

**REPORT ON POTENTIAL MODELS OF A
EUROPEAN REGISTER
OF QUALITY ASSURANCE AGENCIES**

Commissioned for the E4 Group

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1. Introduction

This report is intended to provide information about possible models and scenarios of organising a European register of quality assurance agencies. It has been written according to a mandate of the E4 group. The purpose of the report is not to suggest a model for the register but rather to illustrate various models and forms of organisation of the register. It is supposed to give information about the implications of each of the models identified as well as about aspects of information the register might contain.

The terms of reference for the report can be summarised as follows:

Using the ENQA report *Standards and Guidelines for Quality Assurance in the European Higher Education Area* and the Bergen Communiqué as a starting point, taking into account the *Recommendation on quality assurance in higher education* adopted by the EU Council of ministers and the European Parliament (2006/143/EC), issues with regard to the purpose, structure and function of the register should be highlighted. These issues should cover, amongst others, the following items:

- Should the register be envisaged and designed principally as a) a 'neutral' information tool providing higher education institutions and students with reliable and impartial information about quality assurance agencies, or b) a form of accreditation (and thereby a quasi-regulatory instrument for quality assurance agencies operating within Europe)? Can these objectives be reconciled?
- Should the register include any agency that wishes to be included, categorised by the European Register Committee (ERC), or should it be restricted to those agencies that have been approved in some way as meeting the European standards and guidelines (that is, should it be an 'inclusive' or an 'exclusive' register)?
- Should the criteria for inclusion in the register require compliance in every particular with all parts of the European standards and guidelines, or should 'substantial compliance' be acceptable. If the latter, who should decide what constitutes 'substantial compliance' and on what basis?
- How can the quality and standards of the proposed 'national reviews' of quality assurance agencies be themselves assured?

In addition an analysis of the following issues should be undertaken:

- the formal constitution, composition and ownership of the ERC
- the legal basis of the authority of the ERC if its decisions are to impact formally on the work of quality assurance agencies
- the liabilities (including financial and legal liabilities) of the organisations represented on the ERC that might arise from the operation of the Committee
- the administrative needs of the ERC
- the costs and benefits of the possible register models

In particular the following issues should be included in the report:

- a description and analysis of the models envisaged including discussion of
 - the potential use and value of each model
 - ownership
 - legal requirements and implications, including potential liabilities
 - the operational requirements of each model, including
 - administrative requirements
 - logistics
 - costs and funding requirements
 - implementation issues
 - a risk analysis for each model
- specimen pages (or other 'visualisations') of each Register model examined, taking into account that any specimen page must consider the possibility that some QA agencies would be excluded
- suggestions on how to develop a manageable scheme in a short timeframe

In the course of the work undertaken, the author conducted a series of interviews with representatives of the E4 organisations, the European Commission, the European employers organisation, representatives of signatory countries of the Bologna Process as well as with non-European stakeholders in the field of higher education and quality assurance. In addition legal advice was sought from a legal expert in the field of higher education. For a full list of organisations and people who were interviewed see Annex A. In addition to the interviews the author researched further relevant issues.

The work on the report started on April 18th 2006 and finished June 14th 2006.

The report has been written with care and according to thorough investigations. However, no legal or financial liabilities of the author can be derived from the contents of the report.

The report gives information about various possibilities of organising the register. Since it is not in the remit of the author to propose one model specifically, nor to propose a form of legal organisation, nor the country in which the register should have its basis, nor in which country the register office / secretariat should be physically located, it is not possible to give final answers to the legal or the financial implications. The financial implications are usually indicated as average costs. The legal implications could only be addressed in a way as to scope the legal issues. It is highly recommended that the E4 consults a legal expert from the respective field in the respective country once the E4 decided which legal form the register should have and where it should be based.

Opinions about the European register of quality assurance agencies are very diverse across European countries and organisations. The differences in opinions are sometimes greater, sometimes smaller. However, differences are always there and each individual organisation and country has its very own view of the register. A major reason for this is that it is up until now not clear what the register is supposed to be, which functions it is supposed to have and how it is going to operate. Even

issues that have been decided already seem not to be clear to everybody. It is recommended that, once the E4 has decided for a model of the register and its operational organisation, the E4 comprehensively communicates this to all stakeholders in the European Higher Education Area (EHEA).

