



ENIC NARIC AUSTRIA
Federal Ministry for Science and Research
Teinfaltstraße 8
A-1014 Wien

NATIONAL ACTION PLAN FOR RECOGNITION

2007

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NATIONAL ACTION PLAN FOR RECOGNITION

1. Legislation

1.1 *Lisbon Recognition Convention*

The Republic of Austria signed the Lisbon Recognition Convention on July 7th, 1997. The Convention was ratified on February 1st, 1999, and became effective for Austria by April 1st, 1999 (Federal Gazette III No. 71/1999; Austrian official title: *Übereinkommen über die Anerkennung von Qualifikationen im Hochschulbereich in der europäischen Region*, BGBl. III Nr. 71/1999).

Provision of information about the Convention and its implementation is one of the regular tasks of the Federal Ministry for Science and Research (*Bundesministerium für Wissenschaft und Forschung*), especially of ENIC NARIC AUSTRIA, which is a department of this Ministry. This information will continue to be provided and disseminated, via the websites of the Ministry for Science and Research in general (<http://www.bmwf.gv.at>), and of ENIC NARIC AUSTRIA in particular (<http://www.bmwf.gv.at/naric>), and by thematic seminars.

Objectives: To continue the improvement of the implementation of the Convention and its accompanying texts by means of holding seminars for recognition bodies.

1.2 *Review of national legislation relevant to recognition*

Higher education is fostered mainly by (examples for federal acts):

- Universities Act 2002 (Federal Gazette I No. 120, as amended; *Universitätsgesetz 2002*, BGBl. I Nr. 120, in der geltenden Fassung);
- Act on the Accreditation of Private Universities (Federal Gazette I No. 168/1999, as amended; *Universitäts-Akkreditierungsgesetz – UniAkkG*, BGBl. I Nr. 168/1999, in der geltenden Fassung);
- Federal Act on the University for Continuing Education at Krems (Federal Gazette I No. 22/2004; *Bundesgesetz über die Universität für Weiterbildung Krems – DUK-Gesetz 2004*, BGBl. I Nr. 22);
- Fachhochschule Studies Act (Federal Gazette I No. 340/1993, as amended; *Fachhochschul-Studiengesetz – FHSStG*, BGBl. Nr. 340/1993, in der geltenden Fassung);
- Teacher Education Act (Federal Gazette I No. 30/2006; *Hochschulgesetz 2005*), BGBl. I Nr. 30/2006).

Access to higher education is addressed in the laws mentioned above as well as in (examples for federal acts and decrees):

- Act on Teaching at Schools 1986 (Federal Gazette No. 472, as amended; *Schul-Unterrichtsgesetz 1986 – SchUG*, BGBl. Nr. 472, in der geltenden Fassung);
- Entrance Qualification Act (Federal Gazette No. 292/1985, as amended; *Studienberechtigungsgesetz – StudBerG*, BGBl. Nr. 292/1985, in der geltenden Fassung);
- University Entrance Qualification Decree (Federal Gazette No. 439/1986, as amended; *Studienberechtungsverordnung – StudBerVO*, BGBl. Nr. 439/1986, in der geltenden Fassung);
- Federal Act on Vocational Maturity (Federal Gazette I No. 68/1997, as amended; *Bundesgesetz über die Berufsreifeprüfung*, BGBl. I Nr. 68/1997, in der geltenden Fassung);
- Decree on Qualification for the Entitlement to Pursue Studies at Universities (Federal Gazette II No. 44/1998, as amended; *Universitätsberechtungsverordnung – UBVO 1998*, BGBl. II Nr. 44, in der geltenden Fassung).

The provisions of the acts and decrees mentioned above make it possible for the competent bodies in the fields of academic recognition to observe the principles of the Convention. In Austria, these bodies are: the universities (*Universitäten*); the universities of applied sciences (*Fachhochschulen*);

the Fachhochschule Council (*Fachhochschulrat*); the university colleges for education (*Pädagogische Hochschulen*); and the Federal Ministry for Science and Research.

