

NATIONAL ACTION PLAN FOR RECOGNITION

GERMANY

(15 December 2006)

1. Legislation

1.1 *Lisbon Recognition Convention*

According to the current state of legislative proceedings, it is anticipated that the law enacting the international agreement will go into effect by 01 April 2007. The subsequent ratification by means of filing a ratification document with the treaty custodian will take approximately one month.

1.2 *Review of national legislation*

- a. The timetable and organization of the review of national legislation (including secondary legislation);
- b. Steps envisaged as a result of the review, e.g. as regards amending national legislation where needed and an indicative timetable for such amendments.
- c. When and how the outcomes of this review will be published;
- d. How partners in the European Higher Education Area will be informed of the outcomes

In January 2004 the recognition officer of the Conference of Ministers of Education and Cultural Affairs (*Kultusministerkonferenz*, KMK) presented a report on the need for legislative action concerning the implementation of the Lisbon Convention after it has gone into effect. According to the report, the laws applicable in the Federal Republic of Germany of both the Federal Government and the *Länder* (states) (Framework Act for Higher Education (*Hochschulrahmengesetz*), *Länder* laws on higher education and examination regulations for higher education institutions) already correspond with the legal conditions required by the Convention.

According to Section 20 of the German Framework Act for Higher Education, examinations passed at foreign institutions of higher education are recognised when their “equivalence” is determined. The laws on higher education of the *Länder* and the examination regulations of higher education institutions contain corresponding statements. Article V.1 and VI.1 of the Lisbon Convention assume mutual recognition of coursework or higher education qualifications as long as no “significant difference” exists. Though the wording of the two provisions is not identical, recognition when

there are no “significant differences” within the meaning of the Convention corresponds in its substance with the term “equivalence” within the meaning of the *Länder* laws on higher education and the examination regulations.

With the ratification, the Lisbon Convention becomes binding as a multilateral international law for the Federal Republic of Germany. It is then – as national law – to be taken into consideration when decisions are being made on recognition in relation to parties applying for recognition from the contracting states.

A separate regulation for issuing assessments lacking a specific purpose, which the Lisbon Convention envisages in Article III.1 and which in Germany were only submitted sporadically until now, does not appear necessary. The experiences of the Central Office for Foreign Education (*Zentralstelle für ausländisches Bildungswesen*, ZAB), which issued these assessments, are used here as a basis.

Implementing Article II.1 of the Convention, the science ministries of the *Länder* will inform higher education institutions about the Convention and in the context of their legal supervision, urge them to observe the requirements of the Convention when making decisions on recognition.

1.3 *Bilateral or regional recognition agreements*

a. Conformity with the principles of the Lisbon Recognition Convention

The Federal Republic of Germany has concluded bilateral recognition agreements with multiple foreign states in the form of governmental agreements which apply to the recognition of equivalences in the higher education area. As compared to the Lisbon Convention, the recognition agreements contain significantly more concrete provisions and comparisons of individual degrees or degree levels or types; the stipulations set out in these agreements on mutual recognition may also be sued for, as a matter of principle, by recognition applicants. For these reasons the bilateral recognition agreements do not become obsolete after the ratification of the Lisbon Convention, rather they remain intact and unaffected in their application. Article II.3 of the Lisbon Convention expressly stipulates that more favourable provisions take precedence over the Convention.

The Federal Republic of Germany maintains bilateral recognition agreements with China, Italy, Latvia, the Netherlands, Austria, Poland, Switzerland, Slovakia, Spain, Hungary and Cyprus.

A review of the legal basis in Germany resulted in: concrete legislative measures for implementing the “Lisbon Convention” are not required.

The science ministries of the *Länder* will inform higher education institutions of the Convention and its ratification in accordance with the implementation of Art. II.1.

The institutions undertake the obligation of implementing the principles of the Lisbon Convention and adhering to the application of the same within the framework of quality management. It is to be reviewed whether and, where applicable, how higher education institutions can be supported in the individual implementation of these principles.

2. Recognition practice

2.1 *Criteria and procedures*

- a. Overview of the practice of competent recognition authorities in applying the Recommendation on Criteria and Procedures for the Assessment of Foreign Qualifications and Periods of Study.
- b. Measures to improve implementation.
- c. Overview of the time required to process applications for recognition and measures to improve this time.