Since the views and interests of the various organisations and countries are so diverse, the report starts with more general conclusions and findings. The concrete proposals for the different possibilities of organising the register are based on these views and interests.

It is not envisaged that the report contains proposals for all views expressed but rather tries to comprise what has been repeatedly stated or views that have been expressed and are contradictory to each other.

The starting point of the report was that a register will be created and it is only a question how this should be arranged. Some countries nevertheless expressed the wish for more general discussions about the need for a register and would certainly be happy if a register could be avoided. These might be legitimate views, but the report is not reflecting on these issues, since they are not in compliance with the terms of reference and, more importantly, ministers already welcomed the principal of a European register of quality assurance agencies and only asked to further develop the practicalities of it.

All specimen pages are fictitious and do not give a judgement about any of the agencies described.

Bastian Baumann

Berlin, June 2006

2. Functions of the register

There are a number of functions associated with the register. It seems to be clear that the register should be an information tool that should be useful for a range of stakeholders. The stakeholders who have an interest in the register are amongst others quality assurance agencies, higher education institutions (HEIs), students, employers, recognition authorities, ministries responsible for higher education and other education providers. To which extend they would use the register depends on the quality of the register and whether it will be possible to make it widely known. The register will have to be user friendly and provide clear and easily understandable information.

The register will provide information about quality assurance agencies operating in the EHEA, both European and non-European ones. It should not just be a collection of national agencies. The register might be considered as an element of the European dimension to quality assurance. It might also serve as a tool to overcome prejudices about agencies that do not have a great level of reputation (yet).

The register might provide a basis for developing greater confidence, trust and transparency and thus ease recognition procedures and increase international co-operation. It will give information about which kind of quality assurance competences are represented within the EHEA.

It should be used as an information source in order to identify a quality assurance agency that best fits the needs of institutions, students etc. looking for an agency.

3. Legal form of the register

The legal form of the register firstly depends on whether the register should be a separate entity or not. It could also be attached to any of the E4 organisations. In that case, however, it might at least to the public not seem as an independent body. Since hardly anybody is favouring the attachment of the register to an E4 organisation, it seems to be a better solution to form a separate entity.

A separate entity could be established in a public or a private form. A public entity could be set up under the auspices of one of the signatory countries or of an international organisation, such as the Council of Europe. Using the help of a signatory country might make other signatory countries feel uneasy why a certain country has been chosen and not another. Although one might be able to find good arguments for a decision for a specific country, it would probably be easier to form a public entity at European level.

The European Union would not be the best organisation both in terms of geographical coverage and a potential conflict with the European Union's legal competencies with regard to Article 149 of the Treaty of the European Union. The

Council of Europe has a better geographical coverage (only the Holy See is not included). However, establishing an entity under the umbrella of the Council of Europe in the form of, for example, an international convention like the Lisbon Recognition Convention is a time consuming process and also bears the risk that countries who are not convinced about the European register might not support such an initiative. Furthermore, this approach would contradict the voluntary nature that is envisaged by the register.

The majority of stakeholders prefer a private model. Again, it is the question of whether it should be established at national level or at the European level. With regard to a private entity set up in one specific country, other countries will have less of a problem. For a private entity established at the European level mainly two forms are common:

- European Economic Interest Grouping (EEIG)
- Societas Europea (SE)

They are both European Union connected entities. An EEIG is a membership-based grouping that may not invite investment from the public. An SE is usually created to facilitate administration and reporting for a company that has a number of subsidiaries. Therefore, these two types of legal entities at the European level do not seem to be adequate for a European register of quality assurance agencies.

A legal private entity at national level can have various forms, depending on the jurisdiction of the respective country. The kinds of entities that are possible to establish are often fairly similar but can have different conditions. It seems to be obvious that the register shall not become a commercial for-profit activity, as that would contradict the functions of the register. Therefore, the report only reflects on entities designed for non-profit activities.

