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THE EUROPEAN HIGHER EDUCATION AREA

A COMMON UNDERSTANDING OR A LEGAL INSTRUMENT?

The Bologna Process is based on co-operation and trust between the partners. There is no binding agreement between the participating countries. Most Member States have adopted new legislation in accordance with the principles of the Bologna Process. However, the European Higher Education Area consists of 40-45 individual systems, not always aligned. For instance, existing second degrees differ widely. An overarching qualifications framework may help, but without further adjustments in the national systems, the EHEA may remain only a vision. Ministers may wish to consider what further commitments they may need to undertake for the EHEA to function, and what form such commitments should take.

1. THE VISION (preliminary text, as in Draft Communiqué)

The Draft Bergen Communiqué articulates the vision of a European Higher Education Area in which learners and staff can move freely and avail themselves of opportunities based on their qualifications and experience, thus enriching the educational, cultural and social life of Europe as a whole. It is an area where European higher education can confidently take its place on the global stage, based on the principles of quality, integrity and transparency, and its rich tradition and diversity. It is an area which enjoys the widest participation and support of its citizens in a variety of higher education institutions with the autonomy needed to develop and deliver high quality education programmes to meet challenges emerging from forefront research, individual demands and societal priorities.

It is an area where Governments are committed to using education policy as a key instrument not only to enable learners to reach their personal potential, but also to deliver wider social and economic benefits.

2. BUILDING THE HIGHER EDUCATION AREA (preliminary text, as in Draft Communiqué)

Building on achievements so far in the Bologna Process, we see the following structures emerge, shaping transparency in the European Higher Education Area:

Within the overarching framework for the EHEA, all participating countries will have a national framework of qualifications based on three cycles in higher education, where the levels have a double function: to prepare the student for the labour market and for further competence building. Each level builds on the preceding level, and the qualification obtained may give access to higher levels.

All participating countries will have national quality assurance arrangements implementing an agreed set of standards, procedures and guidelines for the EHEA.

All higher education institutions in participating countries will recognise degrees and periods of studies according to the Convention on the recognition of qualifications concerning higher education in the European region (the Lisbon Recognition Convention).

3. THE EXTERNAL DIMENSION (preliminary text, as in Draft Communiqué)

We want the European Higher Education Area to be a partner to higher education systems in other regions of the world, stimulating student and staff exchange and cooperation between higher education institutions. We underline the importance of mutual understanding and respect. We declare our willingness to contribute to the perception of the Bologna Process in other continents and to share our experiences with reform processes in neighbouring regions.

4. THE EUROPEAN HIGHER EDUCATION AREA AFTER 2010

Developments in higher education will of course not stop in 2010. As the EHEA may be seen as a common framework for times *after* 2010, Ministers should also consider a continuing follow-up structure that may meet the challenges of a dynamic higher education sector. The EHEA itself must be dynamic.

It is to be understood that the EHEA will not be *one* higher education system, but a number of national systems interacting according to commonly agreed principles, procedures and guidelines referring to a common framework. Further development of the common framework may imply revisions of national legislation.

Ministers may consider whether commonly agreed principles and the common structure for the European Higher Education Area should be considered as *guidelines* for the independent national HE systems or in one way or another be *binding* on the participating states. Ministers may also consider reactions if one Member State should unilaterally set aside agreed principles, standards or procedures. (Responses may range from engaging in policy discussions with the country in question through offers of advice and assistance to formal measures with regard to the country's status in relation to the EHEA.)

Ministers are invited to have a first discussion on these issues, considering several options:

4.1. A continuation of the Ministerial Conferences and the Follow-up Group

The simplest way forward would be a continuation of the established routines based on the Ministerial Conferences and the Follow-up Group. Some minor strengthening of the system should be considered, such as agreed standard procedures, a more stable follow-up structure and a budget. If the next host country is expected to provide a secretariat and cover all costs, the role of the host country should be made clearer. Ministers may also need to reconsider the arrangements for the presidency of the process in the light of the broad membership of the EHEA in relation to that of the EU as well as future arrangements for the Presidency of the EU. Common guidelines would be agreed by Ministers in biannual conferences. Co-operation would be based on continued good will. There would be no formal obligations and no instrument of reaction if Member States don't live up to expectations.

