

RECOGNITION

OF FOREIGN QUALIFICATIONS

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Guide for recognition specialists

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LIST OF ACRONYMS

LLL – lifelong learning

DS – Diploma Supplement

RCP - Draft Recommendations on Criteria and Procedures for the Assessment of Foreign Qualifications

TE – Transnational education

CoE - Council of Europe

WG – working group

MS – Member State

HE – Higher Education

HEI- higher education institutions

RCP – Recommendations on Criteria and Procedures

INTRODUCTION

Usually one faces recognition issues when moving across borders – either when returning home after studies abroad or when moving to another country to continue studies or to work there. Depending on the purpose – further studies or work – there are two main cases of recognition: *academic* and *professional*. Although in both cases the purpose is an acknowledgement of a foreign qualification, the approach is different. In academic recognition the evaluators' main task is to assess whether the applicant is capable of continuing studies in the chosen direction and at the chosen level. In professional recognition it should be found out whether the knowledge and professional skills of the applicant are sufficient to pursue a particular profession in the receiving country¹.

This guide provides basic information and knowledge regarding academic and professional recognition – the political background, the legal instruments as well as the practical procedures for recognition. It is basically meant as an introduction and reference for recognition specialists, but it may also be found useful by professional associations, ministries in charge of particular regulated professions, higher education institutions.

The guide contains a comparison of academic and professional recognition, description of international legal tools in each kind of recognition.

ACADEMIC VS. PROFESSIONAL RECOGNITION – DIFFERENCES AND SYNERGIES

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

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

However, there are two main cases of recognition depending upon the purpose for which recognition is sought.

Academic recognition is the recognition of a foreign qualification for the purpose of further studies. In academic recognition evaluators' main task is to assess whether the applicant is capable of continuing studies in the chosen direction and at the chosen level.

Professional recognition is the recognition of a foreign qualification for the purpose of employment in a certain profession. In professional recognition it should be found out whether the knowledge and professional skills of the applicant are sufficient to pursue a particular profession in the receiving country.

It is quite possible, that the same qualification in the same foreign country can be recognized for one of these purposes but not (or not completely) recognized for the other.

Due to the difference in purpose, academic and professional recognition are dealt with by different legal acts (national and international) and carried out by different bodies, see table below.

¹ The latter is very important since the character of some professions (e.g. skiing instructor, tourism guide, forester and even gravedigger) can be quite different in different countries.

Table 1. Academic vs. professional recognition

Academic recognition (for further studies)	Professional recognition (for employment purposes)
<i>Regulated by:</i> International conventions, Bilateral or multi-lateral agreements among states, Co-operation programmes in education	<i>Regulated by:</i> National legislation, EU directives, Documents adopted by international professional associations
<i>Assessment carried out by:</i> National Academic recognition information centres (ENIC and NARIC), Higher education institutions	<i>Assessment carried out by:</i> employers, governmental bodies professional bodies, (often upon advice by ENIC/NARIC centres)
<i>Decision taken by:</i> Higher education institutions National recognition bodies (some countries)	<i>Decision taken by</i> Employers (in non-regulated professions) Professional or governmental bodies (in regulated professions)

Although the purpose of the two kinds of recognition is different and although the outcome can be different, it is not difficult to notice that both have much in common. And, since the general aim should be to both stimulate the mobility of students and the workforce within Europe, the synergies between academic and professional recognition should be used as much as possible.

The EU Council “Communication on the synergies of academic and professional recognition” [1] further divides the academic and professional recognition in each of the two sub-cases, see Table 2 below.

Table 2. Sub-cases of academic and professional recognition

<i>Academic recognition</i>	<i>Professional recognition</i>
<i>Cumulative</i> academic recognition - the applicant has completed studies for a full qualification (degree, diploma) in one country, and applies for studies for the next subsequent qualification in another country.	<i>De jure</i> professional recognition – recognition for professional purposes in <i>regulated professions</i> i.e. in those cases in which either the education leading to a profession or the pursuit of the particular professional activity are regulated by legal acts.
Academic recognition <i>by substitution</i> i.e. recognition of applicant’s studies abroad (e.g. within the framework of EU education programmes in order to substitute a part of the programme of studies in the host country.	<i>De facto</i> professional recognition – recognition of a foreign qualification for professional purposes in those cases where the professional activity or the appropriate education is not regulated by legal acts.

The above Communication stresses the similarities between cumulative academic recognition and *de facto* professional recognition. In both cases it is recognition of full qualifications. If the particular profession is not regulated by any national laws or EU directives, the final recognition decision lies with the employers. Over the years the employers have often demonstrated their interest in recruiting holders of foreign qualifications – in order to internationalize their businesses and to bring fresh ideas to the appropriate fields. However, the employers need assistance in assessing the foreign

qualifications - simply because they are not familiar with foreign education systems and it is therefore difficult for them to compare the foreign qualifications with the ones earned in the home country. This is the point where the European recognition networks ENIC and NARIC and individual ENIC/NARIC centres can be very helpful – knowing the foreign educational systems and being familiar with the qualifications, they can advise the employers in the matters of *de facto* recognition. This aspect becomes particularly important within the context of the Bologna Declaration [2] aimed at creation of a European higher education space by 2010². The countries adhering to Bologna declaration have taken an obligation to ensure that even the first higher education degree should be “spendable on the European labour market” which brings professional recognition even more in focus. Bologna Declaration is a real challenge for the European recognition networks that have to develop tools and mechanisms to be fully ready for advising employers on the matters of *de facto* recognition.

A second challenge to the European recognition specialists is the recognition of non-traditional qualifications. One type of non-traditional qualifications are those of lifelong learning whose role and importance is growing even more through the Bologna process. The Prague Communiqué of ministers (2001)[3] underlined the importance of lifelong learning, but their Berlin Communiqué [4] of 2003 explicitly required establishing learning paths for lifelong learners and ensure possibilities for recognition of prior learning. Another important type of non- traditional education qualifications are those earned through transnational education. (Some more recognition issues related to Bologna process are discussed in chapter “Recognition and the Bologna process)

² In 1999, twenty-nine countries declared to create a European higher education space by 2010. New countries have been admitted to the process at ministerial conferences in Prague (2001) and Berlin (2003). The number of countries participating in Bologna process has reached 40 by the moment of writing this text, but even more countries are likely to adhere at next ministerial conference to be held in Bergen in 2005.

Academic recognition

ACADEMIC RECOGNITION – LEGAL INSTRUMENTS AND THEIR APPLICATION

THE LISBON RECOGNITION CONVENTION

The main international legal instrument for academic recognition is the Council of Europe and UNESCO joint “Convention on the recognition of qualifications concerning higher education in the European region” [5&6] (the Lisbon Convention) adopted April 11, 1997 in Lisbon. The UNESCO Europe region is larger than the geographical Europe; therefore the Convention has been signed not only by European states, but also by the USA, Canada and Israel. Some non-European countries have acquired the right to sign the Lisbon Convention as successors of the former Soviet Union.

The Lisbon Convention replaces six former conventions of the Council of Europe and UNESCO in the recognition field and it covers academic recognition of access qualifications to higher education, higher education qualifications and study periods.

Compared to the previous conventions, the Lisbon Convention substantially changes and stimulates recognition of qualifications. One should however take into account that the Convention as a legal document is not always easy to read and should therefore be studied together with its explanatory report, where the ideas behind the legal text are explained in more detail.

Principles of the Convention

From equivalence to recognition

All the previous conventions stress the “equivalence” of qualifications. Taking into account the wide diversity of the education systems, teaching methodologies, textbooks and other teaching aids, different duration of practical placements and different role of thesis in the study workload, different understanding of the divide between “university” and “non-university” higher education in different countries, two qualifications awarded in two different countries (and often just by two different institutions in the same country) today cannot, even in principle, be “equivalent”. This is the reason why the Lisbon Convention is about ‘recognition’ and not “equivalence”. When signing and ratifying the Lisbon Convention, a state has to fully agree to the principle, that it will have to *recognize* a foreign qualification of the same level, even if it has not been earned in exactly the same way unless a substantial difference can be demonstrated between the foreign and the appropriate host country qualification.

Substantial differences

Qualifications of approximately equal level may show considerable differences in terms of content, profile, and learning outcomes (see chapter *Recommendations on Criteria and Procedures* below). In the pure *academic* recognition sense, *substantial differences* mean that the differences between the foreign qualification and the appropriate host country qualification are so big, that the applicant is unable to follow the chosen route for further studies to which holders of the appropriate host country qualification are admitted.

For the cases where the differences are proved to be substantial the Recommendation on Criteria and Procedures encourage the competent authorities to seek if alternative, partial or conditional recognition is possible.

It is important to note, that the Convention stipulates that it is the duty of the Party or institution undertaking the assessment to demonstrate that the differences in question are substantial³.

Decisions upon recognition

In most States Parties to the Convention the final decision in the academic recognition lies with the higher education institutions in which the applicants seek admission for their further studies. Mechanisms of co-operation between the HEI and the ENIC centre of the appropriate Party can be different. Most countries report, that the recognition statement issued by the ENIC/NARIC centre formally has the status of an advice to the HEI, but in practice, when making recognition decisions, the HEI usually follow this advice. In some countries, however, the decision-making power in recognition is given to a state institution, which may at the same time be the ENIC centre of that country.

