by them.

28. In the case of refugees, displaced persons and others who for good reasons, and in spite of their best persistent efforts, are unable to document their claimed qualifications, it should be considered whether alternative ways of recognising these qualifications may be found. Such measures should be adapted to the circumstances of their recognition application and could include ordinary or specially arranged examinations, interviews with staff of higher education institutions and/or the competent recognition authority and sworn statements before a legally competent authority.

V. Assessment criteria

Status of the institution

29. In view of the wide diversity of higher education institutions and of the developments in transnational education, the status of a qualification cannot be established without taking into account the status of the institution and/or programme through which the qualification was awarded.

30. The credential evaluator should seek to establish whether the higher education institution belongs to the higher education system of a State party to the Lisbon Recognition Convention and/or belonging to the European Region. In the case of qualifications awarded by higher education institutions established through transnational arrangements, the credential evaluator should analyze these arrangements on the basis of the principles stipulated in the UNESCO/Council of Europe Code of Good Practice in the provision of transnational education.

31. Some countries have established a system of formal assessment of their higher education institutions and programmes. When evaluating qualifications from such systems, credential evaluators should take due account of the results of the formal assessment process.

Assessment of individual qualifications

32. Recognition of foreign qualifications may be sought for a variety of purposes. The assessment should take due account of the purpose(s) for which recognition is sought, and the recognition statement should make clear the purpose(s) for which the statement is valid.

33. Before undertaking the assessment, the competent recognition authority should establish which national and international legal texts are relevant to the case, and whether these require any specific decision to be reached or procedure to be followed.

34. The assessment should also take into account past practice in similar recognition cases, in order to ensure consistency in recognition practice. Past practice should be a guide, and any substantial change of practice should be justified.

35. The assessment of a foreign qualification should identify the qualification in the system of the country in which recognition is sought which is most comparable to the foreign qualification, taking into account the purpose for which recognition is sought. In the case of a qualification belonging to a foreign system of education, the assessment should take into account its relative place and function compared to other qualifications in the same system.

36. Qualifications of approximately equal level may show considerable differences in terms of content, profile and learning outcomes. In the assessment of foreign qualifications, these differences should be considered in a flexible way, and only substantial differences in view

of the purpose for which recognition is sought (e.g academic or *de facto* professional recognition) should lead to partial recognition or non-recognition of the foreign qualifications.

37. Recognition of foreign qualifications should be granted unless a substantial difference can be demonstrated between the qualification for which recognition is requested and the relevant qualification of the State in which recognition is sought. In applying this principle, the assessment should seek to establish whether:

- (a) the differences in learning outcomes between the foreign qualification and the relevant qualification of the country in which recognition is sought are too substantial to allow the recognition of the foreign qualification as requested by the applicant. If so, the assessment should seek to establish whether alternative, partial and/or conditional recognition may be granted;
- (b) the differences in access to further activities (such as further study, research activities, the exercise of gainful employment) between the foreign qualification and the relevant qualification of the country in which recognition is sought are too substantial to allow the recognition of the foreign qualification as requested by the applicant. If so, the assessment should seek to establish whether alternative, partial and/or conditional recognition may be granted;
- (c) the differences in key elements of the programme(s) leading to the qualification in comparison to the programme(s) leading to the relevant qualification of the country in which recognition is sought are too substantial to allow the recognition of the foreign qualification as requested by the applicant. If so, the assessment should seek to establish whether alternative, partial and/or conditional recognition may be granted. The comparability of programme elements should, however, be analysed only with a view to the comparability of outcomes and access to further activities, and not as a necessary condition for recognition in their own right;
- (d) a credential evaluator can document that the differences in the quality of the programme and/or institution at which the qualification was awarded in relation to the quality of the programmes and/or institutions granting the similar qualification in terms of which recognition is sought are too substantial to allow the recognition of the foreign qualification as requested by the applicant. If so, the assessment should seek to establish whether alternative, partial and/or conditional recognition may be granted.

38. Where formal rights attach to a certain foreign qualification in the home country, the qualification should be evaluated with a view to giving the holder comparable formal rights in the host country, in so far as these exist and they arise from the knowledge and skills certified by the qualification.

39. The recognition of qualifications issued several years ago may be more problematic than the recognition of recent qualifications. To what extent a qualification is outdated will depend on the field concerned as well as the activities undertaken by the applicant since the qualification was issued. In general terms, older qualifications should be recognised along the same lines as similar qualifications issued in the country in which recognition is sought. It may be considered whether relevant work experience may compensate for updated qualifications.

40. Competent recognition authorities and other assessment agencies should be encouraged to focus on the learning outcomes and competencies, as well as the quality of the delivery of an educational programme and to consider its duration as merely one indication of the level of achievement reached at the end of the programme. The assessment process should acknowledge that recognition of prior learning, credit transfer, different forms of access to higher education, double degrees and life-long learning will all shorten the duration of some academic qualifications without diminishing the learning outcomes and a decision not to grant recognition should not be motivated by duration alone.

41. The assessment of a foreign qualification should focus on the qualification for which recognition is sought. Previous levels of education should be considered only where these levels have a serious bearing on the outcome of the assessment and should, as far as possible, be limited to qualifications of a level immediately preceding the qualification for which recognition is sought.

42. In undertaking the assessment, the competent recognition authorities and other assessment agencies should apply their know-how and best professional skills and take note of all relevant published information. Where adequate information on the learning outcomes embodied in the qualification is available, this should take precedence in the assessment over consideration of the education programme which has led to the qualification.

VI. The outcome of the assessment

43. Depending on national law and practice, the outcome of the assessment of a foreign qualification may take the form of:

- (a) a recognition decision;
- (b) advice to another institution, which will then make the recognition decision;
- (c) a statement to the applicant or to whom it may concern (e.g. current or prospective employers, higher education institutions etc.) providing a comparison of the foreign qualification with similar qualifications in the country in which recognition is sought, without being a formal recognition decision.

44. The ENIC Network as well as competent authorities should elaborate models for standardised assessment statements at European and/or national level. To facilitate international recognition, assessment agencies should use these standardised statements as far as possible.

45. Where recognition cannot be granted according to an applicant's request, the competent recognition authority or assessment agency should, as far and as precisely as possible, assist the applicant in identifying remedial measures the applicants may undertake in order to obtain recognition at a later stage.

Explanatory Memorandum Recommendation on Criteria and Procedures for the Assessment of Foreign Qualifications

Preamble

The Preamble builds on the existing legal framework for the recognition of qualifications concerning higher education, as elaborated within the frameworks of the Council of Europe and of UNESCO (as far as the latter applies to the Europe Region). Specific attention is drawn to the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, elaborated jointly by both Organisations and adopted on 11 April 1997. This Convention entered into force on 1 February 1999. The Preamble also builds on the most important developments in the international recognition of qualifications over the past years, including the outcomes of the Conference on Recognition of Higher Education Qualifications: Challenges for the next Decade, organised by the Higher Education and Research Committee of the Council of Europe (CC-HER) (Malta, 26 - 28 October 1994) and the seminars on the methodology of credentials evaluation organised by the European Association for International Education (EAIE) and NAFSA: Association of International Educators in 1994 - 95. In the case of qualifications issued through transnational arrangements, the Preamble builds on the provisions of the UNESCO/Council of Europe Code of Good Practice in the Provision of Transnational Education.

III. General principles

Paragraphs 4 - 11

The Recommendation clearly underlines the right of applicants to having their foreign qualifications assessed according to transparent, coherent and reliable procedures and criteria. As far as possible, competent recognition authorities should strive to recognise applicants' foreign qualifications. Where this is not possible, the Recommendation urges the competent recognition authorities to consider alternative forms of recognition. Such alternative recognition may include:

- (i) recognition of the foreign qualification as comparable to a qualification of the host country, but not to that indicated by the applicant;
- (ii) partial recognition of the foreign qualification;
- (iii) full or partial recognition of the foreign qualification subject to the applicant successfully taking additional examinations or aptitude tests;
- (iv) full or partial recognition of the foreign qualification at the end of a probationary period, possibly subject to specified conditions.

The grant of partial recognition or recognition subject to the fulfilment of specific conditions does not, however, imply an automatic right to admission to any courses designed to help applicants remedy deficiencies with a view to obtaining recognition.

Only when the competent recognition authority finds it impossible to grant even an alternative form of recognition should an application be rejected outright. It should be kept in mind that in some cases, the absence of recognition may be "fair recognition" on the evidence of the case.

Where the recognition decision is different from the decision requested by the applicant, the competent recognition authority has a special obligation to stating the reasons for its decision and to inform applicants of their possibilities for making an appeal against the decision. This is important both to allow applicants to make an appeal against the decisions and to enable applicants to undertake remedial measures with a view to obtaining recognition at a later stage. This should in no way prevent competent recognition authorities from stating their reasons for granting recognition.

