

4.2. Recognition

Fair recognition of foreign qualifications is both a technical goal of the Bologna Process, and part of the set of fundamental values underpinning the EHEA. The EHEA cannot be an open, inclusive and attractive space for students unless recognition practice is predictable, reliable and fair. For any mobile or potentially mobile learner, it is essential that credits earned and qualifications gained will be recognised in the home and other countries. Recognition is therefore a principle that has to be made operational and fully effective if mobility and exchange are to underpin the EHEA. This is the reason why monitoring of national implementation of commitments in the field of recognition is a high priority, and why renewed efforts have been made to ensure fair and easier recognition of qualifications.

4.2.1. Recognition of qualifications

Various instruments aiming at facilitating fair recognition of foreign qualifications and/or study periods abroad have been developed and adopted at the European, national, regional and institutional level. The Lisbon Recognition Convention (LRC)⁽⁷⁶⁾ is a Council of Europe/UNESCO convention providing a common and binding legal basis for recognition across countries in Europe. Two networks – the European Network of Information Centres in the European Region (ENIC) and the National Academic Recognition Information Centres in the European Union (NARIC) work together to provide up-to-date information on current issues in international academic and professional mobility, and on procedures for the recognition of foreign qualifications. Tools such as ECTS, the Diploma Supplement, national qualifications frameworks and the overarching European qualifications frameworks, as well as the Standards and Guidelines for quality assurance in the European Higher Education (ESG) also serve to improve recognition policy and practice.

Yet despite the many efforts made in this area, previous reporting has shown that actual recognition practice commonly falls short of expectations with regard to transparency, consistency and fairness. This may be partly a result of insufficient understanding of the legal framework in which recognition decisions take place, but may also occur in higher education institutions because of a poor level of awareness among staff who are responsible for implementing recognition procedures. There has also been considerable conceptual confusion, even among those who may have responsibility for taking decisions, on the difference between recognition and admission. Thus the distinction between a decision on whether or not to admit a student to a particular programme may be conflated with the decision about whether or not a particular qualification is recognised.

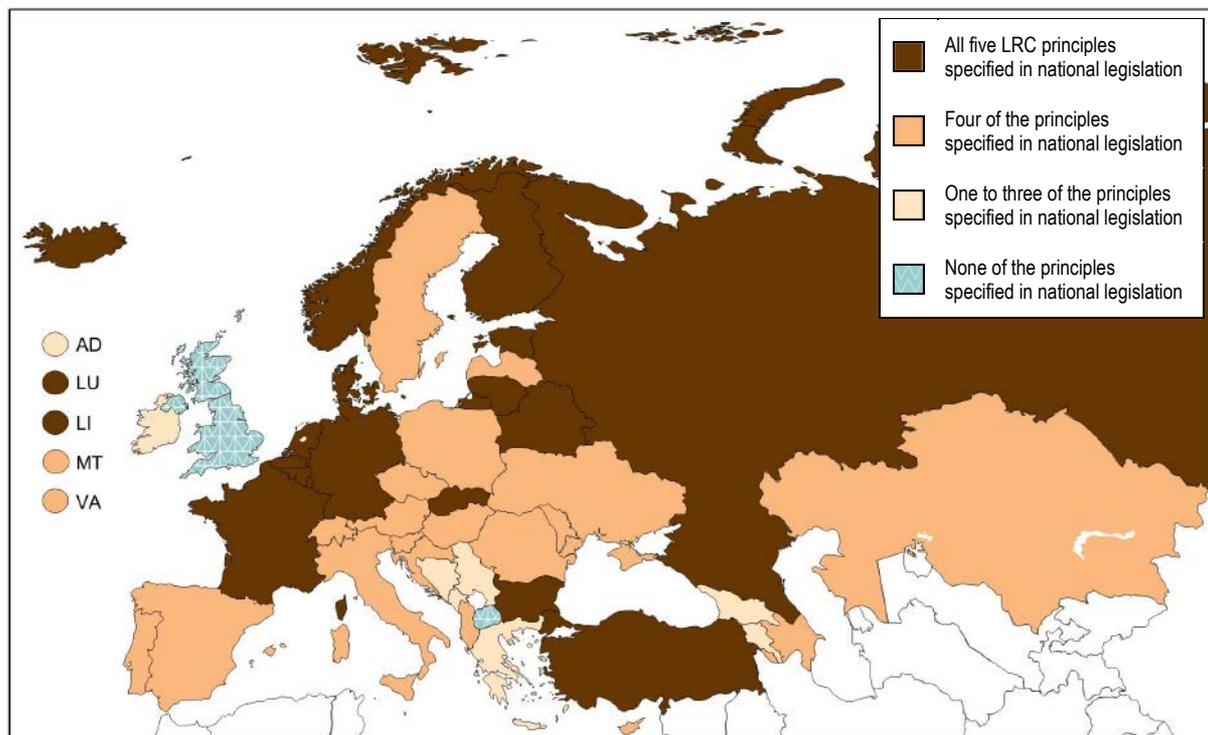
⁽⁷⁶⁾ Convention on the Recognition of Qualifications concerning Higher Education in the European Region. ETS No.165. https://www.coe.int/t/dg4/highereducation/recognition/lrc_en.asp