Role of information provision

The spirit of the Lisbon Convention strongly relates recognition firstly, to mutual trust among the Parties and, secondly, to provision of adequate information by each Party. It was evident before adoption of the Lisbon Convention, that lack of relevant information was one of the main obstacles for recognition. The Lisbon Convention establishes a framework for information provision. Apart from the applicant's own responsibility to provide all relevant information, it also establishes a duty for the institutions having issued the qualifications to provide, upon request, relevant information to the holder of the qualification, to the HEI, or the competent authorities of the country in which recognition is sought. In order to facilitate the recognition of qualifications, each State Party to the Convention has to ensure that adequate and clear information on its education system is provided. The most important required information issues are even listed in the Convention; especially encouraging use of the Diploma Supplement, which in its final form has been designed by a joint working party established by the European Commission, Council of Europe and UNESCO. The Convention stipulates also that for provision of relevant information each Party shall establish or maintain a national information centre and that these centres form the European Network of National Information Centres on academic mobility and recognition (the ENIC Network).

Implementation of the Lisbon Convention

Instruments for implementation

The main instruments for implementation of the Convention are the Intergovernmental Convention Committee and the ENIC network (see also chapter "European Recognition networks"). While the Intergovernmental Committee has the power to adopt additional texts to the Convention, the ENIC network implements the Convention through its everyday activities in recognition and information provision. The ENIC network identifies the needs of new recognition-related activities and undertakes such activities. ENIC/NARIC working parties also elaborate drafts of the Convention supplementary documents.

The Convention recommends all countries to introduce the Joint European Diploma Supplement as a practical transparency tool.

Diploma Supplement

The Joint European Diploma Supplement (see Annex II) has been designed as a tool that aids both academic and professional recognition. The DS is in fact a standardized format for provision of relevant information, which should be issued together with the qualification (degree, diploma, certificate, etc.). It has been elaborated by a joint EU, Council of Europe and UNESCO working party and tested in a Europe-wide pilot project in 1998. The main features of the DS standardized format are the following:

³ *In other words, it is not the responsibility of the applicant to prove that the differences are not substantial. If the substantial differences have not been clearly demonstrated by the body undertaking the assessment, the applicant has his/her rights to appeal.*

- information regarding the level of the qualification, the type and status of the awarding institution and the programme followed by the applicant is described;
- the above information is given in such a way that it does not contain any value judgments or indications regarding possible recognition or equivalence in other countries. Rather, it provides sufficient information to academic and/or professional recognition bodies, foreign HEI or employers for the purpose of objective assessment and decision upon recognition;
- the information regarding workload, contents and results, is provided together with important additional information, e.g. grading scale applied, thus easing the work of recognition authorities. Where ECTS is used, ECTS transcript can replace this part of the Diploma Supplement;
- the function of the qualification within the national framework is clearly stated, both as to admission to further studies and to the professional status of the holder;
- the information is organized in such a way that it is possible to locate the qualification in question within the framework of the national education system of the country where the qualification has been issued. For this reason a short description of the education system of that country is included.

As was evident from the results of the European pilot project, the DS is widely appreciated by the HEI, ENIC/NARIC centres, employers' organizations, Thematic networks etc. Since approval of the DS by the three international organizations, many countries have undertaken activities towards the introduction of DS. The wide introduction of DS is also seen as one of the tools for the successful implementation of the Bologna Declaration.

Implementation at International Level

Signatures and ratifications of the Convention. The signature and ratification of the Convention by all the countries concerned are the first steps to improve recognition in the European Higher Education Area. This was stressed in the Berlin communiqué of ministers. The ministerial call has been heard – five more Bologna process countries ratified the Convention after September 2003. The total number of ratifications as of June 1, 2004 was 40 countries, 31 of which are participating in the Bologna process.

The covering of the Lisbon Recognition Convention is wider than the 'Bologna' group of countries and than geographical Europe. Belonging to the European region as defined by UNESCO, Australia, Canada, USA, Israel and some other countries have also signed the Convention. This is very important because it stimulates the recognition between European countries and other parts of the world.

Four out of the 40 'Bologna' countries (Germany, Italy, Malta, and The Netherlands) have signed the Convention and are in the process of ratification, but another five (Andorra, Belgium, Greece, Spain and Turkey) have so far neither signed nor ratified it. Some of these countries are trying to implement its principles. As recognition is a priority issue of the Bologna process for the period until May 2005, more signatures and ratifications may follow before the stocktaking of the Bergen ministerial conference.

Legal documents supplementing the Lisbon Recognition Convention

Recommendation on the Recognition Criteria and Procedures

The Council of Europe/UNESCO *Recommendation on Criteria and Procedures for Recognition* [7&8] (RCP) was adopted by the Intergovernmental Committee of the Lisbon Recognition Convention at its second meeting in Riga on June 4, 2001.

The draft was prepared by an ENIC working party and was originally planned to help to ensure that similar recognition cases would be considered in similar ways throughout the European region.

As regards assessment *procedures*, RCP lays down several general principles such as transparency, coherence and reliability, avoiding unnecessary translations, authentication of documents, and

special measures in the case of refugees. These are all important in the view of avoiding unnecessary complicated procedures that might in some cases *per se* make it impossible for the applicant to receive a recognition decision within his or her available limits of time and resources. However, RCP also provides a more detailed view at the assessment *criteria*.

The Convention principle of “recognition if there are no substantial differences evident” is elaborated more in detail in RCP with a view of substantial differences in: learning outcomes, access to further activities, key elements of the programme (stressing that comparability of programme elements should be analyzed 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) and, finally, differences in the quality of programme/institution.

The draft was updated by an *ad hoc* working party to take into account the further developments, such as the findings of the ENIC working parties on refugee qualifications and on transnational education. Drafting of the Recommendation was in progress when the Bologna declaration was signed, which allowed to also draw on the analysis of the recognition issues raised by the Bologna process [9&10] and to adapt the implementation of the Convention accordingly:

- The Recommendation shows that the principles of the Convention can also be applied to recognition for the non-regulated sector of the labour market;
- The Recommendation extends recognition to qualifications awarded after completion of transnational education that complies with the Code of Good Practice in the Provision of Transnational Education;
- The Recommendation shifts the focus of credential evaluation from input characteristics of the programmes to the learning outcomes and competences;
- by shifting focus from input characteristics to learning outcomes, the Recommendation also facilitates recognition of lifelong learning or other non-traditional qualifications.
- it is stressed that, when analysing the differences, one should bear in mind the purpose for which recognition is sought. Given the wide diversity of programmes and qualifications in Europe, any foreign qualification will always differ from the one with which it is compared. The Recommendation calls for a positive attitude, asking whether the differences are so great, that they cannot be used for the purpose for which recognition is sought and, if they are, whether an alternative or partial recognition can nevertheless be granted.

Wherever a full recognition is impossible due to substantial differences, the competent authority should look for possibilities of granting an alternative recognition that could be one of the following:

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

The Recommendation does not say that recognition should always be granted. Rather, it codifies the established best practice among credential evaluators and builds on this practice in suggesting further improvements.

With the Bologna process progressing, RCP is becoming more and more useful also for the “*de facto*” professional recognition which often includes a phase of “academic recognition for professional purposes” where the employer seeks advice from the academic recognition bodies.

A schematic outline of the recommended recognition procedures is given on the next page.

Code of Good Practice in the Provision of Transnational Education

Transnational education is a relatively new and rapidly expanding development. It is defined as 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.

Development of transnational education has its positive and negative aspects. On the one hand, when high quality education becomes available on a transnational basis, it is a good option for the learners and a challenge for the national systems to become more flexible and to develop faster. In addition, education provision *via* Internet, for which no national borders exist, is likely to expand very rapidly, especially within the context of LLL. On the other hand, quite a few countries, Parties to the Convention report a growing number of institutions/programmes of unknown quality operating transnationally in their territories. It is reported that quite often the provision of transnational programmes lacks any transparency and that it is very difficult to obtain any information. At the same time, there sometimes is evidence available, that transnational institutions/programmes may have substantially lower access requirements⁴, or issue “easy” qualifications.

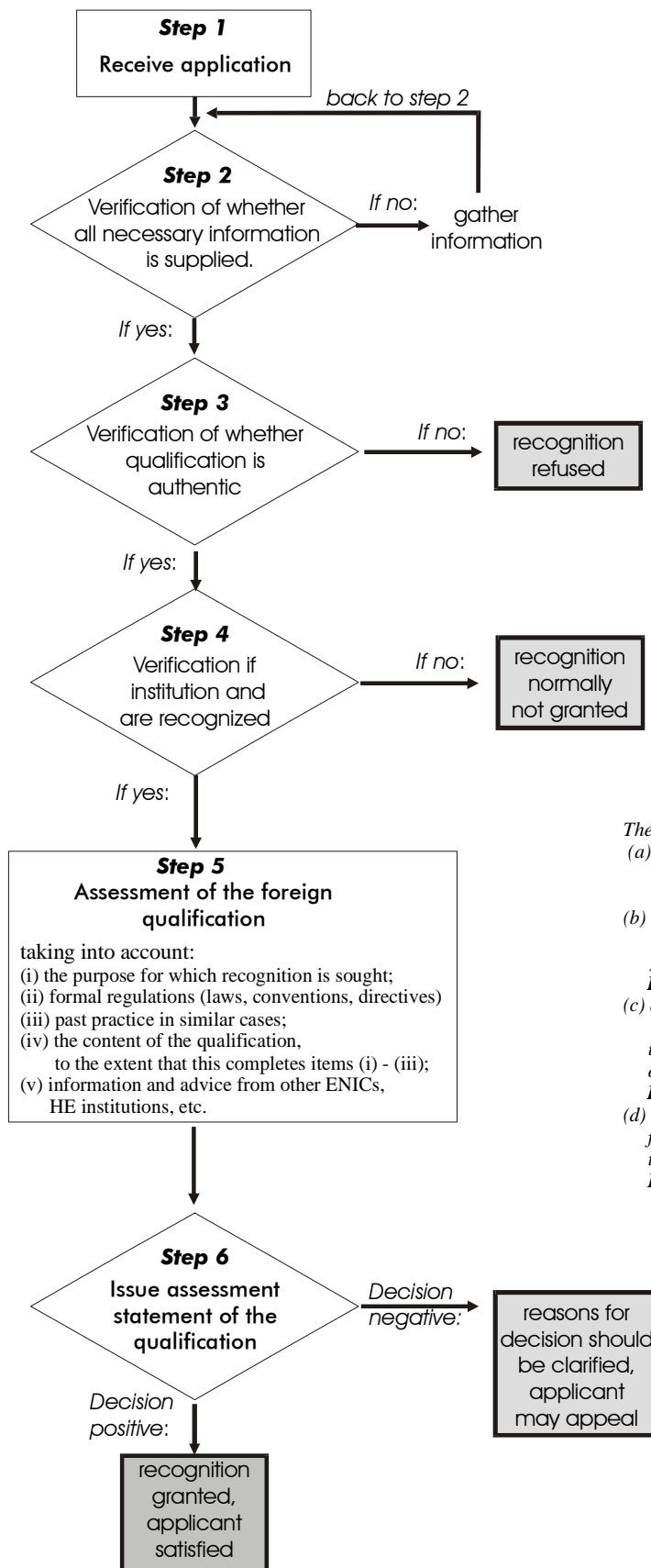
The need to address the issue of transnational education was raised by both sides of this development.

