

Toward a legally binding text on automatic recognition of qualifications in the European Higher Education Area?

Paper for consultations

INTRODUCTION

Since 2012 the Bologna Process countries have been seeking to advance automatic recognition of higher education qualifications. The EHEA ministers of education and academic communities stressed the **need to remove outstanding obstacles hindering effective, transparent and fair recognition and to work towards the automatic recognition** of academic degrees. The Yerevan communiqué (2015) aimed to attain the EHEA where **automatic recognition has become a reality by 2020** so that students and graduates can move easily throughout the area. The Paris communiqué (2018) states, that **we all will work to ensure that comparable higher education qualifications obtained in one EHEA country are automatically recognised** on the same basis in the others. With the Rome communiqué in 2020, the ministers of education sent a clear message:

“We will ensure automatic recognition of academic qualifications and periods of study within the EHEA so that students, staff and graduates are able to move freely to study, teach and do research.”

The EU Council Recommendation on promoting automatic mutual recognition of qualifications and learning periods abroad (2018) raises the awareness that progress on automatic recognition is urgent and clearly points at the discontinuation of recognition procedures as the way forward towards a practice of automatic (immediate) recognition.

The question thus remains why the EHEA has not made more progress on automatic recognition of higher education qualifications? There have been a few regional or bilateral initiatives that established a genuine right of the citizen to automatic recognition. However, those examples were anchored in mutual trust between the partner countries in the first place. None of these initiatives was *directly* pushed forward by the Bologna Process itself, although all referred to the EHEA as an important source of inspiration.

1. Automatic recognition – current practices in the EHEA

The monitoring report of the Lisbon Recognition Convention (LRC) Committee Bureau, which was published jointly by UNESCO and Council of Europe, said that 20 EHEA countries reported that automatic recognition had been put in place by the competent recognition authority. Further 31 Parties to the LRC have some form of automatic recognition. In some countries, there are laws at the national level that allow for automatic recognition. In other countries, automatic recognition is *de facto* in practice. Still, from one country to another there are **different ways to implement automatic recognition, and different understanding of its meaning and concept.**

The EHEA countries have four types of automatic recognition: 1) legally binding bilateral or multilateral agreements; 2) a legally binding list of foreign qualifications at the national level; 3) mutual declarations, or other types of statements (recommendations) that are not legally binding; and 4) *de facto* (unilateral) automatic recognition, the practice used by the national recognition authorities.

2. The readiness for automatic recognition

The concept of the Lisbon Recognition Convention is that its Contracting Parties shall recognise foreign qualifications concerning higher education unless substantial differences can be shown.

Since the Lisbon Recognition Convention was signed in 1997, there have been extensive reforms in higher education systems within the Bologna Process. These include the creation of a common European Higher Education Area, introducing three main cycles (Bachelor-Master-Doctor), the use of comparable quality assurance mechanisms, use of ECTS and Diploma Supplement as transparency tools, the creation of overarching frameworks for qualifications (QF-EHEA and EQF), the self-certification and referencing of national qualifications to these frameworks, and the harmonisation of recognition procedures.

The EHEA countries share common tools and practices, have harmonised their higher education systems and qualifications structures. This means that the qualifications issued by the recognised educational institutions in the EHEA countries **are comparable with no substantial differences** at the system level.

3. The principle of automatic recognition

The initial automatic recognition concept comes from the EHEA Pathfinder Group. It stated that automatic recognition of a degree leads to the **automatic right of an applicant holding a qualification of a certain level to be considered for access** to a programme of further study in the next level in any other EHEA country. *In simple terms, 'a Bachelor is a Bachelor is a Bachelor'.*

The Lisbon Recognition Convention includes both higher education qualifications and qualifications giving access to higher education (upper secondary school level qualifications giving entry to higher education). This is also the case for the Council Recommendation on promoting automatic mutual recognition (2018). Thus, access qualifications to higher education are to be addressed along with higher education qualifications for automatic recognition.

4. The concept of automatic recognition

To put together several definitions from different instruments, **automatic recognition is a recognition of a qualification with no formal assessment procedure.**

An automatic recognition of higher education qualifications is to be considered as generic or **system-level recognition** and does not apply to the recognition of qualifications of a specific programme in a particular field of study.

A holder of a Bachelor's degree has a right to hold the degree (the civil effect of a degree) and have access to a Master's programme. For admission to a Master's programme, higher education institutions may require a Bachelor's degree in a certain profile or field of study. For example, for admission to a Master's programme in Physics, a Bachelor's degree in Physics may be required. Generic recognition provisions are no substitute for admission procedures and do not release the candidate from the obligation to fulfill the admission requirements set by the higher education institution – language skills, work experience, average grade point or certain courses taken, tests, interview, etc.

Automatic recognition thus means there is **no assessment procedure**. However, there is still a need to investigate whether the qualification is awarded by a recognized higher education institution, the degree belongs to the higher education system in the home country, and whether the qualification is authentic.

Automatic recognition of qualifications giving access to higher education means that a qualification giving access to higher education in the country of origin, gives access to higher education in the receiving country with **no assessment procedure**. In other words, qualifications issued in the other countries of the EHEA should be handled on the same condition as domestic qualifications.

For this purpose, a holder of an upper-secondary level certificate or any other qualification at this level has **a formal right to be a candidate** for a higher education programme. This does not release the candidate from the obligation to fulfill the admission requirements set by the higher education institution – language skill, work experience, average grade point or certain courses taken at secondary school, admission examinations, tests, interview, etc.

5. A possible legal instrument for automatic recognition in the EHEA

Fair recognition procedures, as stipulated by the Lisbon Recognition Convention have been the hallmark of the EHEA for many years. But how to lift the experiences gained up to the level of automatic recognition?

In contrast to the LRC that defends the right of the citizen to fair procedural recognition, instruments of automatic recognition guarantee the legal right of each citizen to automatic recognition of any officially recognised degree obtained in the countries where it applies. Such degrees will be immediately recognised, without mediation of any recognition procedure in the territory concerned.

Council of Europe action

In 2022, the Council of Europe Steering Committee for Education (CDEDU) established an *Ad hoc* Working Group on Automatic Recognition to discuss current developments, related to establishing the right to automatic recognition, advise the CDEDU on different possibilities and prepare an option paper to establish a legally binding text on automatic recognition.

In order to fulfill the calls of the ministers of education and society's need for the full implementation of automatic recognition in EHEA, the *Ad hoc* Working Group at the Council of Europe is looking into options for a possible legal text.

The working group decided and received a mandate to carry out consultations with the main stakeholders: the students, the higher education institutions and public authorities in charge of higher education to better identify the needs, the challenges and the way forward.