Several policy level actions should now provide a stimulus to make progress in this area. Notably recognition is now embedded in the ESG (Standard 1.4); renewed commitments have been made in the Yerevan Communiqué upon the recommendations of the Pathfinder Group on automatic recognition (EHEA Pathfinder Group on Automatic Recognition, 2014); and the Convention Committee of the Lisbon Recognition Convention has pursued monitoring of the implementation of the Lisbon Recognition Convention, with a report published in 2016 highlighting weaknesses in national implementation (UNESCO and Council of Europe 2016).

With the exception of Greece, all EHEA countries have ratified the Lisbon Recognition Convention. It would therefore be reasonable to expect that the main LRC principles would also be implemented in national legislation – especially in countries where there has been a review of national legislation with this purpose in mind.

Figure 4.13 shows the extent to which the main principles of the LRC are specified in national legislation. The principles highlighted in the indicator are that 1) applicants have right to fair assessment; 2) there is recognition if no substantial differences can be proven; 3) legislation or guidelines encourage comparing of learning outcomes rather than programme contents; 4) in cases of negative decisions the competent recognition authority demonstrates the existence of substantial difference; 5) applicant's right to appeal of the recognition decision. Implementation of these principles was identified by the Pathfinder Group as an important step towards automatic recognition.

Figure 4.13: Principles of the Lisbon Recognition Convention in national legislation, 2016/17



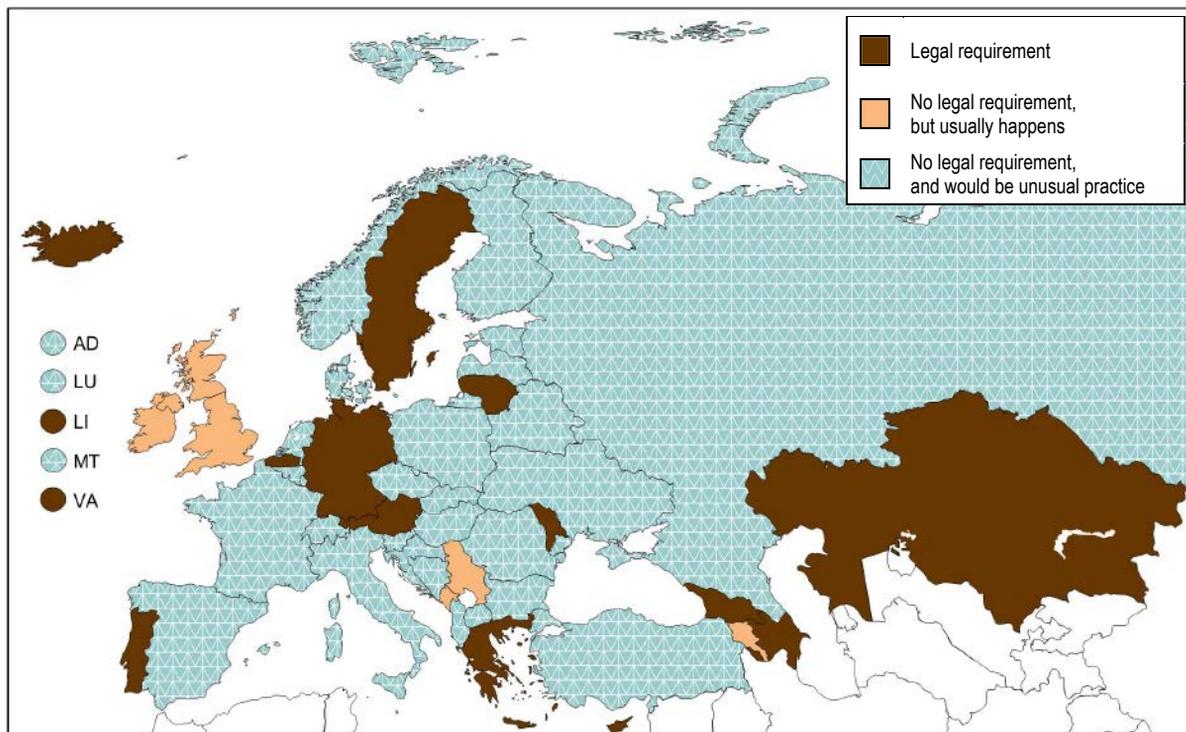
Source: BFUG data collection.