One option would be to form a non-profit association. Another option would be to create a company limited by guarantee. Also a company limited by guarantee can usually also have the status of a charitable entity, giving certain privileges with regard to taxation. Both entities can be set up easily and cheaply. Both entities allow membership for natural and legal persons. All of the E4 organisations, but also signatory countries or the Council of Europe could become members. Often more persons are needed to establish an association than a company limited by guarantee, which in most countries can already be established by one person. The liability of the members of a company limited by guarantee can be limited to an amount as small as one Euro, with the exception of fraud etc. Depending on countries' legislation it is possible to place the headquarter in a different country than the country where it actually is registered. Both options seem to be adequate. The exact conditions depend on the legislation of the respective country.

Countries that have been suggested are Belgium and Finland. Most stakeholders favour a pragmatic approach. One should decide for a country that offers easy conditions for setting up the entity. Some suggested to choose a country outside the European Union to symbolically show that the register is not only for European Union member states but rather covers the whole EHEA. In order to ensure a maximum of

trust in the register, it seems reasonable to choose a country with a sound quality assurance system and a reliable quality assurance agency. Switzerland and Norway could be countries that meet all the demands and needs. For reasons of funding from the European Commission, however, it might be a better choice to choose a European Union country.

Another question is whether the **secretariat** might actually be attached to one of the E4 organisations. This seems to be a more independent option, although even in that case the public might have the impression that the register is very closely linked to that specific E4 organisation. The secretariat will probably apart from the daily work deal with the processing of the applications. Consistency in the processing needs to be ensured.

Basically, there are 3 options with regard to the secretariat:

- The secretariat is attached to one of the E4 organisations (e.g. ENQA)
- The secretariat operates completely on its own under the control of the E4
- The secretariat is physically located in one of the E4 organisations' offices but operates on its own under the exclusive control of the E4

Each of the options has its particular advantages and disadvantages. It will in any case be important to take a decision on this soon, in order to be able to start preparing the necessary steps to set up a secretariat.

The **ownership** of the register is another question to be answered. It is to be seen in connection with the form of the legal entity. The opinions of stakeholders are very diverse on this issue. A large group nevertheless suggests that the E4 should own the register, whereas some say it should be the signatory countries or the Council of Europe and the Holy See. Others prefer ENQA to own it, as ENQA is the main organisation dealing with quality assurance agencies. It is also expressed that EUA and EURASHE should own the register, as quality assurance is the major responsibility of HEIs. Few say EUA and ENQA should not own it, since they are undertaking quality assurance themselves. There are no differences with regard to implications on the legal form except for the number of members needed to form an association. The decision about who should own the register is largely a political one. Therefore no recommendation is given.

4. Governing structure of the register

The Bergen report suggests the setting up of a European register committee (ERC) that would take the decisions about the placement of a quality assurance agency in the register. The name of this body already causes problems, as it leads to the same acronym as the European Research Council¹. Greater differences in opinions are, however, connected to the composition of it, especially whether signatory countries should be represented in this body in addition to the E4 and the labour market.

¹ For the purposes of this report the acronym ERC is nevertheless used for the European register committee

The involvement of signatory countries might increase their commitment to ensuring the use of the register and possibly changing national legislation where it is needed for the compliance with the European standards and guidelines. It might also increase the possibility to receive funding from signatory countries. On the other hand the public might get the impression that the ERC is less independent and will try to protect national agencies.

A different question is whether the executive body should be made up of representatives at all. One might also think of a scenario where a supervisory body is created, that is composed of representatives, whilst appointing experts for the executive body. One could argue that the executive body should be free from any political influence. An experts' body will give the impression of greater independence. This approach would, on the other hand, certainly not decrease the level of bureaucracy of the register but will entail more costs.