One part of the main legal regulations concerned with higher education was developed while the Convention was already in place (Universities Act 2002; Act on the Accreditation of Private Universities; Federal Act on the University for Continuing Education at Krems; Teacher Education Act), and the Convention's principles were therefore incorporated into these regulations.

The other part of the main legal regulations concerned with higher education was undergoing important amendments while the Convention was already in place (Fachhochschule Studies Act; Act on Teaching at Schools 1986; University Entrance Qualification Act; University Entrance Qualification Decree; Federal Act on Vocational Maturity; Decree on Qualification for the Entitlement to Pursue Studies at Universities), and the Convention's principles were therefore incorporated into these regulations.

Objectives: To inform partners in the European Higher Education Area through mutual contacts among the ENIC/NARICs and other relevant authorities, and to publish up-to-date amendments to legal documents at the Ministry's and ENIC NARIC Austria's websites, and to take care of a development of consistent translations of the relevant legislation into English.

1.3 *Bilateral or regional recognition agreements*

ENIC NARIC's homepage contains a compilation of all existing bilateral texts on recognition: http://archiv.bmbwk.gv.at/fremdsprachig/en/univ/naric/bilateral_e.xml.

An asterisk behind the name of the country in the survey to be found by following the link printed above indicates that a bilateral agreement between this country, or authorities of her, on the one hand, and the Republic of Austria, or authorities of her, on the other, exist.

All these agreements fulfil the demands of the Convention, but it has to be said that some of them – having been concluded by countries now being party to the Convention and the Republic of Austria – seem to have become redundant by the legal developments in the fields of recognition within the European Region.

The Austrian policy is to bring the Convention alive between as many member countries as possible. Therefore, Austria will not conclude bilateral agreements on recognition with member countries to the Convention (provided that there is no special need for doing so) any more. Instead of that, Austria will intensify its efforts to elaborate bilateral recommendations with these countries to their relevant institutions, using the Convention as the only legal basis.

Objectives: To start the work on bilateral memoranda with some partner countries on the basis of the Convention.

2. Recognition practice

2.1 *Criteria and procedures*

- a. Overview of the practice of competent recognition authorities in applying the Recommendation on Criteria and Procedures for the Assessment of Foreign Qualifications and Periods of Study

The criteria for recognition of foreign qualifications and single examinations are in conformance with the study programmes concerned, in conformance with the core subjects regarding their function for this study programme, and in conformance with the workload for these subjects.

Higher education institutions, as a rule, rely primarily on the situation of recognition in the country of origin. Therefore, accurate information on the educational systems of the countries concerned in general, and on single foreign qualifications in particular is their foremost need.. Moreover, there is a need for guaranteeing the authenticity of the documents presented by the applicants. If all these prerequisites are fulfilled, recognition can take part relatively easily. Otherwise additional investigations have to be undertaken, which can take a lot of time. Therefore ENIC NARIC AUSTRIA tries to serve as an information point for all these needs.

In case that full academic recognition – which has, as a rule, to be carried out by the higher education institutions – is not necessary (e.g. because the applicant does not intend to enter a regulated profession), ENIC NARIC AUSTRIA offers a general assessment of the diploma, which is not a legally binding act, but a means of orientation for everybody concerned. Such a letter of assessment can be obtained within a few days. It is free of charge.

- b. Measures to improve implementation

It is necessary to enhance the use of all information tools like the Diploma Supplement and ECTS, but also the authentic internet resources available.

- c. Overview of the time required to process applications for recognition and measures to improve this time

A general estimation of the required time is not possible because of the different kinds of procedures (see above). The law, however, has integrated a new provision which obliges the higher education institutions to decide on applications for recognition of examinations within two months instead of six months, which is the general period of time in administrative procedures.