The Lisbon Convention, in principle, applies to the recognition of foreign qualifications or qualifications conferred “in another Party”, and it as such is not directly applicable to the qualifications delivered through transnational education. The issue regarding recognition of qualifications delivered transnationally by institutions that belong (in the full sense⁵) to a national education system of another Party of the Convention is the easier part of the problem and can be partly solved within the framework of the Convention. Apart from that, there is an additional question regarding recognition of qualifications awarded by those programmes/institutions, which, in fact, do not belong to any national system.

⁴ Compared to admission requirements of the “receiving” country, but sometimes also with the “mother” institution.

⁵ I.e. the other Party to the Convention monitors the transnational provision of its programmes thus ensuring that the quality of provision and qualification requirements do not differ substantially from those qualifications offered within that other Party.

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



Receipt of the inquiry or application by the competent recognition authority. Acknowledgement of receipt; information to the applicant about procedures and criteria.

Gather further information from the applicant or higher education institution(s)

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].....

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.

The assessment should seek to answer questions such as:

- (a) are the differences in (targeted or achieved) learning outcomes so substantial that the 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 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?

Depending on national laws and practice, this may take the form of:

- (i) advice to institution, which will make the decision;
- (ii) a decision;
- (iii) a statement to the applicant or to whom it may concern.

If decision is negative, 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.

In order to find solutions for the recognition of TNE qualification, an ENIC WP on Transnational Education was set up which elaborated the Code of Good Practice in the Provision of Transnational Education [11]. The basic principle of the Code is simple – to lay down requirements, which a provider of TNE has to comply with in order to ensure, that the qualifications issued will be assessed in accordance with the stipulations of the Lisbon Recognition Convention.

These requirements basically include: requirements for transparency and information provision upon request from the receiving country⁶ authorities, obligations to comply with the legislation of both the sending and receiving countries, requirements for proficiency of the staff involved in provision of transnational education, as well as requirements regarding the student workload.

According to the Code, it is the responsibility of the awarding institution⁷ to maintain the quality and standards of the programmes delivered through TNE. The awarding institution is also responsible for the information provided by the agents in its name.

The Code will serve as a guide for the TNE providers who wish to see their qualifications recognized in the receiving countries, and it will encourage the receiving countries to recognize such TNE qualifications, which are provided in compliance with the Code.

Recommendation on the Recognition of Joint degrees

Establishing programmes leading to joint degrees is seen as a useful tool on the way to the European Higher Education Area. As demonstrated by the EUA Joint degrees survey [12] (2002), work on joint degree programmes stimulates the implementation of the Bologna declaration action lines by establishing joint quality assurance, improving recognition, stimulating employability of graduates across Europe, mobility of students and teachers, etc. The main obstacles for establishing joint degrees are a lack of appropriate provisions in the national legislation and the fact that current international legal framework for recognition applies only to national qualifications, while joint degrees in the strict legal sense do not belong to a single national higher education system.

As regards amending the national legislations, in their Berlin communiqué, the European ministers agreed to engage at the national level to remove legal obstacles to the establishment and recognition of joint degrees. The EUA conference on Joint degrees in Cluj, Romania in October 2003 led to practical recommendations with regard to cooperation among partners in establishing joint degrees (www.eua.be).

A major development under the EU SOCRATES programme is the Erasmus Mundus programme which assists in establishing joint degrees and contains specific provisions for improving recognition of joint degrees between the partner institutions and countries [13].

In order to improve the international recognition of joint degrees, ENIC and NARIC networks drafted a Recommendation that was adopted by the Lisbon Recognition Convention Intergovernmental Committee on June 9, 2004. The Recommendation extends the main principles of the Convention to joint degrees, stipulating that holders of a joint degree have a right to a fair assessment of their joint degree, establishing that a joint degree is recognised unless substantial differences can be clearly demonstrated between the joint degree in question and the host country's qualification. The Recommendation also sets requirements that should be fulfilled as a precondition for applying the Lisbon convention principles to a joint degree: each part of the joint curriculum has to be quality assessed or be part of a recognised national qualification, if the joint degree in question is awarded in the name of a larger consortium, care should be taken that each consortium partner is a trustworthy institution, the Diploma supplement and ECTS should be used as transparency tools, and the joint character of the award should be clearly indicated and described.

⁶ *receiving country* – the country in whose territory TNE programme(s) are provided.

⁷ *awarding institution* – the institution whose qualifications are being awarded upon completion of a TNE programme (in another country)

Guidelines for the recognition of refugee qualifications

It is sad to recognize, but the issue on refugees, which unfortunately has never lost its importance on the world scale, has become increasingly important in Europe in the past decade. A successful integration of refugees certainly requires recognition of their qualifications. Instead, numerous refugees are today unemployed or obliged to restart education or training already completed in their home country and recognition difficulties are often one of the key issues in their integration.

The Lisbon Convention (Art VII) sets a duty to its Parties to take all feasible and reasonable steps to develop procedures for assessment of refugee qualifications with a view to their access to higher education, further HE studies or employment “even in cases in which the qualifications obtained in one of the Parties cannot be proven through documentary evidence”.

The report of the Danish Refugee Council “*Assessment and Recognition of Refugees’ Qualifications in the European Community*” (1998) identified a number of recognition-related problems. The assessment of a refugee qualification calls for a different approach than that normally used by credential evaluators. Instead of assessing a qualification on the basis of a well documented file, credential evaluators often have to assess refugee qualifications on the basis of incomplete – or entirely missing – information about both the individual qualification and the system from which it hails.

The working party of the Council of Europe elaborated “Guidelines for the recognition of refugee qualifications [14]” which can be used by Parties of the Lisbon Convention to fulfil their duty set out in Art. VII.

Some of the main issues of the Guidelines are the following. In the case of missing documented information credential evaluators are encouraged to also accept *supporting evidence*, such as teachers’ statements about the followed educational training, a published list of registered students, student Ids, students’ index, transcripts, admittance to State Examinations, professional status.

Taking into account that in the case of refugees, time has an especially high value, the Guidelines encourage evaluators to make all efforts in speeding up the assessment so that refugees don’t miss the beginning of the academic year. Refugees should be able to obtain an advisory statement that can be used as a reliable tool in job searching, career guidance, etc. In the cases where there are substantial differences between the qualification held by a refugee and the local one, suitable adaptation courses to bridge the gaps and shortfalls should be encouraged to avoid starting from scratch.

The WG proposes use of a “background paper” – a valuable practical tool for the credential evaluator to reconstruct the educational background of the refugee and 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 an appropriate job.

The background paper contains two parts: (1) An overview of the claimed educational background with the available documents and supporting evidence and (2) A checklist, based upon the Diploma Supplement model that can be used by the credential evaluator to add more relevant information.

The checklist uses the clear and precise information provision model, developed in the Diploma Supplement and proved in the Europe-wide pilot project. It is likely that with the wider introduction of the Diploma Supplement in Europe, European HE institutions and employers will become more and more familiar with the information format applied, therefore they should also feel comfortable using the background paper as a similar format for presentation of (the partly documented) refugee’s qualifications.

Professional recognition

PROFESSIONAL RECOGNITION

POLITICAL BACKGROUND

Since the Treaty of Rome (1957), every citizen of a Member State of the European Union (EU) has been free to practise a profession, provide services or set up a business in any other Member State. There may be no discrimination on the basis of nationality. The 15 EU countries, plus the other three countries that belong to the European Economic Area (EEA) (Liechtenstein, Norway and Iceland), together make up the Single Internal European Market, which is characterized by the free movement of persons, services, capital and goods.

The countries that form the Single Market all have their own education systems and national diplomas. For a person who wishes to practise a profession in another Member Country, it can be a problem that a qualification recognized in one country is not always automatically recognized in the other country.

The Sectoral directives and the General System directives are aimed at making certain professions more accessible in other EU and EEA countries. The EU candidate countries have adapted its legal system in order to implement the EU directives for professional recognition.

REGULATED AND NON-REGULATED PROFESSIONS

The recognition of qualifications for professional (employment) purposes depends largely on the answer to the question if the profession in question is or is not *regulated* in the host country.

