

## **Qualifications recognition across borders**

Sandra Johnson, Assessment Europe, Scotland

Alison Wolf, King's College, University of London, England

*The European Union and EU governments have launched a range of initiatives over the last two decades to encourage cooperation and mutual understanding among individuals, groups and institutions in all areas of academic and professional life, across the continually enlarging EU and beyond. A particularly challenging issue is that of mutual recognition of formal and informal qualifications – certificates and diplomas, study and work experience. This is an issue that potentially impacts on the lives of countless individuals, from school pupils to experienced professionals, who through choice or circumstance find themselves crossing borders to study or work in a country other than their own. Yet any attempt to establish direct and unchallengeable equivalence between different qualifications is fraught with difficulty. In consequence, compromises have been inevitable and the concept of 'functional equivalence' born. The paper overviews the history and current situation as regards recognition at different levels in the system of education and training in the EU, reflecting on how satisfactorily the recognition challenge has been addressed thus far, and on what the issues are that remain.*

### **Introduction**

What does cross-border recognition of qualifications imply, and why should it interest us? Why have pan-European initiatives aimed at establishing recognition principles and practices been demanding increasing attention lately, in universities and elsewhere? What is the "Bologna Process", the "Lisbon Recognition Convention", the "European Credit Transfer and Accumulation System (ECTS)", and what are "qualifications frameworks". In particular, what are the implications of all of these for staff and students at every level of education and training in every country of Europe, and in many of those beyond? Before over-viewing recognition activity over the past 40 years or so, and reflecting on the issues raised, let us first contextualise the situation.

Suppose that in the mid-1970s a school teacher working in France relocated for family reasons to Germany. What would have been the professional consequence of this move for this individual at that time? Would French teaching qualifications have been accepted in Germany, so that the individual would in principle have been able to take up an equivalent teaching post in that country? If so, what procedure might have to have been followed for this to happen? Would the situation have been different had the person been a dentist, a nurse or an engineer? And what difference would it have made had the host country been Spain, Norway or Bulgaria? For a second example, suppose that in the early 1980s a university student in Italy hoped to take up postgraduate studies in Ireland. Would this have been a realistic option at the time, and what formalities would have to have been satisfied for it to have become a genuine possibility? What would have been the situation had the student been a Portuguese or Hungarian citizen wishing to continue studies in, say, Sweden, or Poland, or England? If we think about cross-border movement *within* a programme of study, how easy would it have been for undergraduate students to move without penalty to another country to continue their university education; indeed, was it even possible at that time for students to move mid-programme from one institution to another within their own countries? Finally, what about school leaving qualifications? How readily would a school student from the Netherlands have found a university place in Austria, or Scotland, or Belgium, what hurdles would have to have been overcome in the process, and what might have been the consequences? Whatever the situation was 40 years ago, or even just 20 years ago, what is it now? How has change come about? And if there are winners, are there also losers?

Over more than five decades European national governments, pan-European entities and international organisations have between them launched a series of initiatives aimed at promoting and supporting cross-border student and worker mobility, within the European Union (EU) and beyond. The recognition of qualifications, both professional and academic, has been a principal focus in this process. The EU, through the European Commission, has been the driver for change in the area of vocational and professional qualifications, academic qualifications being until recently the primary concern of European universities, the Council of Europe, and the United Nations Educational Scientific and Cultural Organization (UNESCO).

### **The EU and professional recognition**

The EU is a complex entity, with a relatively long developmental history (Vanthoor 2002; Kaiser et al. 2008) dating back to 1951, when six European countries – Belgium, France, Germany, Italy, Luxembourg and the Netherlands – signed the Treaty of Paris to set up the European Coal and Steel Community (ECSC). In 1957, with the Treaty of Rome, the ECSC became the European Economic Community (EEC), and signalled the beginning of the process of developing a common market for goods and services. Further countries joined the original six at various points in time, to form what is now a European Union of 29 Member States (the re-naming of the EEC as the European Union was one outcome of the Maastricht Treaty of 1993). The EU comprises the European Council (as distinct from the Council of Europe, which is not an EU institution), the European Parliament, the Council of Ministers and the European Commission. There is also the European Court of Justice. The European Council sets the EU's agenda and priorities. Its membership comprises the heads – presidents or prime ministers – of member states, with foreign ministers also in attendance at meetings (“summits”) along with the President of the European Commission (the ‘President’ being a member state represented by its head). The European Commission, Europe's ‘civil service’, implements the agenda set by the European Council, proposing and drafting legislature. The European Parliament – whose members are elected by their national populations – monitors the actions of other EU institutions, approves the EU budget, and reviews the Commission's legislative proposals before forwarding to the Council of Ministers for joint decision (the Council is in fact a series of different Councils, with different areas of responsibility, whose members are ministers with relevant portfolios in the various European governments). The European Parliament legislates jointly with the Council of Ministers in most areas of legislation, including citizenship rights and free movement of labour.