2.2 *Joint degrees*

- a. Overview of the legal provisions concerning the recognition of joint degrees

The Universities Act 2002 provides for the possibility of the recognition of joint degrees - the law deals with joint degree programmes under the denomination "double degree programmes", speaking of "*Doppeldiplom-Programme*" – in article (*Paragraph, §*) 51 paragraph (*Absatz, Abs.*) 2 subparagraph (*Ziffer, Z*) 27 and in art. 54 para. 10.

The Fachhochschule Studies Act (art. 3 para. 10) and the Teacher Education Act (art. 35 para. 4) likewise provide for the possibility of the recognition of joint degrees.

Art. 51 para. 2 subpara. 27, art. 87 para. 5 of the Universities Act 2002, art. 3 para. 2 subpara. 10 FHStG and art. 35 para. 4 of the Teacher Education Act read as follows:

"Joint diploma programmes" are degree programmes which are jointly conducted under agreements between one or more Austrian universities and one or more recognised post-secondary educational institutions abroad. Such agreements must specify the work to be performed by the students concerned at the institutions which are parties to them."

"If a student successfully completes a joint diploma degree programme comprising up to 120 ECTS credit points of which at least 30 were obtained under the auspices of a foreign partner institution, or more than 120 ECTS credit points of which at least 60 were obtained at such an institution, then

the award of the degree may be evidenced by a certificate jointly issued in conjunction with the latter."

- b. Amendments to remove legal obstacles or to establish legal provision favouring the recognition of joint degrees

Regulations to remove legal obstacles with regard to joint degrees are to be found in art. 61 para. 3 subpara. 3 (removing a legal obstacle concerning deadlines for admission for participants of joint degree programmes) and art. 63 para. 5 subpara. 1 (removing a legal obstacle concerning the impossibility to impose certain restrictions concerning admission on participants of joint degree programmes) of the Universities Act 2002.

A regulation to establish legal provisions favouring the recognition of joint degrees is to be found in art. 87 para. 5 of the Universities Act 2002.

Further amendments do not seem to be necessary, as the existing legal provisions can be believed to endow the institutions well with opportunities to establish joint programmes, even different ones from the national degree programmes.

- c. Beyond legal provision, suggestion of policy measures to ensure the recognition of joint degrees

Efforts have to be made in order to make the compilation of joint programmes as effective as possible for the students as well as for the institutions concerned.

In conformity with the definition of European Union Masters Courses (Decision No. 2317/2003/EG, Annexe, Action 1), the term „Joint degree/diploma program“ shall designate a degree program which is to be implemented jointly on the basis of an agreement between one or more Austrian universities, universities of applied sciences or, respectively, Fachhochschule degree programs, or, university colleges of education (subsequently referred to as „institutions“) and one or more foreign institutions of post-secondary education, where there is to be awarded jointly an academic degree which takes legal effects in the countries of all partner institutions. In these agreements there must be fixed which achievements the respective students will have to fulfil at the institutions concerned. Moreover integrated procedures for the mutual recognition of the examinations concerned.

The Federal Ministry for Science and Research, together with the Austrian Rectors' Conference (*Österreichische Rektorenkonferenz*), the Austrian Association of Universities of Applied Sciences (*Österreichische Fachhochschul-Konferenz*), and the Austrian National Union of Students (*Österreichische Hochschülerinnen- und Hochschülerschaft*), has elaborated and published a recommendation on drafting joint degree/diploma programs.

The following items have to be taken into consideration when drafting joint degree/diploma programs and are therefore part of this recommendation: Definition; category of the study program; admission to studies (for outgoings and incomings); tuition fees; examinations and examiners; theses and supervisors; academic degrees; academic value in the countries concerned must be laid down, on the basis of ECTS or compatible with it, by the partner institution.

Attached to this recommendation a sample agreement in English and German, which should serve, as far it seems to be possible for the relevant partner institution, as a basis for the agreement of joint degree/diploma programs has been published

- d. Overview of double and multiple degrees and policy measures to encourage their recognition

ENIC NARIC AUSTRIA neither has got an overview over all existing joint degree/diploma programs nor intends to do so. The Federal Ministry, in particular ENIC NARIC, has defined its function as a service unit for interested institutions.