Since the 2015 Bologna Process Implementation Report, the number of systems where all of these main principles are specified in national legislation has risen from 11 to 18. This improvement comes from systems where previously one of the principles was not specified. The improvement appears to have been made in most cases with regard to the requirement of the competent recognitions authority to demonstrate the existence of substantial difference in the case of negative decisions. As a consequence the number of systems where four of the principles are embedded in legislation has fallen from 26 to 21.

With the adoption of the ESG in Yerevan (2015), there has been an additional strengthening of the link between quality assurance and recognition. Article 1.4 of the ESG on student admission, progression, recognition and certification specifies the importance of fair recognition of higher education qualifications, periods of study and prior learning, including the recognition of non-formal and informal learning. It also states that: 'appropriate recognition procedures rely on institutional practice for recognition being in line with the principles of the Lisbon Recognition Convention' ⁽⁷⁷⁾.

Figure 4.14 examines whether this ESG standard is now monitored through external quality assurance procedures. This practice is also a measure that was recommended by the Pathfinder Group as a necessary step along the road to automatic recognition.

Figure 4.14: Principles of the Lisbon Recognition Convention monitored in external quality assurance, 2016/17



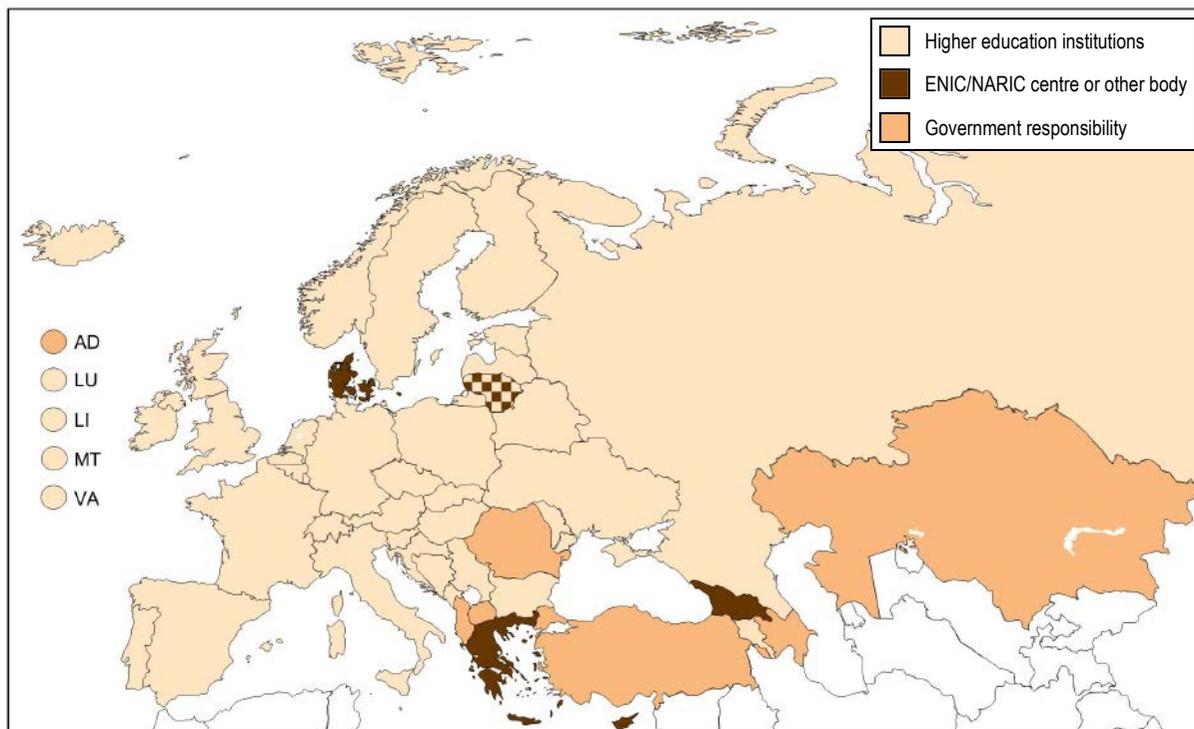
Source: BFUG data collection.