Regulated professions were the first to receive recognition attention within the growing EEC; these are those professions, mainly but not exclusively in the medical field, that are regulated through national legislation. From the mid-1970s to the mid-1980s various ‘sectoral directives’ were issued by the EEC, that anticipated the automatic recognition of qualifications in regulated professions by virtue of harmonisation of education and training programmes. When harmonisation proved too difficult a challenge the concept of ‘mutual trust’ among member states was promoted, and in the late 1980s the European Commission's current general system of directives was born. Directive 89/48/EEC focused on qualifications in professions acquired after three years or more of higher education, while Directive 92/51/EEC extended coverage to other professional qualifications, with shorter study/training durations within or outside higher education. A third general system directive (1999/42/EC) addressed the recognition of diplomas in skilled trades, consolidating 10 previous ‘transitional’ directives, the oldest dating to 1964. For an interesting account of the experience of one European country – the Netherlands – in terms of the legal adoption of the first two general system directives and their subsequent application, see d'Artillac Brill (2009). Dingu-Kyrklund (2005), reporting another rare piece of research in this field, describes the Swedish

experience of evaluating the higher education qualifications of immigrant professionals under these same directives, and the consequences for the individuals concerned.

All three general system directives, along with 12 sectoral directives covering the professions of doctor, nurse responsible for general care, dentist, veterinary surgeon, midwife, pharmacist and architect, have recently been superseded by Directive 2005/36/EC. This directive was introduced specifically to rationalise the previous system for the recognition of professional qualifications, and is now the single legal instrument covering regulated professions across the European Union (EU) and the European Economic Area (EEA). The new directive has three major sections, corresponding with the three general system directives that it has replaced: one dealing with those regulated professions that are in principle automatically recognised across member states (doctor, dentist, etc), a second covering skilled trades, with the third embracing all other professions. Of particular interest here is the 5-level qualifications hierarchy, or 'framework', described in this directive, which runs from general primary or secondary education through to four years or more of training at higher or university level. This is intended as a tool for assisting in the evaluation of non-regulated professional qualifications, using general level and duration of education and training as evaluation criteria. The nature and quality of the training do not feature.

### **Academic recognition**

As far as academic qualifications are concerned, these have been a focus of attention on the part of the Council of Europe for decades, with several conventions being drafted on the subject, including a 1953 convention on the recognition of European school leaving diplomas for higher education admission. UNESCO, too, addressed the issue of recognition of academic qualifications, with a 1979 convention on recognition of higher education studies, diplomas and degrees across Europe. European universities themselves took the first steps towards adopting a coordinating role in the recognition process in the late 1980s, when European university rectors met together in Bologna in 1988 for the 900<sup>th</sup> anniversary of the oldest university in Europe, and considered the merits of a harmonised European education system. This was around the time that the EEC launched the Erasmus programme (1987), which aimed at encouraging student and teacher mobility and promoting transnational cooperation projects among universities across Europe, and (1989) the European Credit Transfer System (ECTS), which made it possible for students to gain credit for the periods they spent at an institution abroad (see Blitz 2003, for a political perspective on the significance of the Erasmus programme in terms of the European Commission's role in higher education). West and Barham (2009) consider the impact of the continuing Erasmus programme, not only providing mobility statistics (and noting problems both with the definition of 'migrant student' and with the EU's data collection strategy) but also putting language competence and financial support firmly alongside recognition as potential barriers to mobility.

Even as these EEC-initiated programmes continued, the Council of Europe and UNESCO pursued their recognition agendas, with one particularly important joint outcome: the 1997 Council of Europe/UNESCO Convention on the Recognition of Qualifications concerning Higher Education in the European Region, also known as the Lisbon Recognition Convention (LRC). The LRC, which supersedes all previous Council of Europe conventions and the 1979 UNESCO convention, is the international legal framework for academic recognition within Europe. Two key provisions are a) that holders of academic qualifications issued in one country shall have adequate access to an assessment of these qualifications in another country, and b) that each country shall recognise qualifications – whether for access to higher education, for periods of study or for higher education degrees – as similar to the corresponding qualifications in its own system unless it can show that there are *substantial*

*differences* between its own qualifications and the qualifications for which recognition is sought. The Convention is currently ratified by 48 countries, while another four are in the process of ratification. Bergan (2009) provides an illuminating insider's account of the nature, scope and scale of the LRC, as well as identifying some of the important challenges associated with its implementation, in particular interpretation of 'substantial differences' between home and foreign qualifications that can lead to refusal of recognition.