2.3 *Overview of institutional practice*

- a. Application of the Lisbon Recognition Convention by higher education institutions and other competent recognition authorities

The Convention has been decided upon by the Austrian Parliament in 1997 on the level of a Federal Act and is therefore part of Austrian study law. In most respects its provisions are to be treated as particular provisions to the general ones of the Universities Act 2002, sometimes, however, they fully correspond to these provisions. So, legally speaking, institutions and authorities are bound to the Convention.

The Federal Ministry for Science and Research / ENIC NARIC AUSTRIA has published an in-depth recommendation on the application of the Convention, in particular on the question of "substantial differences". ENIC NARIC AUSTRIA is further fostering the application of the Convention and gives, in case of need, further recommendations with regard to specific questions.

- b. Measures which will be taken if given institutions or authorities were shown consistently not to apply the Convention and/or relevant national laws

ENIC NARIC AUSTRIA relies on counselling the institutions and authorities and not on convincing them by legal remedies. Insofar, ENIC NARIC AUSTRIA together with other authorities like the Austrian Rectors' Conference, the Austrian Association of Universities of Applied Sciences, and the Austrian National Union of Students regularly organizes information seminars and workshops. On the other hand, the institutions themselves organize joint conferences for an exchange of experiences in the application of the Convention, as a rule once a year. Mostly, ENIC NARIC AUSTRIA as well as other units of the Federal Ministry for Science and Research will be invited to this.

In case of obvious maltreatment of the Convention, the Ministry offers mediation services in the form of a Students' Ombudsmanship (*Studierendenanwaltschaft*). In severe cases, the Ministry acts, on the basis of the higher education law, as a legal supervising authority, possibly with the right to suspend decisions of an institution.

2.4 *Transparency tools for recognition*

- a. Plans and timetable for the implementation of the European Credit Transfer and Accumulation System (ECTS)

There is a legal obligation for all institutions to use ECTS. In the application, especially in drafting the relevant parts of the curricula, a lot of counselling is still necessary.

- b. Plans and timetable for the implementation of the Diploma Supplement

There exists the legal obligation for all institutions to confer the Diploma Supplement, which is more or less fulfilled by all of them. The Federal Ministry for Science and Research supports the application by counselling (*ex officio* and on demand) and by a specific website (<http://www.bmwf.gv.at/diploma-supplement>).

2.5 *Borderless/transnational education*

At present, there is no specific regulation.

3. Information provision

3.1 *Provision of information on recognition*

- a. Measures taken or envisaged to improve the provision of information on recognition criteria and procedures and on the national education system;

There is a homepage of ENIC NARIC AUSTRIA (<http://www.bmwf.gv.at/naric>) with widespread information on all topics of recognition in general and of specific topics which are frequently asked for.

Examples: Treatment of foreign secondary school leaving certificates which are not subject to the Lisbon Recognition Convention (questions of equivalence, additional examinations, knowledge of German language); recognition of parts of study programmes within the EU and the EEA, including the intra-Austrian recognition between different institutions.

- b. The timetable envisaged for such measures

The relevant work is presently undertaken by ENIC NARIC AUSTRIA.

- c. The bodies or institutions responsible for the measures

ENIC NARIC AUSTRIA is the responsible unit together with the PR team of the Federal Ministry for Science and Research.

With regard to the legal situation concerning academic recognition in Austria on the whole, the institutions responsible are: the universities; the universities of applied sciences; the Fachhochschule Council, or Council on the Universities of Applied Sciences; the university colleges for education; and the Federal Ministry.

- d. The state of electronic provision of information on recognition

All the institutions in charge of academic recognition in Austria provide the necessary information on recognition in an electronic way.