A minority of systems actually oblige quality assurance agencies through legislation to examine whether the Lisbon Recognition Convention principles are applied in institutional practice. Indeed this is required by law in only 15 systems. A further six systems point out that, although not required by law, it would be usual practice for quality assurance agencies to examine recognition practice during evaluations. However, the dominant response across the EHEA, reflecting the situation in 29 systems, is that there is no legal requirement for recognition practice to be considered during quality assurance procedures, and indeed that this would be unusual.

These findings are important to consider in light of the information presented in Figure 4.15, which shows the institution responsible for taking final decisions on recognising foreign qualifications for academic purposes.

⁽⁷⁷⁾ Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG), 2015. Brussels. Belgium. [pdf] p. 4. Available at: http://www.enqa.eu/wp-content/uploads/2015/11/ESG_2015.pdf

Figure 4.15: Institution which makes final decisions on recognising foreign qualifications for academic purposes, 2016/17



Source: BFUG data collection.

In an overwhelming number of systems (39), it is higher education institutions that have the legal responsibility for making recognition decisions. In seven systems, it is ministries that have this formal responsibility, while in four systems – Cyprus, Denmark, Georgia and Greece, it is the NARIC centre or another appointed body. In Lithuania, there is a mixed situation: some higher education institutions are empowered to take recognition decisions, while others depend on the decisions of the ENIC/NARIC office.

It is important to note that in 21 of the 38 systems where higher education institutions have the legal responsibility for making recognition decisions for academic purposes, there is no requirement that external quality assurance should evaluate how they do this. This is therefore a fertile area for a variety of practices to develop and thrive.

4.2.2. Work towards automatic recognition

After a number of years of efforts to establish and develop a European Higher Education Area, the EHEA ministers of higher education recognised that, despite many positive developments, smooth recognition of academic qualifications was not yet ensured, and that procedures for the academic recognition of qualifications were often lengthy and burdensome. This is the reason why, in 2012 in Bucharest, the Ministers of higher education across the EHEA committed themselves to the long-term objective of 'automatic recognition' of comparable academic degrees.