The profession is *regulated* if the national legislation of the host country stipulates that the take up or pursuit of this profession in question is subject, directly or indirectly, by virtue of laws, regulations or administrative provisions, to the possession of evidence of education and training (or an attestation of competence).

It is up to each country, which professions it chooses to regulate and which not. In most cases national legal systems regulate those professions, in which a low-grade or improper action of a professional can cause threat to life or health, or possible material or moral loss. Most countries regulate a number of professions related to medicine and pharmacy, veterinary, architecture and building, law, transport, etc. Most countries regulate also the profession of hairdresser, while e.g. teaching or engineering professions may be regulated in some countries but not regulated in others. Some countries have chosen to regulate very specific professions: skiing instructor, church organist and even gravedigger.

If a profession is not regulated, formally a holder of a foreign qualification does not have to seek any recognition. It is the employer who takes the real decision regarding employment of a holder of foreign qualification. If the employer fully trusts the foreign qualification in question, he may well take a decision to employ the holder without any additional assessment of his qualification. In practice however the employer usually wants to be sure that the foreign qualification is useful, compared to the level of learning outcomes, specific knowledge and skills required for the corresponding home qualification. For this reason the employers frequently seek advice from those institutions, which carry out academic recognition. This leads to the “academic recognition for professional purposes” or “*de facto*” professional recognition which is becoming more and more important within the process initiated by Bologna Declaration (see chapter below).

If a profession is regulated, the state nominates competent authorities, which take the decisions upon recognition of foreign qualifications for the purposes of take up and pursuit of the profession in question. Apart from assessment of the foreign education credential, the recognition of a foreign qualification for the purposes of take up or pursuit of a regulated profession involves checking if the

professional has fulfilled a whole set of additional requirements for taking up the profession in his/her home country. This may involve practice periods upon completion of the education/training programme, testing of a specific knowledge or skill required for the pursuit of the profession, in some cases membership of professional organizations.

While protecting customers, consumers, patients etc. from low quality professional services, the national legislation in the field of regulated professions may well create unnecessary difficulties for professionals holding other countries' qualifications. In order to facilitate free movement, which is a fundamental right of an EU citizen, the EC has adopted directives dealing with the recognition of diplomas and professional qualifications for the purpose of the pursuit of regulated professions.

The European Commission first tried to use Sectoral directives to regulate access to each regulated profession separately. The Sectoral directives call for far-reaching harmonization of study programmes in terms of content and duration. It did succeed for certain professions (doctor, dentist, nurse⁸, midwife, pharmacist, architect, veterinary surgeon and lawyer).

However, negotiating the necessary agreements for each profession proved so difficult and time-consuming (the directive for architects took 17 years to finalize, for example) that effort shifted to a search for a general system for mutual recognition. The result was the directives of the General System. This system is based on the premise that the programmes of study and training through which people in the various Member States prepare themselves for a particular regulated profession are in principle of equal validity. As long as certain minimum conditions are met, completion of any of these programmes should provide access to the same regulated profession in any Member State. In no way are study programmes harmonized in advance.

The EU directives in the field of professional recognition apply to EU member states, Iceland, Norway and Liechtenstein. EU candidate countries are preparing their national legislation so as to apply these directives from the moment of accession.

SECTORAL DIRECTIVES

The EC has adopted sectoral directives regarding the recognition of qualifications in the professions of doctor, dentist, nurse of general care, midwife, pharmacist, veterinary surgeon, architect and lawyer. The Sectoral directives make it possible for persons trained in one Member State to practise their profession in another Member State after their names have been included in the appropriate professional register (*cf. proposal for the new Directive below*).

Table 3. EU sectoral directives for recognition of professional qualifications*.

Profession	Directive No	Adopted
doctor	93/16/EEC	05 Apr 1993
nurse of general care	77/453/EEC	27 Jun 1977
dentist	78/687/EEC	25 Jul 1978
midwife	80/155/EEC	21 Jan 1980
pharmacist	85/432/EEC	16 Sep 1985
veterinary surgeon	78/1027/EEC	18 Dec 1978
architect	85/384/EEC	10 Jun 1985
lawyer	77/249/EEC 98/5/EC	22 Mar 1977 16 Feb 1998

* Texts of all the above directives can be found at:
http://europa.eu.int/comm/internal_market/qualifications/index_en.htm

⁸ nurse of general care. General systems' directives cover other nursing professions.

The sectoral directives establish that:

- the education and training necessary for the pursuit of the profession in question is harmonized throughout EU;
- the recognition of qualifications covered by sectoral directives in EU is automatic.

“Harmonization” of education and training does not mean that the programmes leading towards the qualification in question should be identical. Each of the sectoral directives stipulates the minimum requirements, which should be followed. The scope of issues to be harmonized varies substantially between different sectoral directives. For instance, according to the doctors’ directive mainly the duration of basic medical training and specialized training in different specialties should be harmonized. In contrast, however, the dentists’ directive also contains the list of courses, which should be included in the dentists’ training programme. This difference is not by hazard. Listing of courses stresses that the directive is about “dentists” who are trained separately from doctors from the very beginning of their education and not about “stomatologists” who are trained in some member states as one of the sub-specialties of doctors – i.e. the training of a “stomatologist” in its initial phases is identical to the training of a doctor. The same could be said about the architects’ directive. This directive stipulates the presence of subjects such as drawing, history of arts and history of architecture to establish a difference between a professional who has been trained as an architect and a civil engineer practicing in architecture, as is allowed in some member states.

At accession of new member states, their training in professions covered by sectoral directives is assessed by European-level professional organizations. The new member state will enjoy automatic recognition of its professionals in other member states after the annex to the appropriate directive is amended by the name of the profession in question in its national language and a list of education institutions entitled to award the professional qualification in the new member state.

EU DIRECTIVES ESTABLISHING A GENERAL SYSTEM OF PROFESSIONAL RECOGNITION

As already mentioned above, there are certain conditions which limited the further preparation of sectoral directives. Firstly, it is generally accepted that even with a greater level of integration, the member states should have the possibility to keep their national education systems, whereas harmonization of training for regulated professions works in the opposite direction. Secondly, the drafting process and seeking agreement from all member states is a labour- and time-consuming process.

Because of these and other reasons, two directives have been adopted which establish a general system for recognition: Directive 89/48/EEC⁹ of 21 December 1988 “On a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years’ duration” and Directive 92/51/EEC of 18 June 1992 “On a second general system for the recognition of professional education and training to supplement Directive 89/48/EEC”.

A third directive was added to the system in 1999: 99/42/EC. This replaced several directives related to liberalization and Transitional Measures.

While Directive 89/48/EEC covers the recognition¹⁰ of higher education **diplomas** awarded upon completion of a course of at least 3 years’ duration, the Directive 92/51/EEC covers recognition of:

⁹ Texts of the above directives can be found at:

http://europa.eu.int/comm/internal_market/qualifications/index_en.htm

¹⁰ For the purposes of taking up/ pursuit of a regulated profession.

- **diplomas** (NB! – the definitions of *diploma* in 89/48/EEC and in 92/51/EEC are different)¹¹ awarded upon completion of at least one year (but less than three years) of higher education studies;
- **certificates** – documents issued after completion of a secondary vocational course or a course of vocational training after completion of general secondary education,
- **attestation of competence** - evidence of qualifications that does not necessarily involve formal training but can be awarded upon assessment of personal qualities, aptitude or knowledge and fulfils all the necessary conditions for take up or pursuit of a regulated profession in home MS.

Application of Directives 89/48/EEC and 92/51/EEC

There are some important points that should be noted regarding the general system(s).

1. Like in the case of academic recognition (see page 8), the general system directives require to recognize qualifications of other member states unless **substantial differences** can be demonstrated.
2. One has to note however, that, although recognition of the texts of directives mention **diplomas** (89/48/EEC and 92/51/EEC) or **certificates** (92/51/EEC¹²), the definition of **diploma (certificate)** is quite different from the usual understanding of diploma as an education credential.

A **diploma (certificate)** in the understanding of EU general systems' directives is a document or set of documents including documented evidence of completing a course of education PLUS (where appropriate) additional professional training completed after the course of education so that it altogether “shows that the holder has the professional qualifications required for the taking up or pursuit of a regulated profession¹³” in the home country. In other words, the general system is about recognition of the full set of evidence that the holder is qualified to take up/pursuit of a regulated profession in the home MS rather than about recognition of just education credentials.

3. It is important to note that in some cases the professionals holding a full qualification in their home countries, can be faced with recognition difficulties because there are substantial differences among the character of profession in home and host countries. These differences in character of professions can be caused by geographical, historical, cultural differences¹⁴, so sometimes the actual question is: is it the same profession you are seeking recognition for?
4. The intention behind the directives is that everyone should have the right to practice his/ her profession in all EU/EEA countries. However, there are certain conditions (see Table IV for details):
 - if the profession is regulated in the host country, but not in the home country, the host country can require that the person has pursued the profession for two years within the last 10-year period;
 - if the education and training in the home country has been one year shorter, than in host country, a professional experience¹⁵ can be required;
 - if there are substantial differences in the content of the education and training, an aptitude test or adaptation period (maximum three years' duration) may be required.

¹¹ Therefore the distinction between diploma (89/48) and diploma (92/51) will be noted in the further text where appropriate.

¹² In the case of Directive 92/51/EEC also of *attestation of competence*

¹³ Directive 89/48/EEC, art.1.(a).