In the federal system of the Federal Republic various players are responsible for recognition issues:

- Assessment of foreign higher education entrance qualifications

In the context of entrance and/or registration procedures, higher education institutions decide on recognising foreign certificates of education for German, foreign or stateless individuals applying for higher education access. Recognition is limited to the desired degree course. The recognition decision is based on the “assessment proposals” published in the database www.anabin.de under “higher education access.” The assessment of foreign certificates of education may however also be transferred to central certificate recognition offices. Decisions made by certificate recognition offices and institutions of higher education are recognised nationwide.

- Recognition of course and examination credits

Higher education institutions are responsible for granting recognition. The Framework Act for Higher Education and *Länder* laws on higher education only stipulate that equivalence must be determined in order to recognize course credits earned abroad. More detailed information on equivalency determination is found in the framework examination regulations and the examination regulations of higher education institutions.

In degree courses which conclude with “state examinations,” credits are recognised by *Land* examination authorities in the respective area of responsibility of the *Länder*.

In degree courses which conclude with other state tests/qualifications, credits are likewise recognised by offices responsible for this in the *Länder*.

In degree courses which conclude with “ecclesiastical exams” or other ecclesiastical qualifications, credits are recognised by ecclesiastical offices.

- Assessment of foreign certificates of education

The Central Office for Foreign Education (ZAB) assesses foreign certificates of education for German authorities and higher education institutions which have to make decisions on recognition. The ZAB provides assessment-relevant information, particularly through the database anabin and submits statements of position on individual cases. As an authority of the Conference of Ministers of Education and Cultural Affairs, ZAB prepares important, complex assessment issues for advising in the committees of the Conference of Ministers of Education and Cultural Affairs with the participation of the German University Rectors' Conference (*Hochschulrektorenkonferenz*, HRK), the German Academic Exchange Service (DAAD) and federal authorities.

As a specialist in the field, ZAB does also pass on its assessments directly to the certificate holders, but so far this has only occurred in individual, strictly-defined cases. Providing this information fulfils the obligation to provide assessment stipulated in Art. III 1 of the Lisbon Convention.

For cases in which documents about acquired qualifications cannot be provided, Germany has a procedure only applicable for areas which fall under the Federal Law on Displaced Persons (*Bundesvertriebenengesetz*) which provides for recognition based on affidavits. It can be assumed that such “refugee-like” situations do not exist in principle in most signatory states of the Convention. The need for such procedures and the possible expansion of recognition procedures for “document-less” applicants in Germany is to be reviewed.

The processing time in assessment and recognition procedures correspond for the most part with the requirements of the Lisbon Convention. The *Länder* will review how these processing times can be ensured, especially at ZAB and particularly given the anticipated increase in work resulting from requests lacking a specific purpose pursuant to Art. III.1 of the Convention.

- The assessment and recognition procedures in Germany concerning transparency, coherence and reliability correspond with the requirements of the Lisbon Convention, as concerns processing time they correspond for the most part.
- The *Länder* will review whether the tasks of ZAB are to be made more specific in view of requests lacking a specific purpose and whether their resources are to be correspondingly adjusted.
- The Federal Government and *Länder* will review whether and how conditions for “document-less recognition” are to be enhanced.
- The higher education institutions remain responsible for recognising course and examination credits.

2.2 *Joint degrees*

- a. Overview of the legal provisions concerning the recognition of joint degrees.
- b. Amendments to remove legal obstacles or to establish legal provision favouring the recognition of joint degrees.
- c. Beyond legal provision, suggestion of policy measures to ensure the recognition of joint degrees.
- d. Overview of double and multiple degrees and policy measures to encourage the recognition of such degrees.

The recognition of double degrees and joint degrees has been legally secured for many years. The basis for this are stipulations in *Länder* laws on higher education according to which in addition to the normal degree, another degree may be awarded based on an agreement with a foreign higher education institution. Awarding joint degrees is likewise possible given that the establishments involved are higher education institutions or equivalent establishments in accordance with the laws of the *Länder* involved and a sufficient quality assurance is guaranteed in accordance with national provisions applicable in the *Länder* involved. It is also possible to award joint Doctorate degrees.

Using the Higher Education Compass of the German University Rector’s Conference (www.hrk.de) an overview of study options having international double degrees may be accessed.

Practical problems do exist in implementing cooperation agreements between national and foreign higher education institutions, the roots of which lie in, among other things, discrepancies in the grading system, the rules for “free attempt” testing and deadlines as well as the practices for re-taking examinations. Further problems could also arise from the practice of quality assurance.