Paragraph 12

There is an inherent dilemma in specifying criteria for the assessment of foreign qualifications. While the aim of an assessment is to assess the foreign qualification in qualitative terms, the assessment cannot be undertaken without to some extent relying on both qualitative and quantitative criteria. It is, however, important that the criteria used be chosen because of their suitability in indicating the quality of the qualification in question and the applicant's ability to undertake the activity for which recognition is sought (e.g. further study, research, gainful employment). For example, students who have obtained good study results (grades) may be considered to have considerable potential for learning and personal development, even if the qualifications for which they seek recognition have been earned in an education system or at an institution which is considered to be of substantially lower quality than the education system of the host country. In this case, the result of the assessment may depend on whether recognition is sought for the purpose of further study or for the purpose of entry into the labour market. In the former case, it may be easier to recognise the qualifications, since the applicants may be expected to improve their qualifications and reach their true potential in the course of further study. In the latter case, it may be more difficult to grant recognition, since the qualifications will be the basis for an activity which may have a direct impact on other citizens, and since there is no guarantee that the qualifications will be improved in the course of the exercise of this activity in the labour market. For the latter form of recognition, the duration and content of practice periods may also be of importance.

The main difficulty, to which there is no obvious answer, consists in reconciling the desire for an assessment of quality with the requirement for transparency and accountability, which implies the use of "objective" criteria. In no case should a recognition decision be based on only a limited number of quantitative criteria, such as length of study, without some attempt being made to assess the quality of applicants' qualifications. To an extent, substantial differences according to quantitative criteria may, however, be taken as an indication of a difference in quality.

IV. Assessment procedures

Paragraph 14

The paragraph concerns the information which should be provided to applicants by national information centres and competent recognition authorities upon receipt of the application. The standardised information should deal with at least the following elements:

- (i) the documentation required, including requirements as to the authentication and translation of documents;
- (ii) a description of the assessment process, including the role of the national information centre, other assessment agencies and higher education institutions;
- (iii) a description of the assessment criteria;
- (iv) the status of recognition statements;
- (v) the approximate time needed to process an application;
- (vi) any fees charged;
- (vii) a reference to the national laws and international conventions and agreements which may be relevant to the assessment of foreign qualifications;
- (viii) the conditions and procedures for appealing against a recognition decision, according to national legislation.

In principle, recognition decisions should be open to appeal, and it is the duty of the competent recognition authority to inform applicants of the modalities of such appeals, including its formal aspects, such as deadlines. It is recommended that this information be provided already at the receipt of the application, partly to provide as complete a set of information as possible to applicants, and partly to avoid a direct linkage between the information on the outcome of the application and the possibilities for appeal which may be taken as an implicit encouragement to appeal even in cases where an appeal would have little chance of being upheld. Assessment agencies may consider whether to require applicants to sign an acknowledgement confirming that the information has been received, and that the applicant has acquainted himself or herself with the possibilities and procedures of appeal.

Paragraph 15

This paragraph underlines the duty of the competent recognition authority to specify its normal time limits for processing recognition applications, keeping to these limits and informing applicants in case of delay. It also specifies the "starting point" for counting the time limits; i.e. from the time all relevant information has been received by the competent recognition authority. While all assessment should be undertaken and completed as promptly as possible, it should be pointed out that any assessment taking more than four months could seriously delay applicants' further study, or their gainful employment, or oblige them to undertake additional studies to meet requirements which the assessment may subsequently find that they have already satisfied through their foreign qualifications. Four months should therefore be considered as the maximum time limit for processing recognition applications; uncomplicated cases should, as a rule, be evaluated faster.

Paragraph 17

The consistency of recognition decisions is an important element in assuring transparent and coherent treatment of applications for the recognition of foreign qualifications. It would be unfortunate if similar recognition cases were handled in substantially different ways and substantially different decisions were reached. An overview of typical recognition cases may help in assuring the required consistency.

The question of whether to make information available to applicants is somewhat complicated. On the one hand, such information may give applicants an indication of what

they can realistically expect and help them formulate their application. It may also be of help to applicants in considering whether to make an appeal against a decision. On the other hand, applicants may wrongly understand the typical cases to provide a legal precedent for "automatic" recognition of their own qualifications. It is therefore essential that information on typical recognition cases provided to applicants be accompanied by a clear explanation of the function of this information, underlining that in all cases an individual assessment of the application is undertaken.

Paragraph 18

Responsibility for providing information on the qualification for which recognition is sought is shared:

- (a) the applicants bear the main responsibility for providing the information required by the competent recognition authority;
- (b) higher education institutions at which the qualifications were earned have a duty to provide applicants and/or the competent recognition authority with information about their qualifications as well as other relevant information (such as information on the qualifications structure, course content, etc.). Higher education institutions should be encouraged to make use of instruments devised to explain the content of foreign qualifications, such as the UNESCO/Council of Europe Diploma Supplement and information on credit accumulation and transfer systems, such as the ECTS². The duty of higher education institutions may be limited to responding to requests by applicants and/or the competent recognition authority undertaking the assessment;
- (c) the competent recognition authority is responsible for maintaining a system of information on foreign education systems and qualifications in the area of its competence.

It should be underlined that the competent recognition authorities should provide applicants with a complete overview of the pieces of information needed to undertake the assessment. Only in exceptional cases should the competent recognition authority ask for information in addition to what is specified in this overview, and in no case should requests for additional information be used as a means of prolonging or delaying the assessment concerned. Applicants as well as higher education institutions have a duty to provide all information requested within a reasonable deadline specified by the competent recognition authority.

Paragraph 19

The Background Paper is intended to be a tool

- for the credential evaluator to reconstruct the educational background of the refugee in order to facilitate the (future) assessment;
- for the refugee to affirm his or her academic achievements towards other evaluating bodies, like universities and employers, in order to gain access to further studies or appropriate employment.

Applications from persons in a refugee-like situation or others who for good reason cannot document their qualifications should be treated in the same way.

² European Credit Transfer System.

The Background Paper itself is not an evaluation, but an authoritative description or reconstruction of the academic achievements linked to the available documents and supporting evidence.

The Background Paper is:

- an overview of the claimed educational background with the available documents and supporting evidence
- a checklist, based upon the model of the Diploma Supplement, used by the credential evaluator to add more relevant information

Example of overview

| Educational Background | |
|------------------------------------|--|
| Qualification | Evidence |
| Secondary education | diploma |
| Higher education -first degree | Student ID + transcript of 1st year |
| Higher education -second degree | No educational documents, but teacher statement + employment contract |

Paragraphs 20 - 22

Fees may constitute an impediment to recognition. If the assessment of foreign qualifications cannot be provided free of charge, fees should therefore be kept as low as possible. It is recalled that any fees charged by the competent recognition authority will be additional to any costs of translating and/or certifying documents. The provisions of the present Recommendation are especially important in view of the increasing tendency for public bodies to charge user fees.

Fee practices vary considerably throughout the European region. It is hardly possible to give precise indication of acceptable fee levels, as local conditions such as the cost of living and the level of salaries and student support must be taken into account. Nevertheless, in some cases the fees charged must be considered as excessive. It is, for example, unreasonable that the assessment of a foreign qualification should cost a substantial part of an average monthly salary in the public sector.

Paragraph 23

The requirements for complete information should be carefully weighed against the burdens the fulfilment of this need places upon applicants, specifically as concerns requirements for authentication and translation of documents, which tend to be time-consuming and costly. A consideration of requirements for authentication should weigh the necessity of minimising the risk of fraud against the need to reduce the burden on honest applicants. It is suggested that it may, in most cases, be sufficient to require authentication of key documents, such as diplomas, transcripts and birth certificates. It should also be considered whether certified photocopies, rather than originals, may be required. It is important that all requirements be clearly specified to applicants.

In the case of translation requirements, it should also be considered whether these may be limited to key documents. It may, for example, not be necessary for the applicant to

provide detailed translation of curricula. It should also be considered whether it is strictly necessary to require translations to be carried out by certified translators. Where this requirement is maintained, the competent recognition authority should provide applicants with lists of accepted translators. It should further be considered whether certain documents could be accepted without translation. This could apply to documents issued in widely spoken languages, in languages which are linguistically close to the language(s) of the host country, languages widely understood in the host country, and/or languages in which staff members of the competent recognition authority have sufficient competence.

Paragraph 24

The reason why titles of foreign qualifications should not be translated is that a translation in this case implies an assessment, and this assessment should only be undertaken by qualified recognition experts. The Diploma Supplement revised jointly by the European Commission, the Council of Europe and UNESCO as well as credit accumulation and transfer systems have been devised to explain the content of qualifications without translating or evaluating them. Attention is drawn to the fact that transliteration is distinct from translation. Transliteration implies reproducing the sounds rendered by one alphabet or writing system in another alphabet or writing system, such as rendering a word written in the Cyrillic alphabet or in Japanese characters in the Latin alphabet. Transliteration enables readers unfamiliar with the alphabet or writing system of the original language to identify words or expressions from that language and should be undertaken using standard systems of transliteration where they exist.