The Bologna Follow-Up Group (BFUG) might get the possibility of appointing the chair of the ERC. Repeatedly stakeholders argued that the chair of the ERC should stand "above" the E4. One could in any case appoint a person as the chair of the ERC who has no connection with any of the E4 organisations. By giving the competence of the appointment of the chair to the BFUG, one could keep the decision-making body relatively small and at the same time not give the signatory countries the feeling to be completely left out.

5. Voluntary nature of the register

According to the spirit of the Bologna Process, Quality assurance agencies will not generally be obliged to ask for inclusion in the register nor will potential decisions of the ERC have any formal effect on the work of agencies. At the same time, the register will only become relevant if a large number of agencies ask for inclusion in the register. Therefore there should probably be some advantages connected to being included in the register. Some ministries already announced that they would only allow agencies to operate in their countries if they are included in the register. This approach will, however, not be followed by all countries. The E4 organisations could reflect whether they would want to foster the use of the register through their own requirements.

There are nevertheless a number of good arguments for wanting to be included in the register. An inclusion in the register might raise the profile of an agency, serve as some kind of labelling or branding. Also ever more HEIs are looking for some kind of raising their profile by getting quality labels from more than one agency. If HEIs are increasingly going to use the register, also economic reasons will make agencies ask for inclusion in the register. Once a number of agencies will be included in the register, this will lead to a spread effect. Agencies will want to be included because of peer and ministerial pressure. But first and foremost, the register will for itself have to become a quality label.

6. Information by the register

The register is supposed to become a tool for information. But which kind of general information it should provide for each agency is to be decided. The amount of information could range from providing only the agencies' names and website addresses to a full set of information. The more comprehensive the amount of information is, the more demanding it will be to update the information. At the same time it will be easier to an agency that fits the needs of the user of the register. Possible items to be included in the set of information are listed below:

- Name
- Website
- Address
- Ownership
- Governing structure
- Field of expertise (e.g. Business; Joint Degrees; new programmes)
- Type of quality assurance services (e.g. programme accreditation)
- Countries the agency operates in
- Countries the agency is officially recognised in
- Criteria the agency uses
- Methods the agency uses
- Reports of quality assurance the agency has carried out
- Costs
- Failure rate
- ENQA membership
- Average duration of the process
- Number of quality assurance exercises the agency already undertook

Furthermore, the register will have to contain information about itself, its procedures and structures. It might also contain general information about the Bologna Process, and the reasons for the register. It might list experts in quality assurance. It was also suggested that the register becomes the European platform for quality assurance, where news, conferences and other events relevant to quality assurance are announced.

7. Categories of the register

The register can list quality assurance agencies according to categories. One should differentiate between categories giving information about the structure of the agencies and categories giving information about an agency's compliance with the European standards and guidelines. The categories with information about the structure of the agencies might be divided into the following segments:

- Public quality assurance agencies
- Private quality assurance agencies
- European quality assurance agencies
- Non-European quality assurance agencies

- Nationally operating quality assurance agencies
- Internationally operating quality assurance agencies

The categories with information about the compliance with the European standards and guidelines could be divided the following three categories:

- Substantially complying with the European standards and guidelines
- Partially complying with the European standards and guidelines
- Not complying with the European standards and guidelines

Additionally, there could be a category for agencies, which have not been assessed (see section 10).

It seems to be clear that there should be a category for agencies that comply with the standards and guidelines. Whether there should also be a category for agencies that partially or not at all comply with the European standards and guidelines is the general question of whether one wants to create an exclusive or an inclusive register.

One could also build a category for each of the standards and guidelines. The majority of stakeholders seems to favour the exclusive model, using only one category for agencies substantially complying with the European standards and guidelines. It is argued that the register should be a cutting device between agencies that comply with the European standards and guidelines and those that do not. On the other hand there might also be agencies that would like to show that they already comply with a number of standards and that they are trying to improve.

A separate category for agencies that do not comply at all or a category for rejected agencies is not wanted by any of the stakeholders. This is mainly connected to legal problems that the creation of such a "blacklist" might entail.