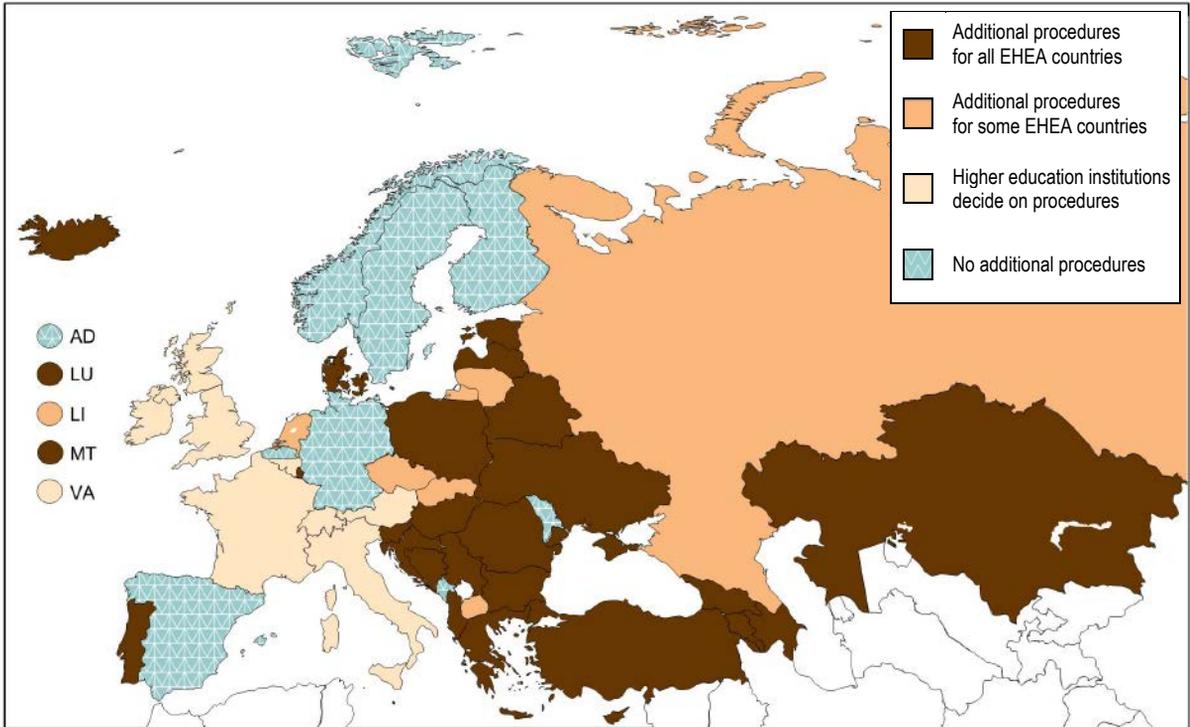
A Pathfinder Group was established to consider concretely how a roadmap towards automatic recognition could be advanced. Automatic recognition was understood by the Pathfinder Group as follows: 'Automatic recognition of a degree leads to the automatic right of an applicant holding a qualification of a certain level to be considered for entry to a programme of further study in the next level in any other EHEA-country (access)' (EHEA Pathfinder Group on Automatic Recognition, 2014).

This definition makes it quite clear that automatic recognition does not imply automatic admission to any specific programme, but rather that holders of a qualification giving access to a programme of study at the next level have the right to be considered for entry. The Pathfinder Group reached the conclusion that automatic recognition is a necessary pre-condition for large-scale academic mobility, and proposed a number of recommendations to ensure that qualifications from other EHEA countries are recognised on an equal level with domestic qualifications. Meanwhile, in the Yerevan Communiqué ⁽⁷⁸⁾ in May 2015, ministers made the commitment 'to ensure that qualifications from other EHEA countries are automatically recognised at the same level as relevant domestic qualifications'.

The recommendations of the Pathfinder Group have been used as the basis to examine the topic in this report. Figure 4.16 shows whether there are additional procedures in countries to recognise the level of qualifications of learners from other EHEA countries. Where there are no additional procedures, this could mean that there is recognition of the level of qualification. Where there are additional procedures, it means that some process will be undertaken to verify whether, for example, a first-cycle degree qualification from one European country will be recognised as a first-cycle degree in the destination country.

Some issues regarding system-level recognition may, however, be subject to interpretation. For example, national legislation may state that all holders of qualifications at a certain level have the right to be considered for access to programmes at the next level. However, in practice, if higher education institutions have the responsibility for selecting students for programmes, they may, during the admission process, open up their own process of questioning the level of qualifications from other countries.

Figure 4.16: Additional recognition procedures for higher education qualifications from other EHEA countries, 2016/17



Source: BFUG data collection.

⁽⁷⁸⁾ Communiqué of the Conference of European Ministers Responsible for Higher Education, Yerevan, 14-15 May 2015, p. 3

Although in the 2012 Bucharest Communiqué, EHEA Ministers committed to the long-term goal of automatic recognition of comparable academic degrees, there is still considerable confusion about what the notion of more automatic recognition means. It has therefore been a task of this report to make a first attempt at identifying where countries stand on a path towards automatic recognition of EHEA qualifications.