¹⁴ e.g. some agricultural professions can be substantially different in northern and southern countries, a profession of skiing instructor is substantially different in mountain countries to that in flat countries, profession of tourism guide depends very much on the cultural and historical background of the country etc.

¹⁵ Professional experience = “the actual and lawful pursuit of the profession concerned in a Member State”.

5. It may well happen, that for pursuit of the same profession different level diploma/certificate is required in the home and host MS. For instance the requirements for paramedical professions in different states may range from higher education (*diploma* as defined in Directive 89/48/EEC) through short higher education courses (*diploma* as defined in Dir. 92/51) to secondary vocational education (*certificate* as defined in Directive 92/51). The Directive 92/51 also lays down regulations for the recognition and application of possible additional requirements in these cases (see scheme on page 29).
6. If substantial differences between study programmes are claimed, the burden of proof rests with the competent authority responsible for granting admission to the profession in question. A person who has qualified for a particular profession in one Member State cannot simply be denied access to the same regulated profession in another country.
7. It must be stated emphatically that admission to a regulated profession is not a guarantee of a job. A person is merely granted access to the labour market for a particular profession in a particular country. Normal job applications follow, with all the uncertainty that this entails.

The possible additional requirements are summarized in Table IV.

Table IV. Summary of possible additional requirements for recognition when applying Directives 89/48/EEC and 92/51/EEC

a) Host MS requires a diploma as defined in Directives 89/48/EEC or 92/51/EEC and applicant holds such diploma

		Additional requirements for recognition
Education and training of the applicant has no substantial differences to that required in the host member state	a) profession is regulated also in home member state and the applicant has fulfilled all requirements to take up and pursue the profession	No
	b) home member state does not regulate the profession	Pursuing profession in the home member state for 2 years fulltime or equivalent time part-time within the last 10-year period
	c) education and training has taken place (mainly) in a “third country” i.e. outside EU	The holder should have three years' professional experience certified by the MS which recognized third-country diploma
Host member state requires a longer training period than the home MS	a) the shortfall lies within “duration of ... studies and/or to a period of probationary practice ... ending with an examination”	Applicant has to provide evidence of professional experience, ¹⁶ that may not twice exceed the shortfall
	b) the shortfall relates to professional practice acquired with the assistance of a qualified member of the profession	Applicant has to provide evidence of professional experience, that may not exceed the shortfall
There is a substantial difference between the education and training of the applicant and that required in the host MS		Applicant should complete an adaptation period not exceeding three years or take an aptitude test ¹⁷
Profession in the host MS comprises one or more regulated professional activities more than in the home MS, and that makes a substantial difference in training		To complete an adaptation period not exceeding three years or take an aptitude test

¹⁶ Professional experience = “professional experience: the actual and lawful pursuit of the profession concerned in a member state”.

¹⁷ Host MS must give the applicant the right to choose between an adaptation period and an aptitude test except for professions whose practice requires precise knowledge of national law is an essential aspect of the professional activity. In the latter case the host MS may stipulate either an adaptation period or an aptitude test.

b) Applicant holds qualification of different level from that required by the host MS

		Additional requirements for recognition
Host MS requires diploma as defined in 89/48	applicant holds a diploma as defined in 92/51	To complete an adaptation period not exceeding three years or take an aptitude test on the choice of host MS
Host MS requires a diploma as defined in 92/51	applicant holds a certificate and profession is regulated in applicant's home MS	To complete an adaptation period not exceeding three years or take an aptitude test
	applicant holds a certificate and profession is not regulated in applicant's home MS	To complete an adaptation period not exceeding three years or take an aptitude test plus evidence of 2 years of professional experience ¹⁸
Host MS requires a certificate	a) applicant holds diploma 89/48 or diploma 92/51	Recognition
	b) applicant holds certificate from other MS that regulates the profession	Recognition if no substantial differences can be demonstrated
	c) applicant holds a certificate from other MS that does not regulate the profession	Evidence of 2 years of professional experience is also required ¹⁹
	d) applicant has no formal evidence of education/training but has pursued profession for 3 years in a MS that does not regulate the profession	Usually adaptation period not exceeding 2 years or aptitude test

¹⁸ The requirement for 2 years professional experience can not however be applied if the certificate is awarded upon completion of a **regulated education and training**

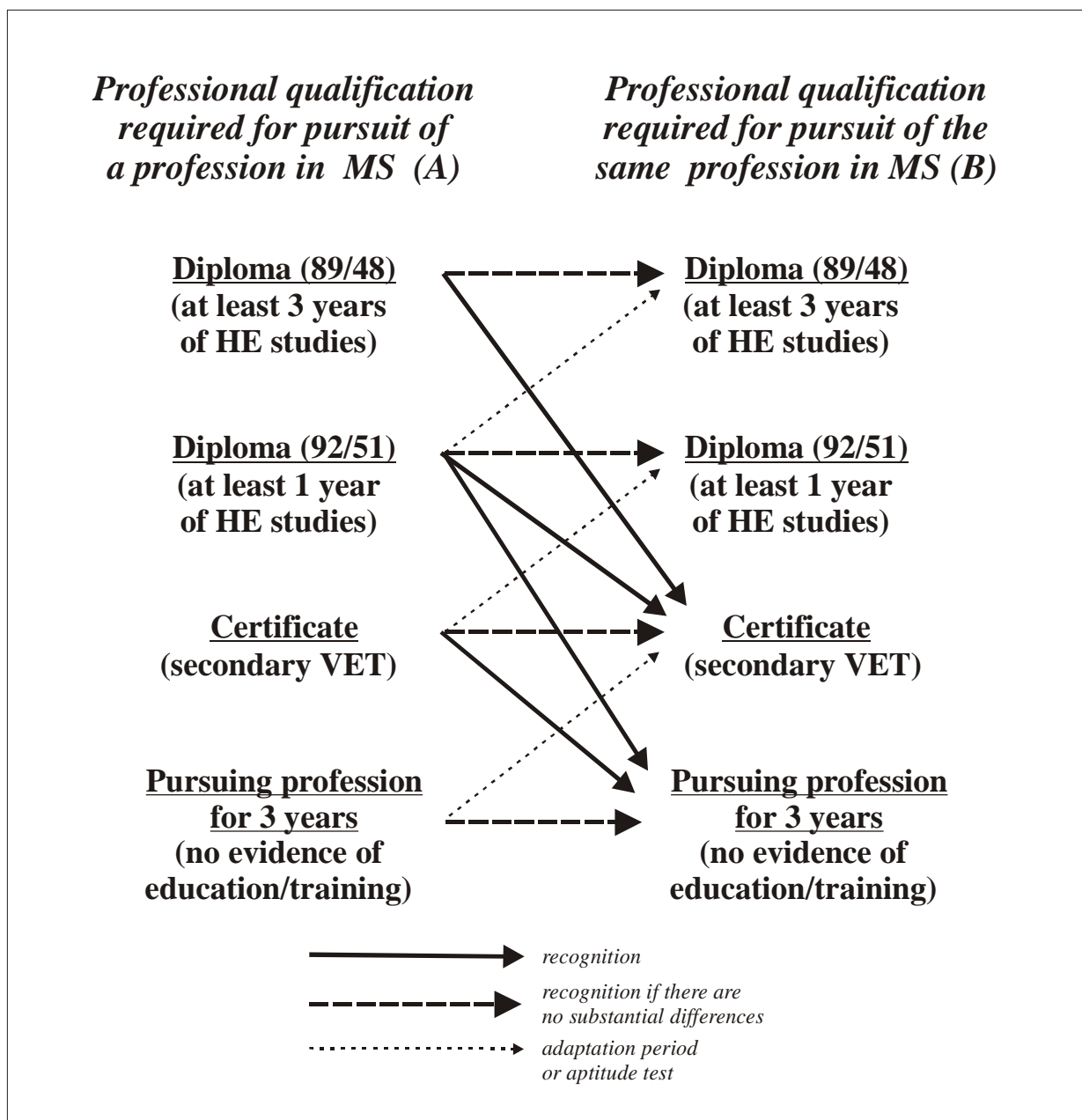
¹⁹ The requirement for 2 years professional experience can not however be applied if the certificate is awarded upon completion of a **regulated education and training**

RECOGNITION SCHEME UNDER GENERAL SYSTEMS' DIRECTIVES

The scheme below shows how professionals holding different levels of qualifications of “home” member state (A)²⁰ are recognized in “host” member state (B).

Example. An x-ray technician from MS (A) holds (according to the requirements of MS (A)) a diploma of a 2-year higher education course, i.e. a diploma (92/51) and moves to MS (B). Recognition depends on the requirements for the same profession in MS (B):

- pursuit of the same profession in MS (B) also requires a *diploma (92/51)*. Diploma from MS (A) is recognized if there are no substantial differences in education and training.
- pursuit of the same profession in MS (B) also requires completion of a secondary vocational education course, i.e. a *certificate*. Diploma from MS (A) is recognized automatically.
- pursuit of the same profession in MS (B) requires a 3-year higher education diploma, i.e. a *diploma (89/48)*. As can be seen from the scheme, an adaptation period or an aptitude test can be applied.



²⁰ Provided that they satisfy requirements for pursuit the profession in the “home” member state

Directive 99/42/EC: the Third Directive

On 7 June 1999 the European Union established a directive that can be seen as a supplement to the First and Second Directives of the General System and is therefore being called the Third Directive. It is meant to make it easier for citizens of EU countries to provide services or take up residence in another Member State. The directive mainly concerns vocational education that leads to self-employment or admission to occupations and trades for which the law specifies that a person qualifies through practical experience. The main feature of this directive is the importance assigned to practical experience alongside the necessary education and training. The Member States are supposed to have introduced this directive by 31 July 2001 at the latest. The directive lists a large number of activities in which a person may engage as either an independent practitioner or an employee.