Verification of the authenticity of documents

Paragraphs 25 - 28

The problem of falsified documents is becoming increasingly serious. It is therefore necessary to underline the need to verify the authenticity of documents submitted by applicants, as well as the identity of the applicants themselves. At the same time, however, it is necessary to maintain a balance between the need for verification and the need to avoid placing undue burdens on the majority of applicants, who submit authentic documents, and who should be treated according to the basic judicial rule of being "innocent until proven guilty". It is therefore necessary to give competent recognition authorities the possibility to require particularly severe proofs of authenticity, such as the submission of original documents, in cases where forgery is suspected. Another possibility in such cases is to require copies certified by an original signature and/or stamp of the institution having issued the qualifications. Higher education institutions should reply promptly to requests for such certification, which should be issued without fees, if possible, or at any rate at moderate fees.

At the same time, some laws on the verification of documents, such as those which require full legalisation of all documents, date from a time when international communication was much more difficult than today. While they may have been justified at the time, today there are better and more efficient ways of verifying the authenticity of documents through direct contact with competent recognition authorities and higher education institutions from which the documents are claimed to originate. States are therefore encouraged to review their national laws with a view to simplifying and modernising their rules on the verification of the authenticity of documents.

V. Assessment criteria

Paragraphs 29 - 31

In view of the increasing diversification of higher education systems, and of higher education institutions through transnational arrangements, including the establishment of a large number of private higher education institutions, qualifications cannot be properly evaluated without taking into account the institution which has issued the qualifications. At the same time, national laws and practices for the assessment of higher education institutions vary very widely. Consequently, the kind of information which may be obtained on higher education institutions also varies. Section VIII of the Lisbon Recognition Convention outlines the kind of information which should be provided by Parties which have established a system of formal assessment of higher education institutions and programmes, as well as the kind of information which should be provided by Parties which have not established such a system. The UNESCO/Council of Europe Code of Good Practice in the Provision of Transnational Education outlines the principles which should be respected by institutions and organizations involved in the provision of educational services through transnational arrangements and they should be applied in the assessment of academic qualifications.

Paragraph 32

There is a direct connection between the assessment of foreign qualifications and the purpose(s) for which recognition is sought. For example, a given qualification may be adequate for the purpose of further study, but not for the purpose of employment at a given level. Conversely, a given qualification may be adequate for the purpose of employment, but not for further study, e.g. at doctoral level. This could, for example, be the case if a research component, the writing of an independent thesis or another form of substantial independent work were totally lacking in the foreign qualification, and such a component were a requirement for access to doctoral studies in the home country. This implies that a recognition statement should make it clear for which purpose(s) it is valid, and a renewed assessment should be undertaken if recognition is sought for other purpose(s) than those (that) covered by a previous statement.

Qualifications may serve a wide range of purposes, some examples of which are:

- (a) general access to higher education;
- (b) restricted access to higher education (i.e. access restricted to certain parts of the higher education system, such as certain technical studies);
- (c) general access to further studies at a given level (such as doctoral studies or second degree studies);
- (d) restricted access to further studies (e.g. access to further technical studies);
- (e) access to professional training;
- (f) general access to the labour market (i.e. as a qualification for a wide range of positions at a given level);
- (g) access to a specialised area of the labour market;
- (h) access to a regulated profession.

Paragraph 33

Some examples of national or international legal texts which may apply to applications for the recognition of foreign qualifications are:

- (a) national laws and regulations on qualifications concerning higher education;
- (b) national laws and regulations concerning the exercise of gainful employment, including laws and regulations on regulated professions;
- (c) Council of Europe and UNESCO Conventions;

- (d) Council of Europe and UNESCO Recommendations and codes of good practice;
- (e) European Union directives, including those on professional recognition;
- (f) other European Union rules and regulations, e.g. those governing the recognition of qualifications earned in the framework of EU mobility programmes such as SOCRATES and, previously, ERASMUS;
- (g) international agreements established in the framework of other international Organisations, such as the Nordic Council of Ministers;
- (h) bilateral or multilateral agreements between States;
- (i) bilateral or multilateral agreements between higher education institutions.

Not all such texts have the same legal value; their relative legal status must therefore also be taken into account.

Paragraph 36

Differences in the content and profile of qualifications may concern e.g. the degree of specialisation or general education, requirements for independent written work (including theses), the inclusion of practice periods, laboratory experience or similar requirements (e.g. in medical or natural sciences), or the inclusion of non-academic elements (such as sports or vocational training) in the qualification.

What may be defined as "substantial differences", which may lead to partial recognition or to non-recognition, will to a large extent depend on the purpose(s) for which recognition is sought, for example recognition for the purpose of pursuing further studies or for access to a non-regulated professional activity. In some contexts, a broadly based education may be desirable, whereas, in other contexts, a considerable degree of specialisation may be required. In another example, a thesis may be an essential requirement for a given qualification. Applicants whose foreign qualification satisfies the teaching requirements for the qualification in the host country, but do not include a thesis, may be required to submit a thesis before full recognition can be granted.

Examples of learning outcomes may be one or more of the following:

- (a) broad knowledge of a specific subject;
- (b) understanding of research results in a specific subject;
- (c) ability to analyse and solve problems;
- (d) ability to communicate effectively - orally and in writing - with diverse groups on complex issues;
- (e) ability to apply research results with routine skills and in a fixed domain;
- (f) ability to apply research results and to adapt routine skills to new domains;
- (g) ability to conduct research;
- (h) ability to discern conflicting theories or paradigms;
- (i) ability to pursue a specific occupation or profession at operational, management or technology development level.

Paragraph 37

The paragraph underlines that if a competent recognition authority wishes to withhold recognition - entirely or partially - of a foreign qualification, it is the duty of the competent recognition authority to demonstrate that this decision is justified. This is in accordance with the principles of the Lisbon Recognition Convention as well as the European Union Directives on professional recognition. The "relevant qualification of the country in which recognition is sought" may be indicated by the applicant requesting recognition or, if the

applicant has given no indication, by the competent recognition authority, taking into account the purpose for which recognition is sought.

Paragraph 38

Formal rights are not totally distinct from, but also not totally identical to, the purpose for which recognition is sought. Formal rights obtained through a qualification may, for example, be the right to access to higher education (i.e. the right to be considered for participation in higher education), the right to access to doctoral studies, the right to use a given title or the right to apply for professional recognition. The latter will in many, perhaps most, cases also be subject to non-educational requirements, such as practice periods (where these are considered as distinct from, rather than as a part of, the education programme leading to the qualification) or nationality, residence or language requirements. The assessment of foreign qualifications for professional purposes is covered by this recommendation only in so far as the assessment concerns the knowledge and skills certified by the qualification concerned for the purpose of professional recognition.

The Recommendation suggests that where a qualification gives its holder certain formal rights in the home country, the assessment should seek to assess whether the qualification can give the holder comparable formal rights in the host country. It is, however, realised that national practices with regard to granting formal rights through educational qualifications may vary. This provision is applicable only to the extent that these formal rights may be obtained through a qualification issued in the home country.

Paragraph 39

A qualification certifies a certain competence obtained at a certain time. The value of a qualification may diminish over time, or be entirely lost, either because the holder of the qualification has not kept up the competence acquired by undertaking activities relevant to the field, or because significant new knowledge has been gained in the field, and the holder is not adequately acquainted with these developments. To what extent a qualification becomes outdated may depend on the field of knowledge concerned.

The recognition of older qualifications can therefore be problematic, and there is no standard solution to the problem. However, the problem is not limited to foreign qualifications. If older qualifications from the country in which recognition is sought are still recognised, similar foreign qualifications of similar age should also be recognised for the same purpose. If, however, qualifications from the country in which recognition is sought are considered outdated and are no longer recognised, similar foreign qualifications should be considered in the same way.

Paragraph 40

Length of study is one of the most frequently used assessment criteria, and experience shows that it is also among the criteria most easily accepted by applicants whose qualifications are recognised only partially or not at all. The concept of "length of study" is somewhat problematical because, while generally expressed in terms of years or semesters of study, there may be differences, between countries and between individual institutions, in the number of weeks which make up a semester or a year of study and in the number of working hours in a week of study as well as in the distribution of those of hours in terms of teaching, self study and other learning activities (practice periods, laboratory work, etc.). Substantial differences in this respect could reduce the difference between two qualifications of seemingly different "length", or they could increase the difference

between qualifications of seemingly similar "length". "Length of study" should therefore not be considered a uniform concept, and it should not be used as the sole criterion in the assessment of foreign qualifications.