Legal problems can occur with any of the models. A "blacklist" might lead to more legal problems, but also a category for agencies that partially comply with the standards and guidelines could lead to law cases. Agencies might feel misplaced and claim defamation, loss of income etc. The placement of an agency into some category is a positive act, whereas not listing an agency is a negative act. The possibility of claiming misfeasance is always higher when doing a positive act. A negative act is not making any statement and not declaring anything. The probability for legal consequences is always higher if one would make a negative statement than if one would not make any statement at all.

One possibility to avoid legal problems would be to put a provision in the terms and conditions that an agency waives the possibility of legal actions. Such a provision, however, will not increase the level of trust in the register and is considered unlawful in the majority of countries.

One could also think about a possibility of not automatically placing an agency in a category other than substantial compliance, but ask the agency whether it would be

acceptable for them to be placed there. This voluntary action on behalf of the agency would also substantially reduce the risk of law cases.

8. Appeals system

Since there are no formal consequences connected to being included in the register or being in a certain category, one might think about whether it is needed to have an appeals system. On the other hand it is some form of soft law and in a number of countries there might also be formal consequences. Therefore it might be better to have an appeals system in place. One could organise an appeals system in different ways. One could put a system in place that allows for an appeal on the merits or a system that is restricted to only reviewing the process and guaranteeing the right to be heard. The majority of stakeholders sees the latter as an appropriate appeals system. In order to allow for such a system a liberal jurisdiction with regard to arbitration would be needed. Most countries offer this possibility.

A special body for appeals could be set up or one could opt for the possibility of professional arbitration. Some countries offer a very sophisticated arbitration system. Professional arbitration, however, would always entail costs.

In order to decrease the probability of an appeal, an agency should have the right to comment on the decision with regard to the placement in the register before it takes effect.

9. Information about the European standards and guidelines

The register could provide detailed information about the compliance with the European standards and guidelines or just very brief information. It is a question of whether the standards and guidelines should just be seen as a threshold criteria or whether extensive information about each agency and each of the standards and guidelines should be visible from the register.

Agencies can comply with the standards and guidelines to a greater or lesser extent. There might be the wish to be able to find an agency from the register that is particularly good with regard to a certain standard. However, if the register provides information about compliance with each of the standards, this will inevitably lead to some kind of ranking of agencies.

It might therefore be an idea to suggest taking a look at the report about the agency in order to get a comprehensive picture but not to design the register so that it allows for comparing agencies on these grounds. The report of agencies included in the register should in any case be published.

A more difficult question is what constitutes substantial compliance. The majority of stakeholders express the view that all standards have to be fulfilled. Others argue that some standards are more important than others and that certain knockout

criteria have to be established. The ERC would be the body to decide on the compliance. The view was expressed that it should be a consensus decision.

In any case, it seems that the European standards and guidelines would have to be refined in order to be applicable for the purposes of the register. The majority of stakeholders are of the opinion that the ERC should refine the criteria, whereas some suggest that ENQA should do that, as experts in the interpretation of quality criteria should do it.

It will be important that the criteria according to which a decision is taken are transparent and applied consistently to all agencies. It might, however, be needed to further develop the European standards and guidelines, depending on future developments. The European standards and guidelines have been developed by the E4 and adopted by European ministers. It might be practical if ministers could grant the right to amend the standards and guidelines to the ERC or at least the right to formally suggest changes.

10. Not assessed quality assurance agencies

The register could give information about agencies that have not been assessed or that have not been assessed yet. If the register is to include all agencies operating in Europe, it should list all agencies that have not been assessed. If the register is seen as an instrument for those agencies interested in it, it could list all agencies that have not yet been assessed. It is also an option not to provide any information about applying agencies.

If one decides to provide information about agencies that have not yet been assessed, one can provide more or less detailed information. Most stakeholders favour that only the name of the respective agency and its website address are mentioned. Others would want to include as much information as possible. The best format for this would be to publish the application form. It might also be an idea to ask the agency to publish the application form on its own website.

General information about the processing should in any case be available. This information should contain a description of the processing steps, a timeframe, the template for application, and the criteria for being included in the register.