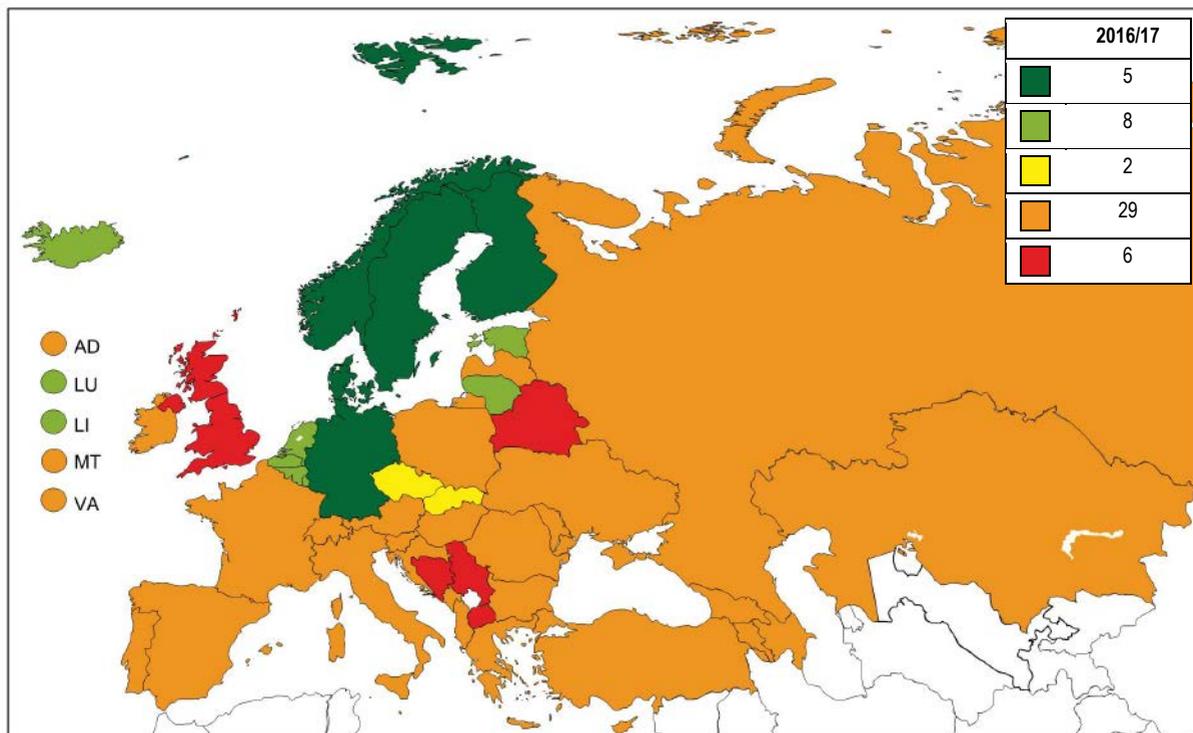
The Pathfinder Group recommended that a qualification based on the EHEA three-cycle structure from one EHEA country should be recognised at the same level anywhere else in the EHEA. Indicator 4.17 is therefore based on progress towards this understanding of the notion of automatic recognition – i.e. that it concerns automatic recognition of the qualification level. The indicator is not concerned with recognition for the purposes of access to the labour market but only with recognising qualifications for the purpose of further academic study. The indicator is also not concerned with actual admissions processes. The principle under examination is whether students who hold qualifications from other EHEA countries have the level of their qualification recognised in the same way as holders of qualifications issued within the country. As the Pathfinder Group specified, across the EHEA the objective is that a bachelor is a bachelor.

Thus for the dark green category, all higher education qualifications issued in other EHEA countries are recognised on an equal level with qualifications in the home country without any additional procedures in higher education institutions. This could be achieved in several different ways. For example, there could be a legally binding document outlining degree qualifications from other EHEA countries which are recognised. Alternatively there could be multilateral agreements in place which cover all countries in the EHEA. Automatic recognition may also be achieved in reality through non legally binding bilateral and multilateral agreements to recognise qualifications, or through following procedures that are coherent with de facto automatic recognition – for example checking only that a qualification is legitimate, and not examining the details of course or programme contents.

In addition to demonstrating automatic recognition, countries in the dark green category also need to show that the five steps towards automatic recognition outlined by the Pathfinder Group have been followed. Country situations for these steps are represented in Figures 4.13 and 4.14. Thus national legislation will have been reviewed and, if necessary, modified to ensure that the principles of the Lisbon Recognition Convention (LRC) are respected; higher education institutions (HEIs) or other recognition bodies receive clear guidance on properly implementing the principles of the LRC; recognition decisions are taken within a 4 month limit; appeals procedures are in place, and decided within a clear and reasonable time limit and recognition practice in higher education institutions is monitored by external Quality Assurance (QA).