In general terms, however, length of study may be taken to give an indication of the level of a qualification. The wider the difference in the length of study normally required to obtain various qualifications, the more likely it would seem that these qualifications are not of the same level. The question of what constitutes a substantial difference in the length of study must also be seen in relation to the stipulated length of study for the qualification in question. A difference of one year is a clearer indication with regard to a study programme the stipulated length of which is, say, four years, than with regard to an entire primary and secondary education programme the stipulated length of which is, say, twelve years. Therefore, it is suggested that a difference of one year or more may be considered substantial in the case of most higher education programmes, while the difference in the length of programmes leading to access qualifications should be two years or more in order to be considered substantial. It should also be underlined that while the differences indicated *may* be considered substantial, they must not necessarily be so considered, nor should other factors necessarily be excluded from the assessment. In cases where the differences in length of study are less than indicated here, these differences should not be considered sufficient by themselves to justify a decision not to recognise the qualification. It should also be noted that "level" and "quality" are different concepts. A given secondary school leaving certificate may be of excellent quality for the purpose of general access to higher education at starting level, which is one of its main purposes, and a student holding that qualification with good grades may be assumed to have an excellent potential for academic studies. The student will, nonetheless, not have acquired the academic level necessary for access to advanced studies.

Paragraph 41

The paragraph underlines the need to focus any assessment of a foreign qualification on that qualification. Taking account of previous levels of education should be an exception rather than a rule. For example, in the case of someone applying for recognition of a doctoral degree, the applicant's school leaving qualifications should not be a part of the assessment. Previous levels of qualifications should only be considered in exceptional cases, and the assessment should as far as possible be limited to the level immediately preceding the qualification for which recognition is sought. The most pertinent example is perhaps that deficiencies in an applicant's secondary school leaving qualifications may affect his or her first degree qualifications, or partial qualifications at first degree level, to such an extent that full recognition at first degree level cannot be granted. However, it should be emphasised that this would be an exceptional situation.

Paragraph 42

The paragraph concerns the efforts which competent recognition authorities and other assessment agencies can reasonably be expected to undertake in the assessment of individual cases. They should apply all their professional skills and take account of the relevant literature, but they are not required to conduct in-depth research on the comparability of learning outcomes and/or fitness for further activities. In evaluating a foreign qualification, more emphasis should be given to the outcome of the education process (i.e. the knowledge and skills certified by the qualification and the ability to

undertake further activities) than to the process itself (i.e. the education programme through which the qualification was earned).

VI. The outcome of the assessment

Paragraph 45

The indications referred to in this paragraph concern additional education applicants may take in order to improve their chances of obtaining recognition at a later stage. The competent recognition authorities should assist these applicants by obtaining as precise indications as possible on measures to be taken or, as appropriate, refer applicants to relevant written information or contact persons at higher education institutions or other relevant bodies.

Schematic of the recommended outline procedure for the assessment of foreign qualification

(see graphic outline on next page)

In the following, a schematic outline will be given of the recommended procedure for the assessment of foreign qualifications or periods of study. This is intended as a summary checklist. In practice, the sequence of the steps outlined may vary, or several steps may be taken simultaneously.

Step 1

Receipt of the inquiry or application by the competent recognition authority.

Acknowledgement of receipt; information to the applicant about procedures and criteria.

Proceed to step 2.

Step 2

Verification of whether all necessary information is supplied.

If no: gather further information from the applicant or higher education institution(s)

If yes: proceed to step 3

Step 3

Verification of whether the applicant's qualification is authentic, and whether the documents submitted have in fact been rightfully issued to the applicant. [In this the competent authority may seek the assistance of the national information centre]

If no: (i.e. the qualification is false): recognition refused.

If yes: proceed to step 4.

Step 4

Verification of whether the institution and/or programme having issued the qualification is recognized as belonging to a system of higher education. In the case of transnational education, verification of whether the awarding institution complies with the principles stipulated in the UNESCO/Council of Europe Code of Good Practice in the Provision of Transnational Education.

If no: recognition would normally not be granted.

If yes: proceed to step 5.

Step 5

Assessment of the foreign qualification, taking into account:

- (i) the purpose for which recognition is sought;
- (ii) formal regulations
 - (a) national laws
 - (b) international Conventions, directives, Recommendations, good practice, etc.
- (iii) past practice in similar cases;
- (iv) the content of the qualification, to the extent that this completes items (i) - (iii);
- (v) information and advice from other ENICs, higher education institutions or other sources.

The assessment should seek to answer questions such as:

- (a) are the differences in (targeted or achieved) learning outcomes so substantial that the foreign qualification cannot be fully recognised? If so, is it possible to grant alternative or partial recognition?
- (b) are the differences in the further activities for which the foreign and the home country qualifications prepare so substantial that full recognition is not possible? If so, is alternative or partial recognition possible?
- (c) are the differences in key elements of the programme leading to the qualification so substantial in relation to similar programmes in the host country that full recognition cannot be granted in view of the purpose for which recognition is sought? If so, is alternative or partial recognition possible?
- (d) is the quality of the programme or the institution at which the qualification was earned so different from similar programmes or institutions in the host country that full recognition is not possible? If so, is alternative or partial recognition possible?

Step 6

The assessment statement on the foreign qualification is issued (the outcome of the assessment). Depending on national laws and practice, this may take the form of:

- (i) advice to another institution, which will then make the decision;
- (ii) a decision;
- (iii) a statement to the applicant or to whom it may concern (e.g. current or prospective employers, higher education institutions, etc.).

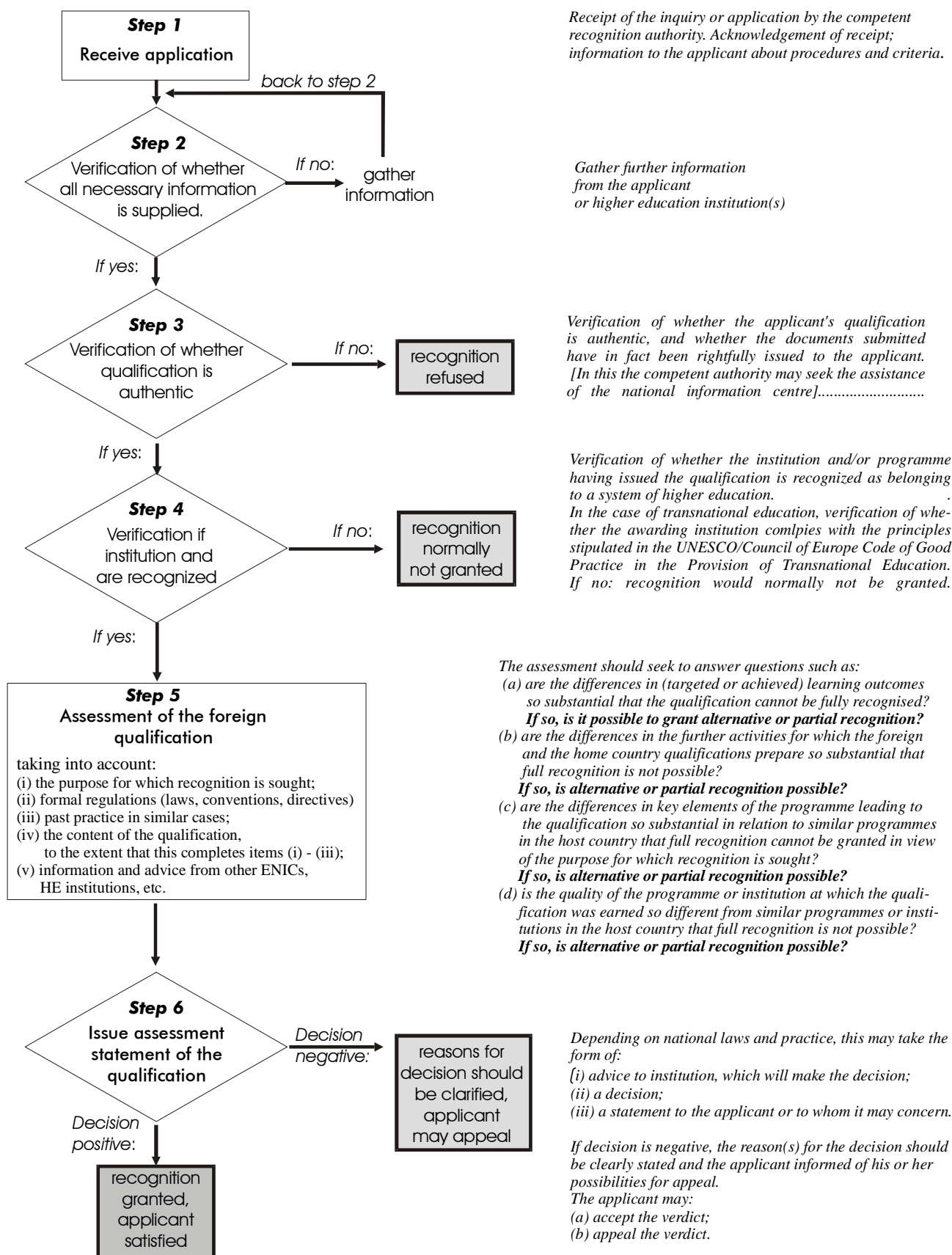
If positive decision by (i) or (ii): recognition granted, applicant satisfied.