The recognition mechanisms of the third directive are comparable to those of the first two directives of the General System. The host country may not simply refuse someone on the grounds of insufficient qualifications. If comparison reveals substantial differences, the host country must offer the applicant a choice between undergoing an adaptation period or taking an aptitude test. The host country may also require this if its own nationals are required to have knowledge of specific national regulations and their application.

In certain cases the host country may require its own nationals to possess general and specialized knowledge of how to run a business and/or provide certain services before they are allowed to do so. In such cases, if individuals have been engaged in the same activities for some years in their own country, they are on those grounds presumed to possess the necessary knowledge. The number of years depends on the activity in question, the job, and the qualifications that the person has earned in the home country.

RECENT MEASURES TO SIMPLIFY THE SYSTEM OF RECOGNITION

SLIM Directive (Directive 2001/19/EEC)

Based on the previous experiences of the application of General system of recognition and the sectoral Directives, the SLIM Directive makes amendments to the General system's Directives 89/48/EEC and 92/51/EEC and to sectoral Directives. In case of both the General system and the sectoral Directives, the amendments codify the best practices and achievements reached in application of one or several Directives and extend them to other appropriate Directives. The amendments also take into account some recent developments. The main changes introduced by the SLIM Directive are discussed below.

Concept of regulated education and training spread over the whole General System

The concept of regulated education and training, introduced by Council Directive 92/51/EEC of 18 June 1992 should be extended to the initial general system and should be based on the same principles by applying to it the same rules

This has been carried out by amending Article 1 of the Directive 89/48/EEC.

Compensatory measures of substantial differences are linked to previous experience

It has been taken into account that in the cases where there are substantial differences between the education and training that applicant has completed and the one required for the same profession in the host Member State, the previous professional experience of the applicant may completely and partly compensate these differences.

Directives 89/48/EEC (Article 4) and 92/51/EEC (Articles 4,5,and 7) are amended with clauses stating that if, due to substantial differences in applicant's training, the host Member State intends to require the applicant to complete an adaptation period or take an aptitude test, it must be checked whether the knowledge acquired by the applicant in the course of his professional experience is of such nature that it has already covered, in full or in part, the substantial difference in question.

Third country qualifications

SLIM Directive amends all the sectoral Directives with a view of introducing clauses regarding recognition of those third country qualifications that have already been recognized by a Member State. Time limit for issuing the decision is set to three months.

The wording introduced into the sectoral Directives is the following:

“Member States shall examine diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive obtained by the holder outside the European Union in cases where those diplomas, certificates and other evidence of formal qualifications have been recognised in a Member State, as well as of training undergone and/or professional experience gained in a Member State. The Member State shall give its decision within three months of the date on which the applicant submits his application together with full supporting documentation.”

Information on changes in training systems

SLIM Directive seeks to take into account the rapid changes in the training systems and to overcome the problems arising in situations when applicant presents a qualification of another Member State that certifies training for a sectoral profession but is not among the ones whose names are listed in the sectoral Directives.

SLIM Directive amends all the sectoral Directives with a clause establishing an obligation to the Member States to notify the Commission of the laws, regulations or administrative provisions they adopt as regards the award of diplomas, certificates and other evidence of formal qualifications in the field covered by sectoral Directives. The Commission in turn has an obligation publish an appropriate notice in the Official Journal of the European Communities, listing the names adopted by the Member States for the training qualifications concerned and, where applicable, for the corresponding professional titles.

Recognition of qualifications not listed in sectoral Directives

Another improvement introduced by the SLIM Directive is an amendment of all the sectoral Directives that stipulates application of the sectoral Directives also to such diplomas, certificates and other evidence of formal qualifications, issued in the Member States, which certify qualification for the profession in question but whose names do not correspond to the ones listed in the appropriate Directive.

Such diplomas, certificates, etc. will serve as a sufficient proof, if accompanied by a certificate from the awarding Member State, stating that the diploma, certificate, etc. is equivalent to those listed in the Directive.

The text amending sectoral Directives is as follows” “Each Member State shall recognise as sufficient proof, in respect of nationals of Member States whose diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive do not correspond to the names listed for that Member State in this Directive, the diplomas, certificates and other evidence of formal qualifications awarded by those Member States and accompanied by a certificate issued by the competent authorities or bodies. The certificate shall state that the diplomas, certificates and other evidence of formal qualifications in question have been awarded on completion of education and training that complies with the provisions of this Directive and are treated by the awarding Member State as equivalent to those whose names are listed therein.”

Notion of continuing training appears in doctors’ and dentists’ Directives

Due to the rapid technical and scientific progress in the area of medicine, suitable continuing training must ensure that doctors maintain their knowledge of progress in medicine. According to the amendments to the Article 23 of the doctors’ Directive, it is up to the each Member State to choose the arrangements of continuing education: “Continuing training shall ensure, in accordance with the

arrangements prevailing in each Member State that the persons who have completed their studies can keep up with progress in medicine.”

Amendments to doctors’ (article 8) and dentists’ (Article 6) Directives require that the Members states take into account previous continuing training of the applicant has to be taken into account when evaluating his qualifications.

Reasons for non-recognition and right to appeal is established

All the sectoral Directives are amended by the SLIM Directive in order to establish an identical obligation of Member States to clearly state the reasons for non- recognition. This applies to recognition of diplomas, certificates and other evidence of formal qualifications.

Also, the applicant’s right to appeal is clarified. It applies both to cases of non-recognition and to cases where the decision has not been reached within the allowed time limit.

The uniform text introduced into all the sectoral Directives is the following:

“Where the application is rejected, Member States shall duly give the reasons for decisions on applications for recognition of diplomas, certificates and other evidence of formal qualifications in the field covered by this Directive.”

Applicants shall have a right of appeal before the courts under national law. That right of appeal shall likewise apply in the event of failure to reach a decision within the stipulated period.”

Proposal for a Directive of the European Parliament and of the Council on the recognition of professional qualifications

Text of the original Proposal (2002) as well as the amendments to the Proposal by the Commission and Council (April 2004) can be found at

http://europa.eu.int/comm/internal_market/qualifications/future_en.htm

The first round of simplification achieved a considerable consolidation of the 35 transitional Directives concerning crafts and trades professions forming the third General System Directive 1999/42/EC. The subsequent adoption of the Directive 2001/19/EC has further simplified the legal and procedural regime for professional recognition. The further simplification through the Directive currently proposed will join both General and sectoral recognition systems into one Directive.

The main objectives of the new proposal

A clear, secure and quick system for the recognition of qualifications in the field of the regulated professions is required to ensure free movement. This is important to help to ensure that employment vacancies are filled by qualified applicants and to ensure that there is a regular supply of qualified service suppliers to meet market demand.

In order to make the system clearer, easier to understand and apply, it is proposed to adopt a single Directive that also comprehensively revises all of the previous Directives, but at the same time simplifies the structure and makes improvements to the working of the system. In addition to pure consolidation, a review of the various provisions of the different Directives has taken place, leading to their rationalisation and streamlining of the provisions into a single Directive.

The proposal also provides for simpler conditions for the cross-frontier provision of services compared with those applicable to the freedom of establishment in order further to contribute to the flexibility of labour and services markets.

The new Directive will cover the 12 Directives for the 7 professions regulated by the sectoral Directives: doctor, general care nurse, dental practitioner, veterinary surgeon, midwife, pharmacist and architect.

However, it will not cover the lawyers' Directives 77/249/EEC and 98/5/EC since the latter concern the recognition not of professional qualifications but of the right of establishment. Still, recognition of lawyers' qualifications will be taken over by the new Directive, as it is currently governed by Directive 89/48/EEC, which will be taken over by the new Directive.

In addition to simplification of the legal texts, also the procedural simplification is foreseen. In the past the sectoral Directives have been supported by administratively burdensome advisory committees in addition to committees of national officials, while general systems' Directives operate with the support of a single committee of national Co-ordinators Group. Besides, the focus of these advisory committees has been on (harmonization of) training while the actual focus currently lies on ensuring free movement. One of the aims of the proposal is to address this issue.

To whom shall the new Directive apply?

Article 2 lays down that the Directive applies solely to Community nationals, when the profession which the applicant wishes to pursue is regulated in the host Member State, and when the applicant has obtained his professional qualifications in a Member State other than that in which he wishes to pursue the profession.

Definitions.

The definitions are practically unchanged compared to the ones currently contained in the general system Directives concerning the concepts of regulated profession, professional qualifications and evidence of formal training (Article 3). The latter includes any evidence of formal qualifications obtained in a third country, once it has been recognised by a first Member State where the applicant has pursued the profession for at least three years).

Possibilities of partial access to profession.

While main effect of professional recognition is access to the profession (Article 4)- on condition that the profession applicant wishes to pursue in the host Member State is the same profession for which he/she is qualified in his home Member State, the host Member State also has an obligation to give applicant partial access to the profession if the profession for which he/she is qualified in the home Member State in fact constitutes a distinct and autonomous professional activity of the profession in the host Member State.

Easier access to provision of services

According to Article 5 of the proposal, if the beneficiary is legally established in a Member State, other Member States may not, for reasons relating to professional qualifications, restrict the freedom to provide services²¹. In addition, the exemption of service providers from authorization or registration in the host Member States has been taken over from sectoral Directives and now applies to all regulated professions.

Verification of issues such as nationality of the service provider and his/her lawful pursuit of profession in the Member State of establishment has to be carried out through cooperation and information exchange between the authorities of both Member States.