### **The Bologna Process**

The following year, in 1998, a decade after the university rectors' meeting in Bologna, education ministers from four European countries – France, Germany, Italy and the UK – met at the 800<sup>th</sup> anniversary of the Sorbonne in Paris, and together endorsed the principle of a European Higher Education Area (EHEA), by signing the Sorbonne Declaration. The inter-governmental 'Bologna Process' was launched the following year when the declaration was signed, in Bologna, by 29 European countries. The focus of the Bologna process at that early stage was enhancing and further facilitating student and staff mobility across Europe, and introducing a common degree level system for higher education through the progressive convergence of the qualifications frameworks within an open European area for higher education. The process continues to be driven by European education ministers – although see Keeling (2006) for an insightful account of the growing role of the European Commission in higher education in Europe. 'Ministerial Summits' take place every two years, assisted by strategic guidance from the Bologna Follow Up Group and progress ('Trends') reports from the European Universities Association (see Crosier et al. 2007 for the latest in the series). In the meantime, the original 29 European signatories to the Bologna process have been joined by others so that today 46 different countries around the globe have ratified the process, taking it far beyond the confines of the EU.

The original six key themes outlined in 1999, which all focused on European higher education, have increased to ten, including lifelong learning and promoting the attractiveness of the EHEA beyond Europe, i.e. the 'external dimension'. And while nothing about the Bologna Process is legally binding, governments around the world have voluntarily, even enthusiastically, embraced it (see, for example, Ravinet 2008). The result is that within just one decade the impact of the Process on European higher education has been remarkable, particularly in terms of the radical restructuring of higher education systems in many European countries to fall into line with the 3-cycle structure embodied in the EHEA qualifications framework (essentially bachelor's, master's and doctoral degrees) promoted by the 2005 ministerial summit in Bergen. The three study cycles are characterised by 'Dublin descriptors', and are nominally allocated ECTS credit ranges based on assumptions about 'typical' student workloads. Birtwistle (2009) contextualises and critically traces the emergence and continuing development of the Bologna Process, highlighting some of the current areas of debate surrounding it within Europe. For some of the important issues that remain to be resolved as far as transatlantic qualification recognition is concerned – the external dimension – see Hunt (2009).

### **An all-embracing qualifications framework**

Bringing academic and professional qualifications together within the same framework, the European Qualifications Framework for Lifelong Learning (EQF) is the latest development in the recognition field. This EQF differs in scope and purpose from the EHEA's EQF in that it encompasses EU member states, accession countries and EEA countries, and offers generic, not HE, descriptors. Recommended by the European Commission in late 2007, this 8-level qualifications framework is based on learning outcomes rather than input variables (course content and duration of study). It is intended to embrace qualifications obtained in all sectors

of education, including general education, higher education and vocational training: Level 1 relates to qualifications obtained at the end of compulsory education, while the top three levels correspond to the three cycles in the EHEA framework (though not, apparently, by design). In addition to covering all formal academic and vocational qualifications, the EQF is also intended to facilitate the recognition of non-formal experiential learning, though to what extent this is a realistic ambition within higher education in the short to medium term is open to debate – see Crosier et al. 2007, p.66. Valk (2009) provides a thoughtful account of the state of the art of recognition of prior experiential learning within higher education in four EU countries, offering pointers for speeding up progress in this relatively new area. For an analysis of some of the implications of the EQF for vocational qualifications see Brockmann et al. 2009.

As an overarching reference framework, the original intention was that by 2010 the various EU countries would have developed their own national qualifications frameworks (NQFs), and would have related them to the EQF, with individual qualification certificates bearing reference to the appropriate EQF level by 2012. There are no formal legal obligations on countries to comply with this intention, but most are taking action, even though the 2010/2012 deadlines are now accepted as unrealistic. This is mainly because the development of an NQF implies that all national qualifications need to be described not just in terms of general level (secondary education, undergraduate programmes, postgraduate programmes, etc), ‘profile’ or orientation (essentially academic versus vocational) and student workload, but also in terms of learning outcomes, and learning outcomes have not traditionally featured in many European national education systems. At this point in time, a mere handful of European countries, among them Scotland (Raffe 2007), have succeeded in developing a comprehensive NQF that can now in principle be linked to the EQF. Rauhvargers (2009) considers the potential value of qualifications frameworks in facilitating the work of credential evaluators when linked into the European meta frameworks, and critically assesses the challenges inherent in their development.