If negative decision: the reason(s) for the decision should be clearly stated and the applicant informed of his or her possibilities for appeal.

The applicant may:

- (a) accept the verdict;
- (b) appeal the verdict.

SCHEMATIC OUTLINE OF THE RECOMMENDED PROCEDURE FOR THE ASSESSMENT OF FOREIGN QUALIFICATION



Code of Good Practice in the Provision of Transnational Education

(adopted by the Lisbon Recognition Convention Committee at its second meeting, Rīga, 6 June 2001)

PREAMBLE

The Parties to the **Convention on the Recognition of Qualifications concerning Higher Education in the European Region (the Lisbon Recognition Convention)**,

Conscious of the rapid development of transnational education, characterised by those arrangements and partnerships between institutions and organisations in which the students are located in a different country to the one where the institution providing the education is based, and of its impact on higher education globally, but also specifically in the Europe Region;

Conscious in particular of the challenges posed by transnational education institutions and programmes operating outside of the framework of any national education system;

Being aware of the fact that transnational higher education is rapidly expanding, due mainly to the growing and seemingly limitless uses of the new information technologies in providing educational services in a world of borderless higher education;

Convinced that national systems of higher education are, and will continue to be, entrusted *inter alia* to preserve the cultural, social, philosophical, and religious diversity of the European Region while also being expected to promote various forms of international and global co-operation;

Attaching great importance to the academic quality of study programmes and degrees awarded by higher education institutions engaged in transnational education;

Considering that, regardless of the procedures adopted for establishing and providing educational services, higher education institutions should comply with those standards of performance in teaching and learning that are required by the present and future development of knowledge, technology and the labour market;

Acknowledging that facilitating the recognition of qualifications awarded through transnational arrangements will contribute to promoting both the mobility of students and that of study programmes between higher education institutions and systems;

Having regard to the Council of Europe/UNESCO Convention on the Recognition of Qualifications concerning Higher Education in the European Region that provides an overall normative framework for dealing with academic recognition matters;

Having regard also to the Codes of good practice developed and monitored by some of the major providers, such as:

- **Code of Ethical Practice in the Provision of Education to International Students by Australian Universities**, Australian Vice-Chancellors' Committee;
- **Quality Assurance Code of Practice: Collaborative Provision**, United Kingdom Quality Assurance Agency for Higher Education;
- **Principles of Good Practice for Educational Programs for Non-U.S. Nationals**;

Mindful that such Codes provide working frameworks from the perspective of the sending institutions/systems of higher education, and that they have to be complemented by the perspectives of the receiving institutions/systems;

Having regard also to the Diploma Supplement developed jointly by the European Commission, the Council of Europe and UNESCO and aiming to provide supplementary information facilitating the assessment of qualifications;

Confident that ethical principles and values should closely guide the international and global cooperation between higher education systems and institutions;

Conscious of the need to find commonly agreed solutions to practical recognition problems in the European Region, and between the States of this Region, and those of other regions of the world, in an ever more global space of higher education;

Conscious of the need to permanently update the implementation mechanisms of the principles and provisions of the **Lisbon Recognition Convention**, thus keeping up with the pace of new developments in higher education cooperation;

Have agreed on the need for:

- **A Code of Good Practice** in the provision of higher education study programmes and other educational services by means of transnational arrangements;
- **Recommendation on procedures and criteria for the assessment of foreign qualifications**, with a view to implementing the Code of Good Practice and to facilitating the recognition of qualifications awarded following completion of transnational study programmes/courses of study;
- and for these to be considered as fully complementary and mutually supportive documents.

Section I. Terminology

Terms defined in the **Lisbon Recognition Convention** are not mentioned here again and shall, for the purposes of this Code of Good Practice, have the same meaning as in the Convention. The following terms, listed in alphabetical order, shall have the following meaning:

Agents

Third parties, such as brokers, facilitators, or recruiters, that act as intermediaries between awarding and providing institutions for establishing transnational educational arrangements. An agent is not usually involved in the provision of educational services.

Agreement

A document agreed formally by the partners that contains all collaborative arrangements made between the awarding and providing institutions.

Awarding institution

A higher education institution issuing degrees, diplomas, certificates or other qualifications.

Educational services

Any study programme, course of study or parts of a course of study that leads, after successful completion, to a qualification. This also includes services such as preparatory/introductory modules to facilitate access to a course of study, or training modules that lead to professional development.

Partners

The awarding and providing institutions involved in transnational arrangements.

Providing institution

An institution or organization which is delivering all or part of a study programme.

Transnational arrangements

An educational, legal, financial or other arrangement leading to the establishment of

- (a) **collaborative arrangements**, such as: franchising, twinning, joint degrees, whereby study programmes, or parts of a course of study, or other educational services of the awarding institution are provided by another partner institution;
- (b) **non-collaborative arrangements**, such as branch campuses, off-shore institutions, corporate or international institutions, whereby study programmes, or parts of a course of study, or other educational services are provided directly by an awarding institution.

Transnational education

All types of higher education study programmes, or sets of courses of study, or educational services(including those of distance education) in which the learners are located in a country different from the one where the awarding institution is based. Such programmes may belong to the education system of a State different from the State in which it operates, or may operate independently of any national education system.

Section II. Principles

1. **Transnational arrangements** should be so elaborated, enforced and monitored as to widen the access to higher education studies, fully respond to the learners'

educational demands, contribute to their cognitive, cultural, social, personal and professional development, and comply with the national legislation regarding higher education in both receiving and sending countries. In the case of collaborative arrangements there should be written and legally binding agreements or contracts setting out the rights and obligations of all partners.

2. **Academic quality and standards** of transnational education programmes should be at least comparable to those of the awarding institution as well as to those of the receiving country. Awarding institutions as well as the providing institutions are accountable and fully responsible for quality assurance and control. Procedures and decisions concerning the quality of educational services provided by transnational arrangements should be based on specific criteria, which are transparent, systematic and open to scrutiny.
3. **The policy and the mission statement** of institutions established through transnational arrangements, their management structures and educational facilities, as well as **the goals, objectives and contents** of specific programmes, sets of courses of study, and other educational services, should be published, and made available upon request to the authorities and beneficiaries from both the sending and receiving countries.
4. **Information** given by the awarding institution, providing organization, or agent to prospective students and to those registered on a study programme established through transnational arrangements should be appropriate, accurate, consistent and reliable. The information should include directions to students about the appropriate channels for particular concerns, complains and appeals. Where a programme is delivered through a collaborative arrangement, the nature of that arrangement and the responsibilities of the parties should be clearly outlined. The awarding institution is responsible for and should control and monitor information made public by agents operating on its behalf, including claims about the recognition of the qualifications in the sending country, and elsewhere.
5. **Staff members** of the institutions or those teaching on the programmes established through transnational arrangements should be proficient in terms of qualifications, teaching, research and other professional experience. The awarding institution should ensure that it has in place effective measures to review the proficiency of staff delivering programmes that lead to its qualifications.
6. **Transnational education arrangements** should encourage the awareness and knowledge of the **culture and customs** of both the awarding institutions and receiving country among the students and staff.
7. **The awarding institution** should be responsible for the **agents** it, or its partner institutions, appoint to act on its behalf. Institutions using agents should conclude written and legally binding agreements or contracts with these, clearly stipulating their roles, responsibilities, delegated powers of action as well as monitoring, arbitration and termination provisions. These agreements or contracts should further be established with a view to avoiding conflicts of interests as well as the rights of students with regard to their studies.
8. **Awarding institutions** should be responsible for issuing the qualifications resulting from their transnational study programmes. They should provide clear and transparent information on the qualifications, in particular through the use of the Diploma

Supplement, facilitating the assessment of the qualifications by competent recognition bodies, the higher education institutions, employers and others. This information should include the nature, duration, workload, location and language(s) of the study programme leading to the qualifications.

9. **The admission** of students for a course of study, **the teaching/learning activities, the examination and assessment requirements** for educational services provided under transnational arrangements should be equivalent to those of the same or comparable programmes delivered by the awarding institution.
10. **The academic work load** in transnational study programmes, expressed in credits, units, duration of studies or otherwise, should be that of comparable programmes in the awarding institution, any difference in this respect requiring a clear statement on its rationale and its consequences for the recognition of qualifications.
11. **Qualifications** issued through transnational educational programmes, complying with the provisions of the present Code, should be assessed in accordance with the stipulations of the Lisbon Recognition Convention.