Changes in General system

General system in the proposal for the new Directive is regulated under Title III "Freedom of establishment" Chapter I "General system for the recognition of evidence of training", articles 10-15. The main new features of the General system are the following.

²¹ If the profession in question is not regulated in the Member State of establishment, other Member states may require that the person has pursued the professional activity for two years in the Member State of establishment.

Widening scope of General system

The scope of chapter dealing with General system (Title III Chapter I) is set wider than it was in Directives 89/48EEC and 92/51/EEC. It applies to all those professions which are not eligible for automatic recognition on the basis of professional experience or the “Recognition on the basis of coordination of minimum training conditions” – which is the new name for the former sectoral system. According to Article 10, General system will now cover also over “all cases in which the applicant does not satisfy the [coordination of minimum training].conditions”²².

Five levels of qualification

While the General system established by the Directives 89/48EEC and 92/51/EEC distinguishes between four levels of training, the proposed new system has five levels. Levels 1 “attestation of competence” and level 2 “certificate” are, in principle the same as in Directive 92/51/EEC.

Level 3 - “diploma certifying successful completion of a short training course”, in principle, resembles the “diploma” in the understanding of Directive 92/51/EEC – it covers post secondary training of at least one year but less than three years. There however is a nuance that should be noticed: while the Directive 92/51/EEC explicitly mentions “one of the conditions of entry of [the training course] is, as a general rule, the successful completion of the secondary course required to obtain entry to university or higher education”. This wording is omitted in the proposal of the new Directive.

Level 4 - "diploma certifying successful completion of an intermediate training course" corresponds to a “course of training at higher or university level” of at least three but less than four years.

Level 5 - "diploma certifying successful completion of a higher training course" corresponds to training at higher education level and of a minimum duration of four years.

No more than one level below

If the qualification required for pursuit of the profession in question in home and host Member States is at different level, the condition for recognition is set that the qualification of the applicant has be of level “at least equivalent to the level immediately below that which is required in the host Member State (Article 13).

Substantial differences linked to essential knowledge

In the proposal for the new Directive the "substantially different matters" in training are explicitly linked to knowledge essential for practicing the profession.

Recognition of professional experience

Recognition of professional experience is regulated by clauses under Title III “Freedom of establishment” Chapter II (articles 16-19). It basically takes over the provisions of Article 4 of Directive 1999/42/EC, which provides for the automatic recognition of qualifications on the basis of the applicant's professional experience in the case of the craft, industrial and commercial activities set out in a restrictive list annexed to the Directive.

The system has been simplified through regrouping the existing categories. The number of categories of professional experience is reduced to two, based on professional experience of three or five years in a self-employed capacity or as a manager of an undertaking.

²² This means that there can be cases where professionals of “sectoral” professions may, instead of automatic recognition stipulated by the previous sectoral system, find themselves assessed under General System, if the training in their Member States of origin is not recognized as compliant to the minimum training conditions.

Recognition on the basis of coordination of the minimum training conditions – taking over the sectoral system

The existing sectoral Directives are taken over by the section of the proposal for the new Directive under Title III “Freedom of establishment” Chapter III “Recognition on the basis of coordination of the minimum training conditions” (Articles 20-45). This section takes over the existing principles governing the automatic recognition of evidence of training while maintaining the guarantees set out in the current sectoral Directives.

The relevant existing provisions of sectoral Directives for coordination of the minimum training conditions, automatic recognition of evidence of formal training, access to the professions concerned, the exercise of the professional activities in question, the procedures for including the evidence of training in the Annex to Directive, and acquired rights are taken over.

There are however a number of amendments, see below.

Part time training becomes possible if certain conditions are fulfilled

The amendments to the proposal for the new Directive as of April 2004 in certain conditions allows part time training for doctors, dentists, nurses, midwives, pharmacists, veterinary surgeons and architects: “The Member States may authorise part-time training on the conditions allowed by the competent national bodies. The total duration of part-time training may not be less than that of full-time training, and the level of the training may not be compromised by its part-time nature.”

These amendments apply to both initial and specialist training of doctors and dental practitioners.

Further training is required to keep updated

The amendments to the proposal for the new Directive as of April 2004 also introduce a clause stipulating the need for further training, which applies to all the “sectoral” professions: “Further training shall ensure, in accordance with the procedures specific to each Member State, that persons who have completed their studies are able to keep abreast of progress in... (name of profession)”.

This amendment also applies to all the “sectoral” professions: doctors, dentists, nurses, midwives, pharmacists, veterinary surgeons and architects.

Doctors and dentists

Only those medical and dental specialisations which are common to and obligatory for all the Member States will benefit from automatic recognition in future. These medical and dental specialisations that are common to a limited number of Member States are incorporated into the general system of recognition and are not any more subject to automatic recognition.

For doctors, the following form of training of general practitioners is abolished: “training in general medical practice by means of experience in general medical practice acquired by the medical practitioner in his own surgery under the supervision of an authorized training supervisor of minimum training conditions” (quote from Article 32 of the doctors’ Directive 93/16/EEC).

Nurses of general care

The references are abolished to the specifically professional nature of the training and to the passing of an examination (cf. Article 3 of Directive 77/452/EEC).

Pharmacists

Automatic recognition of evidence of training as a pharmacist is also extended to the setting-up of new pharmacies open to the public.

EUROPEAN RECOGNITION NETWORKS AND THEIR ROLE IN ACADEMIC AND PROFESSIONAL RECOGNITION

ENIC network of the Council of Europe and UNESCO

The Lisbon Convention stipulates that the national academic recognition information centres form the European Network of National Information Centres on academic mobility and recognition (the ENIC Network). The ENIC centres in their everyday work co-operate both bilaterally and as a network. ENIC centres provide information ranging from descriptions of national education systems to *ad hoc* information upon request regarding concrete qualifications. ENIC network identifies urgent recognition problems. ENIC working parties then carry out specific studies and prepare drafts of international documents supplementing the Lisbon Convention. ENIC centres serve a wide range of stakeholders, including governments, national and foreign universities, employers, national and foreign individuals.

NARIC network of the European Union

National recognition information centres of the EU member states, EEA and EU candidate countries simultaneously participate in the EU NARIC network. NARIC centres have their specific functions within the EU context such as ensuring recognition aspects within the Socrates programme, promotion of ECTS. In most EU/EEA and candidate countries the NARIC centres serve also as contact points where the citizens can receive information and consultations regarding the EU directives on recognition in regulated professions.

Thus, the national centres of the enlarged EU plus EEA countries participate in both networks.

Role in academic recognition

The national role of ENIC/NARIC centres in most countries is giving advice to universities who have the decision-making power regarding recognition. The ENIC/NARIC centres have experience in verifying if the documents presented by the applicant are authentic, if the higher education institution that has awarded the qualification and the programme is recognized in the home country. ENIC/NARIC centres have a huge experience and knowledge in foreign education systems, therefore, they are able to locate the qualification in question within the national education system of the country where the qualification has been issued and then further to assess if the qualification is suitable for the purpose for which recognition is sought. Although in most countries, the ENIC/NARIC statement is officially a recommendation, most countries report that universities usually follow this recommendation.

Analysing Recognition Issues and Preparing New International Legislation The ENIC and NARIC networks have established *ad-hoc* working groups which suggested measures to develop recognition systems in Europe, e.g. the working group that developed the format of the joint European Diploma supplement, the one on Transnational Education, Recognition criteria and procedures and the group on Recognition issues in the Bologna process. The latter published a final report, *Recognition Issues in the Bologna Process*, in 2001 that serves as a guideline for further improvement of the recognition system.

The networks have drafted international legal documents that supplement the Lisbon Convention: the Recommendation on Criteria and Procedures for the Assessment of Foreign Qualifications and the Code of Good Practice in the Provision of Transnational Education] (both adopted June, 2001). Following the need to improve recognition of joint degrees, the networks prepared a draft Recommendation for the Recognition of Joint Degrees that was adopted on by the Lisbon Convention Committee in Strasbourg on June 9, 2004.

Present role in professional recognition

In the case of regulated professions, ENIC/NARIC centres are not involved in *de jure* recognition. However, in a number of countries they provide information on EU general system directives and also on sectoral directives. Some countries report that the competent recognition bodies seek advice or ask for information from NARIC centres.

As regards *de facto* professional recognition, it is more and more frequent that employers seek advice from ENIC/NARIC centres before they decide to employ or reject a holder of a foreign qualification. It is likely, that the involvement and role of ENIC/NARIC centres in recognition for professional purposes will become increasingly more important within the Bologna process.

International Information Exchange

The networks' centres supply recognition-related information upon the request of other centres. ENIC/NARIC centres supply each other with information on a particular qualification or status of a higher education institution/programme through the ENIC/NARIC listserver. The ENIC/NARIC website (<http://www.enic-naric.net>) contains descriptions of their countries' higher education systems and other relevant information for recognition.

RECOGNITION AND THE BOLOGNA PROCESS

A study carried out by an ENIC/NARIC working group sought to identify the recognition issues that were essential for the Bologna process and the steps to be taken to solve them [9]. Progress in the Bologna process in the last few years has clarified some of the issues, some achievements are visible and some new problems have been identified. Some of the Bologna process aspects in recognition are analyzed more in detail below.

Recognition and the Reform of Degree Structures

The reform of degree structures and the movement towards a two-tier structure across the European Higher Education Area have an impact on recognition. The harmonisation of degree structures will benefit transparency and comparability. But the introduction of a flexible bachelor/master structure will also lead to more diversity. In January 2001, the Bologna seminar on bachelor degrees established a common framework for their workload and level. But it also concluded that 'programmes leading to the [bachelor] degree may, and indeed should have different orientations and various profiles in order to accommodate a diversity of individual, academic and labour market needs' [15].