Pro: No obligations, no bureaucracy.

Con: No capacity for governance of the EHEA or for an external dimension.

Enthusiasm alone may not be a stable driving force.

4.2. A self-certifying system

The BFUG Working Group on an overarching qualifications framework for the EHEA proposed that each country shall self-certify the compatibility of the national framework with the European framework, and that a competent European organisation shall maintain a public listing of States that have completed the self-certification process. A similar process might be used for the full EHEA framework with the Ministries responsible for higher education being the competent national bodies. The Ministerial Conferences and the Follow-up Group will be the co-ordinating bodies at the European level. This alternative does raise the issue of how the self-certification by any given country may be accepted or possibly contested by other members.

Pro: No bureaucracy.

Con: Significant differences between member countries may lead to unilateral reservations.

No capacity for governance of the EHEA or for an external dimension.

4.3. A closer link to the Lisbon Process

The relations to the EU Lisbon Process must be considered. The two processes are to a large extent parallel and an increasing number of Bologna Members are also EU Members. The Commission may be a good driving force for both. However, decisions regarding higher education are not within the mandate of the EU. Ministers may consider asking the Commission to provide a permanent secretariat for the European Higher Education Area on the provision that all Bologna countries have equal status with regard to the process and the Secretariat. This would imply that the Commission should not any longer be a member of the Follow-up Group. Apart from that, the BFUG should continue to meet at least once a semester, being in charge of the process between biannual Ministerial Conferences. (Note: A permanent secretariat may be considered independently of the connection to the Lisbon Process, in this case other European organisations may also be considered for hosting the Secretariat.)

Pro: A permanent secretariat and possibly also a budget.

A stronger, unified process for EU member countries.

Con: The Lisbon Process may not inherit the enthusiasm of Bologna.

May exclude 20 countries from the process or make them associate (paying) members.

4.4. A legal instrument

In one sector the Bologna Process is based on a legal instrument, the Lisbon Recognition Convention, regulating the interaction between Parties to the Convention. If Ministers should wish to consider a legal instrument as a formal basis for the EHEA, one possibility may be to draft a Bologna Convention, much the same way as was done for the Lisbon Recognition Convention (now ratified by 31 out of 40 Member States of the Bologna Process). This would imply that all participant states agree on the principles and mechanisms involved and that they

are made binding by ratification by the national assembly in each state. The Lisbon Recognition Convention has no instrument for corrections or for solving disputes; Ministers may consider if such instruments might be useful for the EHEA. The BFUG might serve as the Bologna Convention Committee, reporting as before to the biannual Ministerial Conferences. Another possibility would be to ask the Council of Europe to administer the new convention, assuming that the CoE Steering Committee for Higher Education and Research would be willing to serve as the Bologna Convention Committee. In this case, placing the Secretariat with the Council of Europe would be a logical solution.

Pro: Defines the ownership and obligations of the European Higher Education Area.

A permanent secretariat takes care of operations.

Con: Ratification of a convention is a cumbersome process.

Running costs must be covered by participating countries.

5. QUESTIONS FOR THE MINISTERS

Using the above presentation as a starting point, the following questions are of particular importance to the future development of the European Higher Education Area:

1. What should be included in an agreed description of the European Higher Education Area: Principles, structures, a social dimension?
2. Should the realisation of the EHEA be seen as separate from the EU Lisbon Process or should the two processes be merged? What would the consequences of a merger be for non-EU Bologna Member States?
3. Is there a need to strengthen the organisation of the Bologna Process for the further development of the EHEA after 2010? Should a permanent secretariat be considered?
4. Will it be possible to establish the European Higher Education Area without a commitment between Member States?
5. What form of legal instruments might be considered?

6. A POSSIBLE CONCLUSION

As an outcome of this discussion, Ministers may ask the Follow-up Group to commission a feasibility study of possible ways to develop a common understanding and possibly a formal agreement on the EHEA, thus securing the principles, structures and continuing development of the European Higher Education Area.