Explanatory Memorandum

to The UNESCO/Council of Europe Code of good practice in the provision of transnational education

*STATUS OF THE DOCUMENT: Adopted by the Lisbon Recognition Convention Committee at its second meeting,
Riga, 6 June 2001.*

1. Introduction

The Code which follows is designed to present the perspectives of both sending and receiving countries regarding the provision of transnational education. Its contents are to be seen as complementary to the **Lisbon Recognition Convention** thus providing a normative framework to be taken as reference by the national recognition bodies in their specific undertakings.

2. The objectives of the Code

In order to promote good practice in the area of transnational education - with particular reference to the quality of the provision of study programmes and the standards of qualifications issued by the Parties to the Council of Europe/UNESCO **Lisbon Recognition Convention**, the Code is intended:

- to meet the expectations of both the sending **and** the receiving countries with regard to *transnational arrangements* in higher education;
- to provide a source of reference on issues relating to the quality assurance and evaluation of programmes provided and qualifications issued through transnational arrangements;
- to offer “consumer protection” for students, employers and others who may be concerned with qualifications awarded through transnational arrangements;
- to facilitate the recognition of qualifications awarded through transnational arrangements in higher education.

Implementation of the Code

The **Code** includes a set of *principles* which should be respected by institutions or organizations involved in the provision of educational services through transnational arrangements. These principles are presented in the form of statements with a normative value. For implementing the provisions of the **Code**, mainly with regard to the recognition of qualifications issued through transnational arrangements, the ENIC network shall apply the procedures outlined in the **Recommendation on procedures and criteria for the assessment of foreign qualifications**. Therefore, the **Code** and the **Recommendation** are fully complementary and mutually supportive documents.

4. The Scope of the Code

The **Code** refers particularly to those transnational arrangements which lead to the provision of study programmes and to the issuing of qualifications. Consequently, reference is made to:

- a) **institutions and programmes** involved in concluding any type of transnational arrangement whereby an institution provides educational services outside its country of origin;
- b) **teaching staff**, regardless of their country of origin, who work in an institution/study programme established through a transnational arrangement;
- c) **students**, regardless of their country of origin, who are registered, for a course of study or parts of it leading either wholly or in part to a higher education qualification, in an institution/programme established through a transnational arrangement;
- d) **agents**, that are third parties, acting as brokers, facilitators or recruiters in transnational arrangements;
- e) **other** stakeholders, like employers and the public at large, interested in the quality of higher education qualifications.

The Committee of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region

Recommendation on the recognition of joint degrees

Adopted on 9 June 2004

The Committee of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region

Preamble

The Committee of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region,

Considering that the aim of the Council of Europe and UNESCO is to achieve greater unity between their members, and that this aim can be pursued notably by common action in cultural matters;

Having regard to the Council of Europe/UNESCO Convention on the Recognition of Qualifications concerning Higher Education in the European Region (ETS no. 165);

Having regard to the European Cultural Convention (ETS no. 18);

Having regard to the process towards the establishment of a European higher Education Area, and in particular to the Declaration of the European Ministers of Education adopted in Bologna on 19 June 1999 as well as to their Communiqués adopted in Prague on 19 May 2001 and Berlin on 19 September 2003;

Having regard to the Diploma Supplement elaborated jointly by the European Commission, the Council of Europe and UNESCO, to the UNESCO/Council of Europe Code of Good Practice in the provision of transnational education, to the European Credit Transfer System (ECTS) and to the Council of Europe/UNESCO Recommendation on Criteria and Procedures for the Assessment of Foreign Qualifications;

Having regard to the practical action in favour of improving the recognition of qualifications concerning higher education carried out by the Council of Europe/UNESCO European Network of national information centres on academic recognition and mobility ("the ENIC Network");

Considering that the Council of Europe and UNESCO have always encouraged academic mobility as a means for better understanding of the various cultures and languages, and without any form of racial, religious, political or sexual discrimination;

Considering that studying or working in a foreign country is likely to contribute to an individual's cultural and academic enrichment, as well as to improve the individual's career prospects;

Considering that the recognition of qualifications is an essential precondition for both academic and professional mobility;

Convinced that the joint development of curricula between higher education institutions in different countries and the award of joint degrees contribute to academic and professional mobility and to the creation of a European Higher Education Area;

Convinced that the development and improved recognition of joint degrees will contribute to developing the European dimension of higher education and entail important benefits for individuals as well as for European society as a whole;

Aware that the recognition of qualifications originating in such joint arrangements is currently encountering difficulties of a legal as well as of a practical nature;

Conscious of the need to facilitate the recognition of joint degrees;

Recommends the governments of States party to the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (hereinafter referred to as “the Lisbon Recognition Convention”):

- i. to take into account, in the establishment of their recognition policies, the principles set out in the appendix hereto which forms part of this Recommendation;
- ii. to draw these principles to the attention of the competent bodies concerned, so that they can be considered and taken into account;
- iii. to promote implementation of these principles by government agencies and local and regional authorities, and by higher education institutions within the limits imposed by the autonomy of higher education institutions;
- iv. to ensure that this Recommendation is distributed as widely as possible among all persons and bodies concerned with the recognition of qualifications concerning higher education;

Invites the Secretary General of the Council of Europe and the Director-General of UNESCO, as appropriate, to transmit this Recommendation to the governments of those States which were invited to the Diplomatic Conference entrusted with the adoption of the Lisbon Recognition Convention but which have not become parties to that Convention.

APPENDIX TO THE RECOMMENDATION ON THE RECOGNITION OF JOINT DEGREES

General considerations

1. The present Recommendation is adopted within the framework of the Lisbon Recognition Convention and applies to the Parties to this Convention. The principles and practices described in this

Recommendation can, however, equally well be applied to the recognition of qualifications in countries other than those party to the Lisbon Recognition Convention or to qualifications issued between or among national education systems.

2. The purpose of the present Recommendation is to improve the recognition of joint degrees. While degrees that are considered as belonging to the education system of a Party to the Lisbon Recognition Convention even where parts of the degree have been earned in other education systems fall under the provisions of the Convention, the present Recommendation concerns joint degrees.
3. While the scope of the Lisbon Recognition Convention as well as of subsidiary texts adopted under the provisions of Article X.2.5 of the Convention concern the recognition of qualifications in countries other than that in which they have been earned, the provisions of the present recommendation may equally well be applied, *mutatis mutandis*, to joint degrees issued by two or more institutions belonging to the same national higher education system.

Definitions

4. Terms defined in the Lisbon Recognition Convention are used in the same sense in the present Recommendation, and reference is made to the definition of these terms in Section I of the Convention.
5. A joint degree should, for the purposes of this Recommendation, be understood as referring to a higher education qualification issued jointly by at least two or more higher education institutions or jointly by one or more higher education institutions and other awarding bodies, on the basis of a study programme developed and/or provided jointly by the higher education institutions, possibly also in cooperation with other institutions. A joint degree may be issued as
 - a. a joint diploma in addition to one or more national diplomas,
 - b. a joint diploma issued by the institutions offering the study programme in question without being accompanied by any national diploma
 - c. one or more national diplomas issued officially as the only attestation of the joint qualification in question.

General principles

6. Holders of joint degrees should have adequate access, upon request, to a fair assessment of their qualifications
7. Competent recognition authorities should recognize foreign joint degrees unless they can demonstrate that there is a substantial difference between

the joint degree for which recognition is sought and the comparable qualification within their own national higher education system. Competent recognition authorities of Parties whose higher education institutions confer joint degrees should recognize these degrees with the greatest flexibility possible.

Legislation

8. Governments of States party to the Lisbon Recognition Convention should, where appropriate, therefore review their legislation with a view to removing any legal obstacles to the recognition of joint degrees and introduce legal provisions that would facilitate such recognition.

Quality assurance and institutional recognition

9. Competent recognition authorities may make the recognition of joint degrees conditional on all parts of the study programme leading to the degree and/or the institutions providing the programme being subject to transparent quality assessment or being considered as belonging to the education system of one or more Parties to the Lisbon Recognition Convention.
10. Where the joint degree is issued on the basis of a curriculum developed by a group or consortium consisting of a number of recognized higher education institutions, recognition of the degree may be made contingent on all member institutions or programmes of the group or consortium being subject to transparent quality assessment, or being considered as belonging to the education system of one or more Parties to the Lisbon Recognition Convention, even if only some of these institutions provide courses for any given degree.

Information

11. Institutions providing joint degrees should be encouraged to inform the competent recognition authorities of programmes giving rise to such degrees.
12. As appropriate, in order to facilitate recognition, candidates earning joint degrees should be provided with a Diploma Supplement, and study programmes leading to joint degrees should make use of the European Credit Transfer System (ECTS).
13. The Diploma Supplement issued with a joint degree should clearly describe all parts of the degree, and it should clearly indicate the institutions and/or study programmes at which the different parts of the degree have been earned.

The Committee of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region

Explanatory memorandum to the Recommendation on the recognition of joint degrees

Adopted on 9 June 2004

INTRODUCTION

The Council of Europe/UNESCO Convention on the Recognition of Qualifications concerning Higher Education in the European Region is the main international legal text concerning the recognition of qualifications. It was adopted on 11 April 1997 and entered into force on 1 February 1999. A list of ratifications and signatures may be found at <http://conventions.coe.int> by searching for ETS 165.