The same approach is used to determine countries in the light green category, with the difference that here the notion of automatic recognition applies only to a subset of EHEA countries. Automatic recognition of some EHEA country qualifications is also a requirement for the yellow category, but in this case not all the steps towards automatic recognition have been fully implemented. Countries where there are additional recognition procedures for all EHEA countries will inevitably find themselves in either the orange or the red categories. If they have implemented fewer than two of the steps towards automatic recognition they will be in the lowest category.

**Figure 4.17: Scorecard indicator n°8:
System level (automatic) recognition for academic purposes, 2016/17**



Source: BFUG data collection.

Scorecard categories

■	<p>Automatic recognition is in place, meaning that all higher education qualifications issued in other EHEA countries are recognised at system level on an equal level with comparable ⁽⁷⁹⁾ academic qualifications in the home country and give the right to be considered for entry to a programme of further study at the next level. The following conditions are also met:</p> <ul style="list-style-type: none"> • National legislation has been reviewed and, if necessary, modified to ensure that the principles of the Lisbon Recognition Convention (LRC) are respected. • Higher Education Institutions (HEIs) or recognition bodies receive clear guidance on properly implementing the principles of the LRC. • Recognition decisions are taken within a four month limit. • Appeals procedures are in place, and decided within a clear and reasonable time limit. • Recognition practice in HEIs is monitored by external Quality Assurance (QA) in line with the ESG 2015.
■	<p>Automatic recognition is in place for a subset of EHEA countries, meaning that all higher education qualifications issued in these countries are recognised at system level on an equal level with comparable academic qualifications in the home country and give the right to be considered for entry to a programme of further study at the next level.</p> <p>All of the conditions apply to recognition practice.</p>
■	<p>Automatic Recognition at system level takes place with a subset of European countries.</p> <p>For qualifications from other countries some but not all of the conditions apply to recognition practice.</p>
■	<p>There is no automatic recognition.</p> <p>At least two of the conditions apply to recognition practice.</p>
■	<p>There is no automatic recognition.</p> <p>Less than two of the conditions apply to recognition practice.</p>

⁽⁷⁹⁾ The term 'comparable' implies that foreign qualifications are treated in the same way as national degrees (e.g. a first-cycle degree from an EHEA country vs a national first-cycle degree) for the purpose of further study without additional procedures.

Scorecard indicator n°8 reveals that European countries are currently far from a reality of automatic recognition. Only five countries (Denmark, Finland, Germany, Norway and Sweden) fulfil the criteria for dark green, and can be said to have recognition practice that meets the objectives of automatic recognition as specified by the Pathfinder Group. Nine other systems meet the same objectives for recognition practice but with a subset of EHEA countries. Belgium, Luxembourg and the Netherlands have automatic recognition practices between each other. Iceland participates in the Nordic cooperation with Denmark, Finland and Sweden. Estonia, Latvia and Lithuania similarly participate in regional cooperation and a new trilateral treaty on automatic recognition of qualifications concerning higher education is in the final stages of preparation.

Nevertheless, 35 systems are in the orange and red zone - indicating that there is no possibility for automatic recognition in their system. While there is clearly a lot of improvement to make if the burden of recognition processes is to be eased, it is a positive finding that, among the countries where automatic recognition is not possible, the vast majority (29) have implemented at least two of the key measures of good practice in recognition.

4.2.3. Recognition procedures for qualifications held by refugees, displaced persons and persons in a refugee-like situation

In recent years, large numbers of individuals of all ages have been fleeing conflict zones, and relocating in other countries. Forced to interrupt studies or professional activity, many bring with them competences and skills acquired in their country of origin that can be further developed in the host country through further studies, sometimes in higher education.

However, institutions responsible for the recognition of foreign qualifications may face particular challenges in the evaluation and recognition process. These are often associated with the lack of established recognition procedures and policy for undocumented qualifications, as well as a lack of information on legal obligations. In such cases, article VII of the LRC serves as a framework for developing good practice. It states simply:

'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'.

Not only did the Yerevan Communiqué call for action on refugee qualifications, but in 2016 at the meeting of the Committee of the Convention of the Recognition of Qualifications in the European Region, national government representatives adopted a statement on the recognition of qualifications held by refugees, displaced persons and persons in a refugee like situation ⁽⁸⁰⁾ inviting parties to the convention to implement fully Article VII. Figure 4.18 shows where this has, and has not, been followed up.

(80) http://www.enic-naric.net/fileusers/LRCC_Statement_on_the_recognition_of_qualifications_held_by_refugees.pdf