### **Some current issues**

Perhaps not surprisingly, the development and implementation of the tools which will ostensibly serve the cross-border recognition of qualifications in the future have raised a number of issues and stimulated much debate among EU member states. The EHEA EQF, for example, is one focus of contention. One of the initial aims of the Bologna Process was to introduce a harmonised pre-doctoral 2-cycle higher education system (bachelors/masters) into a Europe in which most countries have traditionally had only first degrees of relatively long duration. Many EU countries have indeed restructured their systems to bring them into line with this aim. The UK already had a 2-cycle system, so that this particular pan-European ambition seemed to have no implications for action here. But the Bologna Process envisaged 1<sup>st</sup> cycles of at least three years, putting no time duration on second cycle programmes. Those countries with historically long first degree programmes that have now re-structured have tended to divide their previous programmes into a 4-year first degree followed by a 2-year masters (the “4+2 model”). Given that duration of programme continues to feature as a comparative variable in recognition practices this risks de-valuing UK HE qualifications (outside Scotland), since bachelor degrees are typically 3-year programmes and masters often 1-year programmes, unless the UK HE system also takes action to restructure. Both Birtwistle (2009) and Hunt (2009) address this problem. A related issue concerns the ECTS. Study credits are currently based on nominal student workloads, with one full-time academic year (estimated at 1200-1500 student workload hours) meriting 60 credits. But other than class contact time, how accurate are workload estimates in general, when these include library and private study? Indeed, one might now ask how *honest* are workload estimates, given that

placement of a national qualification in an NQF, and hence its location within the EQF, depends in part on its credit rating?

Another current concern surrounds the intended use of learning outcomes in the recognition process. On the face of it, the move to learning outcomes after decades in which qualifications have been compared in terms of input variables – length of study programme, content of curriculum, student workload hours, and so on – is a positive one. But learning outcomes are neither an input variable nor a genuine outcome variable. At their best, learning outcomes convey some information about what a programme of study or training is expected to achieve in terms of what holders of the resulting qualification “know, understand and can do”. But the key term here is ‘expected’. Merely attaching learning outcomes to courses and programmes does not guarantee the intended outcome. Even putting aside the difficulty of producing short meaningful learning outcomes that might faithfully describe the aims and objectives of a given programme in a clear way, *intended* learning outcomes are not *achieved* learning outcomes. Yet this important distinction tends to be missing in much of the rhetoric about qualifications frameworks. Rauhvargers (2009) is among the few authors to have identified this important difference. One criterion for quality assuring an NQF within the self-certification requirement is confirmation that learning outcomes *are* achieved outcomes: but how feasible is this in reality? Assessing the quality of an educational institution, its teaching staff, its programmes and its facilities, which is what US accreditation bodies do, is not sufficient. The quality of the output, in the form of student achievement, must also be reviewed and compared in some way if the validity of comparative judgements is to be assured and fairness to institutions and their graduates guaranteed. Does Europe need, then, a system of external examining, in which the external examiners would be competent to judge students’ work in at least two different countries in at least two different languages? How feasible would this be to implement and to operate? Challenging certainly, but perhaps not impossible, and certainly worth contemplating if recognition is to become of age.

Finally, we mention the issue of research into the practice of recognition, and evaluation of its consequences. It is usual when innovations are introduced into a system for the impact of the innovation to be formally evaluated. In the recognition field evaluation lags far behind innovation. West and Barham (2009) comment on the inadequacy of data collection on student mobility within the EU (see also Kelo et al. 2006), and both Leśniowska (2008) and d’Artillac Brill (2009) encountered problems when presenting cross-national statistics on professional migration. The Trends V Bologna Process progress report notes difficulties in both respects (Crosier et al. 2007, pp.42-44). But if quantitative data on migration patterns are incomplete, the situation is even less adequate when it comes to qualitative data reporting. The Lisbon Recognition Convention encourages the granting of qualifications recognition to applicants unless there is a ‘substantial difference’ between an applicant’s qualification and that of the host country. But how substantial is substantial? This is a matter for interpretation on the part of the credential evaluators (the NARICs, or National Recognition Information Centres, the ENICs, European National Information Centres, and admissions staff in higher education institutions). It would be interesting to know not only how often applications for recognition have been accepted or rejected, but when rejected because of a substantial difference what form this substantial difference took. Collection of this kind of information is not yet systematic, but at least the problem is now being addressed.

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