In December 2004, the Accreditation Council (*Akkreditierungsrat*, AR) declared the recognition of diversity of approaches in various *Länder* to be a guiding principle in the accreditation of joint study programmes. The Accreditation Council recommends that the agencies refer to the results of quality review in the participating *Länder* during accreditation procedures and execute a procedure organised jointly with foreign agencies. The mutual recognition of accreditation notifications is to be worked toward using the existing European networks of quality assurance. Higher education laws of individual *Länder* expressly dictate such cooperation.

The development of degree courses with double degrees or joint degrees is supported by programmes offered by the Franco-German University and DAAD.

In February 2005 the German University Rectors' Conference (HRK) adopted the "Recommendations on Developing Double Degrees and Joint Degrees."

The recognition of double degrees and joint degrees is ensured legally in Germany.

The accreditation of study options which lead to a joint degree is to be organised jointly by German and the respective foreign agencies.

The mutual recognition of accreditation notifications is to be worked toward using the existing European networks of quality assurance.

The German University Rectors' Conference and other organisations will support higher education institutions in overcoming practical problems, for example, in the context of implementing cooperation agreements.

2.3 *Overview of institutional practice*

Consider what measures have been or should be taken to allow national authorities to know

- a. whether higher education institutions and other competent recognition authorities comply with the Lisbon Recognition Convention and with national laws;
- b. what measures could be taken if given institutions or authorities were shown consistently not to apply the Convention and/or relevant national laws.

The Lisbon Convention was implemented in cooperation with the parties generally responsible herefor as set out under 2.1. Inasmuch, state offices are informed of procedures and recognition practice.

Recognition decisions are administrative acts which may be contested in procedures before administrative courts.

German University Rectors' Conference and *Länder* will review the possibilities and necessity of establishing an extrajudicial arbitration board.

2.4 *Transparency tools for recognition*

- a. Plans and timetable for the implementation of the European Credit Transfer and Accumulation System (ECTS)
- b. Plans and timetable for the implementation of the Diploma Supplement
- c. Plans and timetable for the implementation of possible other transparency tools.

In Germany modularisation and credit points in the accreditation procedure for degree courses of the two-cycle study system which correspond with the requirements of ECTS can be proven. In the 2006 summer semester credit point systems were applied in 74 per cent of Bachelor degree courses and 67 per cent of Master degree courses.

Support materials from the European Union, the German Academic Exchange Service (DAAD) and the German University Rectors' Conference (HRK) make the application of ECTS and modularization easier for higher education institutions.

The complete and correct application of credit point systems is reviewed by the agencies in accreditation procedures.

In order to promote the complete and correct application of credit point systems, the German University Rectors' Conference (HRK) and German Academic Exchange Service (DAAD) will expand their information-provision work and corresponding continued education options. In addition, under increased incorporation of international expertise, ECTS counsellor visits are to be escalated.

In the 2006 summer semester the Diploma Supplement was awarded in 63 per cent of Bachelor degree courses and in 55 per cent of Master degree courses.

The objective is to issue the Diploma Supplement to all graduates free of charge and without a request being required. Through its internet pages, the German University Rectors' Conference provides the Diploma Supplement, subject-specific examples as well as further support material in order to ensure the uniformity of the information contained therein. The examples in both English and German conform to the EU/ER/UNESCO standard.

The German University Rectors' Conference will assist with the comprehensive introduction of the Diploma Supplement and offer support by way of supplemental advising.

The European Qualifications Framework can become a further instrument of transparency. At the 2005 Ministerial Conference in Bergen, Germany presented the "Qualifications Framework for German Higher Education Degrees." The qualifications framework was developed parallel to the qualifications framework for the European higher education area adopted in Bergen and was based on the Dublin Descriptors; it covers the three cycles Bachelor, Master and Doctorate.

Conformance with the qualifications framework is a prerequisite for accreditation of a degree course within Germany.

A national qualifications framework applicable to all areas of education and oriented with the European Qualifications Framework (EQF) is currently being worked on.

For the rest, we refer to the fact that all measures in the context of the Bologna Process contribute to transparency, compatibility and quality of study options and thus to a simplified mutual recognition of degrees.

The German University Rectors' Conference (HRK) and the German Academic Exchange Service (DAAD) will support the comprehensive usage of credit point systems and the awarding of the Diploma Supplement through information-provision work and continued education options for higher education institutions.

The national qualifications framework for the higher education area is to be further developed as an additional instrument for transparency particularly taking into account interfaces with other educational areas and developments in the standardised European higher education area and European Union.