The Council of Europe/UNESCO Recognition Convention is also one of the key standards for the Bologna Process aiming to establish a European Higher Education Area by 2010, the main goals of which include improving the mobility of students, staff and graduates, facilitating the recognition of qualifications and increasing the transparency of higher education systems in Europe.

The Council of Europe/UNESCO Recognition Convention has a double function. In legal terms, it is a treaty between states, and as such it is valid as a legal standard for the recognition of qualifications belonging to the higher education systems of the parties to the Convention as well as the qualifications covered by its subsidiary texts. In a broader sense, the Convention also serves as a guide to good practice, and in this sense, its provisions may, *mutatis mutandis*, be applied to all higher education qualifications, regardless of their origin. In this sense, the Council of Europe/UNESCO Recognition Convention is in fact used as a standard well beyond its strictly legal function.

In article X.2.5, the Convention foresees that the Council of Europe/UNESCO Recognition Convention Committee may adopt subsidiary texts to the Convention. So far, three such texts have been adopted:

- (i) a Recommendation on International Access Qualifications (1999);
- (ii) a Recommendation on Criteria and procedures for the Assessment of Foreign Qualifications (2001);
- (iii) a Code of Good Practice in the Provision of Transnational Education (2001).

As will be seen, two of the three subsidiary texts adopted so far concern qualifications that are not a part of national education systems. This is partly because the Convention itself in a legal sense only covers qualifications belonging to the education system of Parties, and partly because the importance of qualifications not belonging to any national education system have increased vastly in importance since the Convention was adopted in 1997. This development is, with the increased emphasis on quality assurance, the most significant development in the recognition field since 1997.

Joint degrees

The increased importance of joint degrees is a part of this overall development towards qualifications not formally recognized as belonging to any – or any single – national education system, although it is a phenomenon of a different nature than transnational education.

While qualifications arising from transnational arrangements often fully stand outside national qualifications systems, in the case of joint degrees each component most often belongs to a national system and it is the combination of these elements that make competent recognition authorities (and others) consider joint degrees either as belonging to more than one national system or not fully belonging to any single national system.

This problem of typology should, however, not overshadow the considerable potential of joint degrees as an excellent means of stimulating academic mobility and cooperation between higher education institutions. As such, joint degrees have the potential to play an important role in helping establish the European Higher Education Area, as was underlined by the Prague Higher Education Summit:

In order to further strengthen the important European dimensions of higher education and graduate employability Ministers called upon the higher education sector to increase the development of modules, courses and curricula at all levels with "European" content, orientation or organisation. This concerns particularly modules, courses and degree curricula offered in partnership by institutions from different countries and leading to a recognized joint degree.

(Prague Communiqué, adopted by the Ministers of the Bologna Process)

However, this role can only be fulfilled if joint degrees are given adequate recognition. The purpose of the present Recommendation is therefore to help ensure fair recognition for a kind of qualification that has considerable potential, but that is in a strict legal sense not covered by the Council of Europe/UNESCO Recognition Convention.

Within the Bologna Process, joint degrees have been the subject of a major study carried out by the European University Association and financed by the European Commission³. The present Recommendation is indebted to the study and seeks, as appropriate, to translate its main recommendations into legal provisions applicable in the context of the Council of Europe/UNESCO Recognition Convention. In so doing, it also takes account of the round table debate of the Council of Europe's Higher Education and Research Committee (CD-ESR) on the European Higher Education Area at the 2002 plenary session of the CD-ESR (Strasbourg, 2 – 3 October 2002).

Preamble

The Preamble places the Recommendation in the context of the Council of Europe/UNESCO Recognition Convention and the European Higher Education Area and points to the main developments that call for improved provisions for the recognition of joint degrees.

General considerations

The general considerations place the present Recommendation in the context of the Convention and points to the double function of the Convention as an international legal instrument and as a guide to good practice. Attention is also drawn to the fact that while joint degrees are most commonly issued as a result of cooperation between higher education institutions located in different countries and issuing their degrees within different higher education systems, joint degrees may in principle also be issued by higher education institutions located in the same country and issuing degrees within the same higher education system. With appropriate adjustments, the provisions of the present Recommendation may equally well be applied to such cases.

Definitions

This part of the Recommendation seeks to define joint degree as a generic term and to explore the main types of joint degrees. It is worth noting that the EUA study on joint degrees found that there is no common definition in use today, whether explicitly or implicitly, but a joint degree can be said to have all or some of the following characteristics:

- the programmes are developed and/or approved jointly by several institutions;

³ See Andrejs Rauhvargers "Joint Degree Study" in Christian Tauch and Andrejs Rauhvargers: *Survey on Master Degrees and Joint Degrees in Europe* (Bruxelles 2001: European University Association).

- students from each participating institution physically take part in the study programme at other institutions (but they do not necessarily study at *all* cooperating institutions);
- students' stay at the participating institutions should constitute a substantial part of the programme;
- periods of study and examinations passed at the partner institutions are recognized fully and automatically;
- the partner institutions work out the curriculum jointly and cooperate on admission and examinations. In addition, staff of participating institutions should be encouraged to teach at other institutions contributing to the joint degree;
- after completing the full programme, students either obtain the national degree of each participating institution or awarding body or a degree (usually an unofficial "certificate" or "diploma") awarded jointly by the partner institutions⁴.

The main kinds of joint degrees may be illustrated by a number of examples, which may include very different levels of actual cooperation in curriculum development and mobility of staff and students.

Thus, joint doctoral degrees may range from joint supervision of thesis by professors from different countries to actual joint doctoral programmes where parts of the research towards the doctoral degree are carried out at different universities in different countries. At first and second degree level at one end of the spectrum there are examples of (virtual) universities established in cooperation between two or several countries with a view to offering joint curricula leading to joint degrees, such as the Transnational University of Limburg between the Flemish community of Belgium and the Netherlands, the Öresund University between Sweden and Denmark or the Interuniversity Europe Centre established in Bulgaria and Romania with the assistance of Germany. At the other end of the spectrum one will find cooperation on joint degrees which is rather a franchise of one country's degrees in another country (e.g. several cases where British degrees are awarded at Dutch *hogescholen*).

Several broader joint degrees consortia are known that have a curriculum jointly approved by all consortium members, organize studies for each student at two or more partner institutions and issue unofficial joint degree certificates on top of a national qualification (e.g. a joint degree consortium in construction engineering). However, most commonly, due to legal difficulties and formal regulations, the joint curriculum with study periods at several institutions still lead to just one national degree.

While this relatively wide definition is aimed at allowing and facilitating the recognition of degrees from past as well as current and future arrangements, it should be emphasized that the further development of joint degrees as powerful instruments to further the European dimension of higher education and the establishment of the European Higher

⁴ Cf. Andrejs Rauhvargers, op. cit., p. 29

Education Area will depend on basing joint degrees on a high level of institutional cooperation, including the development of integrated curricula, and the review of national funding systems for higher education.

The term “joint degree” is used as the established term for the qualifications covered by the present Recommendation. The term “diploma” designates the official document attesting the qualifications.

General principles

This part of the Recommendation outlines the main principles on which it builds. These conform to the main principles of the Council of Europe/UNESCO Recognition Convention (see in particular Articles IV.1, V.1 and VI.1 of the Convention).

The point is also made that joint degrees should be recognized at least as favourably as other qualifications from the education system from which they originate. This is a particularly important provision in view of the findings of the EUA study referred to above, in that in current practice, it often seems more difficult to obtain recognition of a joint degree than of a “pure” foreign national degree. This is unjustified in view of the overall policy goal of stimulating international and inter-institutional cooperation and academic mobility.

It is also paradoxical and unjustified from another point of view, and to fully appreciate the paradox, it may be useful to bear in mind that recognition of joint degrees may concern three different situations:

- (a) recognition of the joint degree in a country one of whose institutions has provided a part of the study programme giving rise to the qualification;
- (b) recognition in a country one of whose institutions participates in the consortium having issued the degree, but this institution has not provided any part of the degree in question, i.e. the applicant has studied at other institutions participating in the consortium;
- (c) recognition in a third country, i.e. a country that has not in any way been involved in the study programme and/or consortium granting the qualification.
- (d) recognition of a degree, in any country, all or a part of which has not been subject to transparent quality assurance.

It should further be kept in mind that while recognition of all parts of the study programmes giving rise to a joint degree is automatic among the partner institutions, such recognition is not necessarily granted outside of this consortium.

In situations (a) and (b) described above, recognition of a joint degree should in fact be easier than recognition of a “pure” foreign qualification since in a joint degree, the study programme leading to the degree has been elaborated jointly by one or more institutions belonging to the education system of the country in which recognition is sought and one or more foreign institutions. A recognized institution in the country in which recognition

is sought will therefore already have assessed the profile, level and quality of the foreign components of the joint degree, and it would seem paradoxical if this assessment were not to be accepted by (other) competent recognition authorities in the country in which recognition is sought.