- e. Whether the national information centres establish and maintain their own web pages, linked to the ENIC-NARIC web site

ENIC NARIC AUSTRIA has established and maintains its own web pages, linked to the ENIC-NARIC web site (<http://www.bmwf.gv.at/naric>).

3.2 *Information package for applicants*

- a. The extent to which information packages are provided for applicants by higher education institutions and other competent recognition authorities

Whether information packages are provided for applicants by higher education institutions and other competent recognition authorities or not, and if so, what these information packages will contain, is solely up to the single higher education institution or other competent recognition authority.

- b. If needed, how practice could be improved

A possible improvement could be seen in the obligation to offer information packages on the grounds of a legal basis or at least one of a code of good practice, and if such a – at least: moral – obligation should be introduced; this should be in a standardized way, most likely using the help of ENIC NARIC AUSTRIA.

4. Structures

4.1 National information centre

a. The formal status of the centre

ENIC NARIC AUSTRIA is a unit of the Federal Ministry for Science and Research, part of the Directorate General for Higher Education.

b. Legal competence (e.g. advisory or decision making; academic, *de jure* professional, *de facto* professional recognition)

The legal competence of ENIC NARIC AUSTRIA is mainly an advisory one; decisions are made only referring to treaties on academic recognition with Bosnia and Herzegovina, Croatia, Italy, Liechtenstein, Macedonia, Montenegro, Serbia, Slovenia, and the Holy See (with effects regarding *de iure* professional recognition).

In many ways, the effects of the advisory functions of ENIC NARIC AUSTRIA do include aspects of a *de facto* professional recognition.

c. Staff and budget

ENIC NARIC AUSTRIA currently has a full-time staff of five, and two additional temporary staff members.

As a ministerial unit, the organisation is not endowed with a budget of its own.

d. Capacity building in terms of expertise and service to the public

ENIC NARIC AUSTRIA is the official contact point for all kinds of questions concerning transnational recognition in the field of higher education.

The activities of ENIC NARIC AUSTRIA focus on the following sectors:

- DOCUMENTATION
of higher education in Austria and abroad (library and database on foreign higher education institutions and systems of study)
- CONTACTS
representation of Austria in relevant committees of EU, Council of Europe, and UNESCO; permanent bilateral exchange of information with partner centres in other countries
- SPECIAL PROJECTS
studies and conferences in relevant areas
- SERVICE
comparative recommendations, assessment of foreign higher education qualifications, advisory activities, coordination of the implementation of relevant agreements
- PUBLIC RELATIONS
information events, information brochures, internet service

e. Networking and cooperation at national level and internationally

ENIC NARIC AUSTRIA is active in networks both of supranational (e. g.: the European Network of Information Centres on Academic Recognition – ENIC, the Network of Academic Recognition Information Centres – NARIC) and of private organisations (e. g.: European Association for International Education – EAIE, ECA–ENIC/NARIC-Cooperation – European Consortium for Accreditation).

It cooperates with all kinds of authorities, both domestic and abroad, and all kinds of organisations, be public or private, which are active in the fields of recognition and education or mobility in general.

4.2 *Cooperation recognition/quality assurance bodies*

Efforts of the networks ECA and ENIC/NARIC towards a more intensive cooperation have already started some time ago. This is a consequence of the consideration that a connection between both areas exist in the way that the transnational recognition of accreditation decisions reasonably should have an impact on the recognition of qualifications which are obtained at such an accredited institution of higher education. Particularly in the German speaking area, this topic was paid high attention to during the past few years.

As a first formalized step the signature of a „Joint Declaration concerning the Automatic Recognition of Qualifications“ by the accreditation authorities and ENICs of some authorized countries took place on 8 December 2005 in the framework of the ECA Conference in Vienna. The Austrian authorities responsible for recognition and quality assurance have contributed a lot to this milestone. It is foreseen to encourage further countries to that step.

Persons responsible:
Christoph Demand
Heinz Kasparovsky