The German University Rectors' Conference (HRK), Accreditation Council (AR) and Central Office for Foreign Education (ZAB) will work together in developing competence-oriented approaches for recognising study and examination credits.

2.5 *Borderless/transnational education*

- a. National and/or institutional policies concerning the assessment of borderless/transnational education.

Higher education degrees acquired in the context of borderless or transnational education options are recognised according to the provisions which apply for that country in which the degree was awarded.

For degrees awarded in franchise models, a borderless initiative for quality assurance within the meaning of a "Code of Good Practice" is to be started.

The Accreditation Council recommends that in accreditation procedures for borderless education options, the accreditation agencies refer to the results of quality review in the participating *Länder* and execute a procedure organised jointly with foreign agencies. See 2.2.

The OECD/UNESCO "Guidelines on Quality Provision in Cross-Border Higher Education" are currently being reviewed with a view to national implementation.

The German University Rectors' Conference will inform their member higher education institutions of the "Code of Good Practice" and recommend its application in the context of higher education institution quality management.

The procedures on assessing borderless/transnational educational options are to be determined in international networks of quality assurance. The Accreditation Council in cooperation with other stakeholders of the Bologna Process will lobby for this.

3. Information provision

3.1 *Provision of information on recognition*

- a. Measures taken or envisaged to improve the provision of information on recognition criteria and procedures and on the national education system;
- b. The time table envisaged for such measure;
- c. The bodies or institutions responsible for the measures;
- d. The state of electronic provision of information on recognition;
- e. Whether the national information centres establish and maintain their own web pages, linked to the ENIC-NARIC Web site.

There are numerous options for informing oneself through electronic paths about the German education system as a whole and corresponding education options as well as recognition procedures.

Sources for the national education system are, among others

- EURYDICE (<http://www.eurydice.org/>)
- Education server (<http://www.bildungsserver.de/>)
- *Land* education servers and *Land* education portals
- Choosing a study course and profession (also online: <http://www.studienwahl.de/>)
- Higher Education Compass of the German University Rectors' Conference (<http://www.hochschulkompass.de/>)
- Internet pages from the Federal Government (www.bmbf.de) and *Länder* (www.kmk.org) or intermediary organisations (especially from the German Academic Exchange Service DAAD- www.daad.de).

Information about assessment proposals and recognition procedures can be found at

- ZAB Internet site (<http://www.kmk.org/zab/home>)
- DAAD Internet site (<http://www.daad.de>) as well as
- Through the database anabin (<http://www.anabin.de>).

Anabin offers in particular information on foreign higher education institutions and degrees and their status in comparison to German higher education institutions and degrees.

The websites for ENIC and NARIC national information centres are linked to ENIC and NARIC pages.

Additional information sources are higher education institutions with their academic study abroad offices and the certificate recognition offices in the *Länder*.

The respective responsible party is in charge of updating the information.

It should be reviewed whether these numerous information sources can be better linked and whether the requirements and process of assessment and recognition procedures can be presented more concisely.

There are numerous options for informing oneself about the German education system and recognition criteria and procedures for foreign qualifications.

The Federal Government, *Länder*, German University Rectors' Conference and German Academic Exchange Service will review together whether these information options can be made more systemised, designed for better access and be more oriented with the information needs of the users. In this context it should be taken into account that a portion of the necessary information can be provided centrally but that another portion must be maintained by the parties responsible herefor at the recognition offices.

The *Länder* will review how ZAB could be placed in a position to do justice to increased information provision responsibilities.

3.2 *Information package for applicants*

- The extent to which information packages are provided for applicants by higher education institutions and other competent recognition authorities and,
- if needed, how practice could be improved.

Information is provided to the applicants on paper, in the Internet as well as in personal counselling sessions depending on the request.

In the context of developing assistance and procedural standards for recognition procedures, higher education institutions will also review the provision of addressee-related information.

4. Structures

4.1 *National information centre*

Outline the functioning of the national information centre (ENIC/NARIC), e.g. with regard to:

- a. the formal status of the centre;
- b. legal competence (e.g. advisory or decision making; academic, *de jure* professional, *de facto* professional recognition);
- c. staff and budget;
- d. capacity building in terms of expertise and service to the public;
- e. networking and cooperation at national level and internationally.

The Central Office for Foreign Education (ZAB) is a department of the Secretariat of the Conference of Ministers of Education and Cultural Affairs, a joint establishment of the *Länder* in the Federal Republic of Germany.