If recognition of a joint degree is sought in a third country (situation (c)), it is at least difficult to see why recognition of the joint degree should be more difficult than the recognition of a national qualification from any of the countries whose institutions have contributed to the joint degree.

It would therefore seem reasonable that the only justifiably difficult situation would arise if significant parts of a joint degree were delivered by an institution or higher education programme that does not belong to a national education system and/or that has not been the subject of transparent quality assessment (d), cf. also paragraph 11 of the Recommendation.

So far, there is no evidence of cases where the joint degree would have been given on the basis of many short periods of study at a large number of institutions. Rather, in the case of large joint degree consortia, it is the joint programme that has been jointly elaborated and approved by a dozen or more institutions, but students actually spend study periods at a limited number of consortium partners – e.g. two or three institutions. The principles of the Recommendation can well be applied also to such (so far hypothetical) cases, bearing in mind that when assessing a qualification awarded after studies of relatively short periods at a greater number of institutions, attention has to be paid to the integrity of the programme

Legislation

Paragraph 9 makes the case for reviewing national legislation with a view to removing any remaining legal obstacles to the recognition of joint degrees and/or introducing legal provisions that would facilitate such recognition.

This is also an important provision in the light of the findings of the study. For example, it still seems legally difficult in many countries to issue one single qualification in the name of several institutions, especially when at least one of these institutions is foreign.

Another example is that it is not uncommon that higher education institutions have rules requiring that at least one half of the credits toward any given degree be taken at the institution in question for the degree to be issued by this institution. If a student seeks a joint degree from two or more institutions practicing this rule, the results are predictable. This is an obvious case where rules and regulations prevent a laudable initiative, but legislation may also impede fair recognition in less obvious ways. The call for a review of national legislation in this sense was made by the 2002 plenary session of the CD-ESR, and it is important to include the point in the present Recommendation.

Finally, it should be noted that the fact that national legislation does not specifically prevent joint degrees from being established or recognized is not a sufficient measure. In many cases, an absence of legal provision positively recognizing the concept of joint degrees may in itself constitute an impediment to the recognition of such qualification. Any review of national legislation should therefore consider positive provision for the recognition of joint degrees rather than just abolishing any explicit impediments to such recognition.

Quality assurance and institutional recognition

The increased importance of quality assurance and the acceptance of close link between the quality assurance and recognition of institutions and study programmes on the one hand and individual qualifications on the other hand is one of the major development since the adoption of the Council of Europe/UNESCO Recognition Convention in 1997. Whereas in 1997, there was still discussion of *whether* quality assurance was needed as general norm, the discussion now focuses on *what kind* of quality assurance is needed.

The close link between quality assurance and recognition was underlined by the Prague Higher Education Summit (May 2001), where the Ministers of the Bologna Process in their communiqué “called upon the universities and other higher education institutions, national agencies and the European Network of Quality Assurance in Higher Education (ENQA), in cooperation with corresponding bodies from countries which are not members of ENQA, to collaborate in establishing a common framework of reference and to disseminate best practice”. Cf. also the comments to the General principles, above.

The Recommendation indicates that where a part of the study programme giving rise to a joint degree has not been the subject of quality assessment or is not considered as belonging to the education system of one or more parties to the Lisbon Recognition Convention, this may be a valid reason not to recognize the degree. In such cases, recognition authorities should, however, consider whether partial recognition may be granted, in keeping with the provisions of the Recommendation on Criteria and procedures for the Assessment of Foreign Qualifications⁵.

It is important to note that in these cases where the studies for the joint degree have actually taken place in a limited number of institutions, but the joint degree is awarded in the name of a larger consortium, it seems rightly to require that all the consortium members are recognized institutions and that at least the institutions in which the student has actually studied for the joint degree, have been quality assessed.

Information

Information on education systems as well as on individual institutions, programmes and qualifications is one of the key challenges facing those working with the recognition of qualifications. As identified by the conference on Recognition Issues in the Bologna

⁵ Cf. paragraph 8 of this Recommendation, adopted by the Lisbon Recognition Convention Committee at its second meeting (Rīga, 6 June 2001).

Process, organized in Lisbon on 11 – 12 April 2002 by the Council of Europe and the Portuguese authorities⁶, the problem is not one of a lack of information, but rather of a lack of pertinent and focused information. The Diploma Supplement (cf. also Article IX.3 of the Convention) and the European Credit Transfer System are important information instruments that help facilitate the recognition of qualifications. In the case of joint degrees, it is particularly important that a Diploma Supplement be issued with the degree that would clearly describe the various components of the degrees in relation to the education systems within which they have been earned.

⁶ See Sjur Bergan (ed.): *Recognition Issues in the Bologna Process* (Strasbourg, to appear in 2003: Council of Europe Publishing), in particular the articles by Stephen Adam and Chantal Kaufmann and the report by the General Rapporteur, Lewis Purser.

Recommendation on international access qualifications

Adopted at the First meeting of the Committee of the Lisbon Convention on the Recognition of Qualifications Concerning Higher Education in the European Region, Vilnius, 16 June, 1999.

PREAMBLE

The Parties to the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (the Lisbon Recognition Convention),

Conscious of the fact that the right to education and freedom of choice is a human right and that a fair recognition of qualifications is a key element of the right to education and a responsibility of society;

Taking into account the growing diversity in educational systems throughout Europe and the world and the multitude of alternative ways of learning available to students;

Having regard to the increasing internationalisation of higher education as well as of education giving access to higher education;

Considering that any recommendation adopted under the aegis of the Council of Europe and UNESCO should promote international understanding and tolerance and foster mutual confidence and peace among peoples and nations;

Considering that international access qualifications facilitate international academic mobility, one of the major objectives of UNESCO and the Council of Europe;

Having regard to the Lisbon Recognition Convention and in particular Section IV which addresses the Recognition of Qualifications giving Access to Higher Education;

Taking into account that the Lisbon Recognition Convention concerns the recognition of qualifications belonging to the education systems of the Parties and therefore does not cover international access qualifications;

Considering that Article X.2.5 of the Lisbon Recognition Convention foresees the elaboration of recommendations, declarations and protocols as subsidiary to the Convention, and that while Parties are not legally bound by such texts, they should use their best endeavours to encourage their application;

Considering, however, that an international recommendation addressing the recognition of international access qualifications is timely and necessary;
have agreed as follows:

I. DEFINITION

For the purpose of this Recommendation, International Access Qualifications refer to secondary school leaving qualifications awarded upon completion of a programme:

- distinct from the programmes offered within national education systems
- administered by one or more bodies external to national education systems
- having an international orientation and scope per se
- meeting the general requirements for access to higher education
- subject to well-defined and transparent quality assurance mechanisms
- incorporating a core curriculum of sufficient academic rigour.

II. RECOMMENDATIONS

A. TO THE PARTIES OF THE LISBON RECOGNITION CONVENTION

1. Each Party should recognise International Access Qualifications for the purpose of access to programmes belonging to its higher education system, unless a substantial difference can be shown between the International Access Qualification assessed and the comparable qualification(s) of the Party in which recognition is sought.
2. The Parties are encouraged to acknowledge the merits of an International Access Qualification, taking into account the core curriculum and the academic rigour of the programme in resolving possible differences.
3. Parties are encouraged to show flexibility in the assessment of International Access Qualifications in the spirit of the increasing internationalisation and diversification of education.
4. The Basic Principles as laid down in Section III of the Lisbon Recognition Convention shall apply to the assessment of International Access Qualifications.
5. The competent recognition authorities should use criteria and procedures for the assessment of International Access Qualifications comparable to those applied in the assessment of the access qualifications of the other Parties.
6. Parties should encourage the ENIC Network to maintain up-to-date information on International Access Qualifications and to regularly review new developments.
7. Each Party should take all possible measures to widely disseminate the provisions of the present Recommendation.

B. TO PROVIDERS OF INTERNATIONAL ACCESS QUALIFICATIONS

1. In order to facilitate the recognition of International Access Qualifications, each Provider shall establish transparent systems for a complete description of the programmes offered, the evaluation systems, the qualification(s) awarded and the administering bodies.
2. Furthermore, each Provider shall:
 - a. make available reliable information on the programmes offered and on the basic values they promote
 - b. use the UNESCO/Council of Europe/European Union Diploma Supplement
 - c. furnish transparent information on the quality assurance mechanism(s) of the programmes leading to the qualification.

- d. provide information essential for the verification of the authenticity of qualifications and documents.
- 3. Acknowledging the need for relevant, accurate and up-to-date information, each Provider should establish and maintain an information contact point.
- 4. Each Provider should see to it that students are fully informed of the provisions of the present Recommendation