As regards the master degrees, the *Trends II report* [16] (page 28-29) indicated that, in Europe, they had at least seven different purposes and that the introduction of two-tier structures in the non-university/professional stream of higher education was increasing this diversity. The European University Association (EUA) report on Master degrees in Europe [17] confirmed this. The Helsinki seminar on master degrees in March 2003 concluded that 'diversification of contents and profile of degree programmes calls for a common framework of reference of European higher education qualifications in order to increase transparency' (www.bologna-berlin2003.de/pdf/Results.pdf).

This means that there may be huge differences between degrees that bear the same name in terms of admission requirements, content, learning objectives and function, as well as in the rights they confer. Thus, the harmonisation of degree structures will lead to greater transparency, but not to 'automatic recognition'. The need for individual recognition will still be there: while, in an ideal case, the *level* of the foreign qualification could be recognised more or less 'automatically', the main emphasis in the credential evaluation will be on interpretation of the foreign qualification in the context of the host country's higher education system and/or labour market.

Quality Assurance – a Necessary Precondition for Recognition

The acceptance of close links between quality assurance and the recognition of institutions and study programmes on the one hand and individual qualifications on the other have a major importance in improving recognition of qualifications across the European Higher Education Area. At the time of adoption of the Lisbon Recognition Convention in 1997 the discussion was still ongoing in Europe as to *whether* quality assurance was needed as a general norm. Not all countries that were parties to the Convention had established quality assurance systems at that time. Thus, while the notion of the importance of quality and quality assurance in the recognition of qualifications appears several times in the Convention text, it was not yet possible to link recognition of individual qualifications to quality assurance of the awarding institutions/ programme as a necessary precondition.

Politically, the close link between quality assurance and recognition was underlined in the Prague communiqué of ministers (May 2001). Since spring 2002 common issues of recognition and quality assurance have been analysed by a joint ENIC/ NARIC working group and the European Network of National Quality Assurance Agency (ENQA) (<http://www.enqa.net>). In their statement on the European Higher Education Area (Vaduz statement) adopted at their joint meeting May 18-2003, the ENIC and NARIC networks fully supported the principle that the recognition of

qualifications be made contingent on the provider of education having been subjected to transparent quality assessment.

Should the recognition of individual qualifications be directly linked to quality assurance of the institutions/ programmes in question, it must also be ensured that the education providers have adequate access to quality assessment, regardless of whether they are public or private, part of a national higher education system or not, leading to a full qualification or not. Having access to assessment is especially important for serious transnational education providers and ‘international’ institutions that do not belong to any of the educational systems of the countries in which they operate. Here one should also consider the providers of ‘non-degree programmes’ or modules for the needs of lifelong learners, i.e. the learning that does not lead to higher education final qualification, but which is of a level and quality that give one the right to claim credits for higher education. Another issue that is still awaiting solution is that of non-accredited/non-quality assessed programmes provided (in many cases legally) by recognised higher education institutions. The above means that accredited/non-accredited does not necessarily mean good/bad [18]. There are too many students in Europe today who study in valuable but non-accredited programmes to simply declare them ‘outlaws’ when it comes to recognition.

In the case of recognition of individual qualifications abroad, the outcomes of quality assessments must be made public, whenever possible, in a widely-spoken European language so that international evaluators can easily access and use them.

There is also evidence that information on quality assurance outcomes is provided in a structured way, especially for the needs of recognition for the labour market, ‘information on quality from other countries needs to be properly channelled or ‘translated’.

Knowledge about the standard of institutions and the programmes they offer is of utmost importance for credential evaluation. Yet one must bear in mind that, while quality assurance is a *necessary* precondition for the recognition of individual qualifications, it is *not enough* in itself. To position a credential correctly in the education system or labour market of the host country, one needs a thorough knowledge of the system that conferred it. As shown in the previous section, this will not change with the introduction of the two-cycle system.

Lifelong Learning

Lifelong learning has been addressed in all the Bologna process political documents starting from the Bologna declaration itself. Indeed, lifelong learning activities are very widespread and growing. However, a full integration of lifelong learning into regular higher education activities with a view to defining alternative study paths for lifelong learners that would allow them to reach regular higher education qualifications is an issue yet to be solved. A Bologna Seminar on recognition and credit systems in the context of lifelong learning, held in Prague in June 2003, addressed the issues of integration LLL into higher education activities and defining learning paths. The seminar recommendations also encourage higher education institutions to adopt internal policies to promote the recognition of prior formal, non-formal and informal learning for access and study exemption; reconsider skills content in courses and the nature of their study programs, while the national authorities should ensure the right to fair recognition of qualifications acquired in different learning environments.

In the terms of the Lisbon Recognition Convention, lifelong learning paths would then be a part of the higher education systems of party States, which also means that the qualifications thus earned would be considered for recognition on par with the same qualifications earned through more traditional higher education paths. A second issue is how these learning paths could then be adequately described in transparency instruments like the Diploma Supplement, the ECTS and possibly a lifelong learning portfolio [19].

The seminar in Prague concluded that on the international scale it could be feasible to seek to develop international good practice to promote the recognition of qualifications earned through

lifelong learning paths, using the provisions and principles of the Lisbon Recognition Convention; if feasible, to develop international instruments to facilitate such recognition; bring together existing experience with national qualifications frameworks with a view to facilitating the development of further national frameworks as well as a qualifications framework for the European Higher Education Area that would encompass lifelong learning.

A major development in the integration of LLL into the regular higher education activities should be expected, together with the establishing of the national qualifications frameworks that, according to the request of ministers in their Berlin communiqué, should seek to describe the qualifications in terms of their level, workload, learning outcomes and profile, and 'encompass the wide range of flexible learning paths, opportunities and techniques and to make appropriate use of the ECTS credits'.

Focusing on Learning Outcomes – High Expectations from Qualifications Frameworks

To place a foreign qualification in another country's system, the focus of credential evaluation should be shifted from input characteristics to learning outcomes and competences earned. Assessing learning outcomes becomes even more important in the less traditional cases – evaluation of transnational education qualifications, joint degrees, and (parts of) studies pursued in the framework of lifelong learning. Moreover, when assessing qualifications for the needs of employers, 'what the holder of the qualification can do' is highly important, while the information on the number of study hours in each course or which textbooks have been covered may appear of very limited importance.

However, 'assessing learning outcomes' is easier said than done. The European Credit Transfer System (ECTS) and the Diploma supplement are very useful and facilitate recognition, but they do not provide a description of qualifications in terms of learning outcomes. ECTS allows for a shift from study time to actual student workload. According to the conclusions of the Zurich seminar on Credit transfer and accumulation, October 2002 [20], 'when used as an accumulation system, ECTS credits are used to describe entire study programmes' and 'the basis for the allocation of credits is the official length of the study programme. Credits can be obtained only after completion of the work required and appropriate assessment'. The Diploma supplement contains indications of the purposes for which the qualification be used in holder's further studies or employment in the country where it was issued – it is a highly useful information for credential evaluators abroad, yet, it is a very general indication of learning outcomes.

Thus, while the main accent at learning outcomes rather than duration of studies and other input characteristics was fully acknowledged in the Lisbon Recognition Convention and especially in its subsidiary texts, until recently there were very few attempts in Europe to start describing qualifications in terms of learning outcomes. For this reason, so far credential evaluators could only attempt to estimate the learning outcomes knowing the contents and duration of programme.

The Joint Quality Initiative is a very useful attempt to assign general learning outcomes to first and second cycle qualifications. From the recognition point of view the bachelor and master descriptions can be useful as a very general guide, yet, much more detailed descriptions of outcomes are still needed for assessment of individual qualifications. Another recent and highly valuable initiative - the Tuning project [21] seeks to establish learning outcomes along subject lines.

The most important initiative with a view to overall improvement of recognition across the European Higher Education Area is the national qualifications frameworks. They indicate the workload, level and learning outcomes of each qualification and the sequence in which the qualifications follow each other [22]. Although one could argue that each country already has some kind of a national qualifications' framework, the first systematic attempts to describe qualifications in terms of level, workload, profile and learning outcomes are just emerging. A satisfactory definition of learning outcomes is one of the major challenges the Bologna Process will face, and it is an area in which the concerns of policy-makers, recognition specialists, quality assurance agencies and other stakeholders come together.

The discussions at the Copenhagen seminar on qualifications frameworks on March 27-28, 2003 demonstrated that their introduction should substantially help recognition of qualifications across the European Higher Education Area – because the ‘new type’ description of qualifications through level, workload, learning outcomes, and profile, provides exactly that information about qualifications that was missing so far and that allows to find out how a foreign qualification can be used in the context of the host country. Following the Copenhagen seminar recommendations, the ministers in their Berlin communiqué ‘encourage the member States to elaborate a framework of comparable and compatible qualifications for their higher education systems, which should seek to describe qualifications in terms of workload, level, learning outcomes, competences and profile. They also undertake to elaborate an overarching framework of qualifications for the European Higher Education Area’.

The group discussing the impact of the emerging qualifications frameworks on recognition formulated a rather idealised vision: they will describe qualifications in terms of learning outcomes and the quality assurance mechanisms will ensure that the stipulated outcomes can really be reached when studying in the programme in question. Thus, the task of credentials’ evaluators will use the European qualifications’ framework to interpret the orientation, profile and main learning outcomes of the foreign qualification in their own system and will thus be able to find the correct place of the foreign qualification in their country’s education and/or employment system.

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