The ZAB is defined as a review office. In this function it supports higher education institutions and offices which need to make decisions in connection with assessment and recognition of certificates of foreign education. The work of the Central Office affects areas of academic and professional recognition to the same extent at all qualification levels. In the majority of cases, the position taken by the Central Office corresponds with the decisions of higher education institutions and offices, in other words, it actually anticipates them.

The Central Office currently employs 36 staff with a full-time equivalent of 28.5 positions. As a department of the Secretariat of the Conference of Ministers of Education and Cultural Affairs, the Central Office does not have its own budget.

The ZAB can look back on 100 years of work and is viewed internationally as one of the most experienced and competent information centres. Per year it submits approximately 15,000 written statements for the most part to higher education institutions and offices, but more and more often also directly to individuals. The work for individuals results by and large due to its being appointed by the Federal Government as the information centre for general recognition directives of the European Union.

The ZAB is active in the NARIC network as the German NARIC (National Academic Recognition Information Centre) and in the ENIC network as the German ENIC (European and UNESCO Network of Information Centres). It participates in annual conferences of the networks as well as in the continual exchange of information via the networks.

In a national context, the ZAB is involved in general considerations of equivalency, especially in the preparation of government agreements on equivalency in the higher education area as well as in equivalency arrangements of another sort. In this setting, the Central Office for Foreign Education works very closely with the German Federal Foreign Office, the German University Rectors' Conference and the German Academic Exchange Service (DAAD). As the specialist office, the ZAB supports German service centres involved in the continued development of European Union recognition guidelines.

With the ZAB, Germany possesses an especially experienced, competent and national as well as internationally networked information centre and, where necessary, will continue to expand this centre in relation to the tasks to be executed.

4.2 Cooperation recognition/quality assurance bodies

- a. Information exchange between the bodies responsible for recognition and quality assurance;
- b. Discussion of and agreement on working methods between these bodies;
- c. Use of information on the outcomes of quality assessments in the recognition of qualifications;
- d. Use of membership of international networks and associations in recognition (e.g. ENIC and NARIC Networks) and quality assurance (e.g. ENQA) for the mutual benefits of both bodies.

Valid and transparent information provided by quality assurance procedures forms the one of the bases for the more simplified recognition of portions of study programmes and degrees. The Lisbon Convention (Art. VIII.1) obligates the party to the agreement to provide recognition authorities with information in order to put the former in a position of being able to determine whether the quality of the qualifications submitted by the relevant institutions justifies recognition. The "Recommendations on Criteria and Procedures for the Assessment of Foreign Qualifications" recommends that the institutions responsible for recognition take into consideration such formal assessments when reaching their decisions.

With the "Standards and Guidelines for Quality Assurance in the European Higher Education Area" a crucial contribution on mutual understanding and recognition despite the diversity of national quality assurance systems was made.

In many European countries there is already a close cooperation between ENIC/NARICs and quality assurance institutions. At the level of ENIC/NARIC networks, close contact exists to the ENQA. Reference is made to the "Joint Declaration" made by members of the "European Consortium for Accreditation in Higher Education" (ECA) and ENIC/NARICs, in which the automatic recognition or proposal for recognition of a degree by the signatory ENIC/NARICs is proposed should an accreditation have been made by a signatory ECA member. Such an agreement

would carry even greater threshold value for the practical work of the ZAB if institutions whose headquarters are outside of the core area of the European Union also signed the agreement.

In addition, the “Joint ENIC/NARIC Charter of Activities and Services” envisages that ENIC/NARIC networks are to cooperate with accreditation institutions and ensure coherence with accreditation institutions.

Quality assurance and related recognition of options in the area of the so-called “transnational education” represents a particular challenge. The “Code of Good Practice in the Provision of Transnational Education” envisages that given options of transnational education, quality assurance is the responsibility of both the state which awards the degree as well as the state in which the study programme is offered. According to German law, however, so far it has been impossible to award accreditation of degree courses in which a degree is awarded exclusively according to foreign law.

An institutionalised cooperation between ZAB and the Accreditation Council has not existed thus far. As based on the initial experiences at the European level the future cooperation should first be directed towards the exchange of objectives, working manners and methods. A mid-term goal of the cooperation is to establish accreditation decisions as a key element of recognition decisions and to significantly simplify proposals for recognition. Alongside a more simple access to information about accreditation abroad, important topics include quality assurance and the recognition of options of transnational education.

ZAB and the Accreditation Council will expand their cooperation and in the international network, lobby for accreditation decisions to be taken more strongly into account in recognition procedures.
