

EXPLANATORY MEMORANDUM

Revised 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 in particular the work undertaken by the ENIC/NARIC Working Group on Substantial Differences and the Report to the Bologna Follow-up Group on the Analysis of the 2007 National Actions Plans for Recognition (2008). 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, as well as the Recommendation on the Recognition of Joint Degrees.

I General Considerations

Paragraphs 1-2

Throughout the Recommendation, the term “competent recognition authorities” is taken to include one or more of the following:

- (i) national information centres;
- (ii) higher education institutions;
- (iii) other bodies, agencies or credential evaluators undertaking the assessment and/or recognition of foreign qualifications

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, further study aptitude tests or other compensatory measures;
- (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 authorities find 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.

The conclusions reached by the ENIC/NARIC Working Group on Substantial Differences, and expressed in its subsequent publication on the issue, stressed that substantial differences cannot be normatively defined, but rather that competent recognition authorities should strive wherever possible, in the spirit of the Lisbon Recognition Convention, to identify rationale for the granting of recognition, as opposed to searching for reasons that could be construed as substantial differences.

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.

In no case should a recognition decision be based on only quantitative criteria, such as length of study, without some attempt being made to assess the quality of applicants' learning outcomes and qualifications. Learning outcomes emphasise the results of learning rather than focusing on inputs such as length of study. The time required for the average learner or typical student to achieve the learning outcomes is decided not only by the volume of knowledge and skills to be taught and learned but also by the context in which the process of learning takes place. To an extent, substantial differences according to quantitative criteria may, however, be taken as an indication element of a difference in quality.

IV. Assessment procedures

Paragraph 15

The paragraph concerns the information which should be provided to applicants by national information centres and competent recognition authority 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
- (iii) a description of the assessment criteria;
- (iv) the status of recognition statements;
- (v) the 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 information on appeals processes be provided already at the receipt of the application. The competent recognition authorities 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 16

The duty of the competent recognition authorities is 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 18

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.

*Information on the qualification for which recognition is sought**Paragraph 19*

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 authorities;
- (b) education institutions at which the qualifications were earned have a duty to provide applicants and/or the competent recognition authorities with information about their qualifications as well as other relevant information (such as information on the qualifications structure, learning outcomes, course content, etc.). Education institutions should 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

ECTS¹. 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 authorities are 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 information and documents 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 20

The “background paper” is intended to be a tool

- for the competent recognition authorities to reconstruct the educational background of the refugee in order to facilitate the 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.

The “background paper” itself is not an assessment, but an authoritative description or reconstruction of the academic achievements linked to the available documents and supporting evidence.

The “background paper” is:

1. an overview of the claimed educational background with the available documents and supporting evidence
2. a checklist, based upon the model of the Diploma Supplement, used by the competent recognition authorities to add more relevant information

¹ *European Credit Transfer and Accumulation System*

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 + proof of informal and non-formal learning

Fees

Paragraphs 21 - 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 authorities 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.

Translation

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 qualifications, 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 or academic papers. 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 authorities 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 authorities 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 competent recognition authorities. The Diploma Supplement 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 and verification was difficult. 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 education institutions from which the documents are claimed to originate. States are therefore encouraged to review their national laws and/or existing practice with a view to simplifying and modernising their rules on the verification of the authenticity of documents.

V. Assessment criteria

Paragraphs 29 - 31

Status of the institution

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 and quality assurance of higher education institutions vary. 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. Where countries have established national quality assurance agencies, or cross-national quality assurance bodies, these should be seen as a valuable information resource.

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 qualifications. Similarly the principles described in the Recommendation on the Recognition of Joint Degrees should be applied in the assessment of joint degrees.

Assessment of individual 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);
- (c) general access to further studies at a given level (such as doctoral studies or second cycle studies);
- (d) restricted access to further 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 Convention;
- (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 education programmes such as the Lifelong Learning Programme and Erasmus Mundus;
- (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, learning outcomes and profile of qualifications may concern e.g. the degree of specialisation or general education, requirements for independent written work (such as papers, dissertations, thesis), 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.

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.

Generic descriptors for learning outcomes for the first, second and third cycle qualifications can be found in the Overarching Framework for the Qualifications in the European Higher Education Area.

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 for non-regulated professions and the labour market.

In the spirit of mutual trust, 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 learning outcomes. It should also be underlined that while the length of study may be different this must not necessarily be considered a substantial difference, nor should other factors necessarily be excluded from the assessment.

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.

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 including information on national qualifications frameworks. In evaluating a foreign qualification, more emphasis should be given to the learning outcomes than to the process itself (i.e. the education programme through which the qualification was earned).

VI. The outcome of the assessment*Paragraph 43*

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.

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