The fear has been expressed that in case there are a number of applications the order of processing would depend on the size of the agency and that national agencies of small countries would be in an unfavourable position. It seems to be necessary to develop a policy for the processing of an application. Dealing with application in the order of their date might be the easiest solution.

11. Relation between national reviews and the register

The register is supposed to be based on national reviews. How this has to be interpreted is unclear. A possible interpretation is that only agencies can be included in the register that successfully underwent a national review. Another interpretation could be that the ERC has to take its decision according to the information in the national review. A third interpretation could be that the national review is a basis for the decision of the ERC, but not the only source of information.

Only using the national review for taking a decision might be problematic in cases where the national review does not provide information that is needed for a decision. It is also problematic in cases where there are doubts about the quality of the national review. One option would be to develop a new set of standards and guidelines for national reviews.

Some countries also do not want to have a national review. Other countries seem most worried about the possibility to include agencies in the register that did not pass the national review.

It might be a solution to take the national reviews as a precondition for agencies from countries that require them. They could be used as a source of information and the ERC could decide whether further investigation is necessary. If the ERC thinks that the national review was undertaken in the same way that an external review under the auspices of the ERC would have been conducted, it could be used as the sole source of information. If the ERC is of a different opinion, it might take the necessary steps to ensure sufficient and reliable information. It would certainly ease the whole process if a set of standards and guidelines for national reviews were developed.

If the register would only serve as a listing of agencies one should probably not demand further information. In that case, however, the information provided would not be verifiable and reliability cannot be ensured.

13. Financial sources

In the establishment phase of the register it might well be possible to receive funding from national governments or the European Commission. However, in the long run the register will have to operate in a financially sustainable manner. This will only be possible if constant funding can be secured. There are a number of possible sources such as:

- Application fees
- Fees for being included in the register
- Funding from the E4
- Funding from national governments
- Funding from the Council of Europe or the European Commission

Application fees might be used for covering the costs associated with the processing of the application. If the approach is followed that external reviews are undertaken if the national reviews do not provide sufficient information, these fees might be

variable so that the full costs associated with the external review are covered. Alternatively, it could also be an option that fees are based on a solidary basis, either as a flat rate or depending on the agencies annual income.

A fee for being included in the register is considered as a conflict of interest by most stakeholders. It might, however, be an adequate financial source of the register is just used as a listing of agencies if that listing only contains agencies that wish to be included.

The E4 might be able to fund the register or costs associated with it such as travel costs. This should take into account the financial situation of each of the organisations.

According to the spirit of the Bologna Process higher education is seen as a public responsibility. Quality assurance is a part of higher education and the register just part of the European dimension of quality assurance. Therefore one could argue that funding should, at least partially, come from public sources. The register is also desired by national governments. So they might well have a role as sponsors. Many countries already announced that they would be willing to provide funding. Other countries declined such a funding.

Funding from international organisations might be another form of public funding. The Council of Europe could be a possible sponsor covering all signatory countries apart from the Holy See. The European Commission could also provide funding in the long run. It was suggested that the European Commission considers using funds from the Tempus or Tacis funds in addition to money coming from Socrates funds.

It might be an indication that if too much funding is necessary, the register will be too bureaucratic.

14. Timeframe

There seems to be a broad wish to see the register in operation as soon as possible. It is clear that not all agencies would substantially comply with the European standards and guidelines in the beginning. This might nevertheless lead to speeding up changes in the agency or in the respective legislation because of outside pressure. At the same time, no rush should be created and the register should only start operating once all foreseeable challenges have been sorted out. The quality of the register is more important than the time it takes to set it up.

The earliest possible date would for political reasons be after the London summit. In case the BFUG already declares their support of the register, it might also start operating earlier. In the time until the London summit a legal entity could be established and the necessary steps to put the ERC in place could be taken. In case it is decided that the chair of the ERC should be appointed by the BFUG, the earliest possible date for starting the operation would be in the end of 2007.

The time needed for establishing the legal entity largely depends on the country where it should be set up. In some countries this could be done as a matter of days. In others such a process might take more than a year.

15. The relation between the European standards and guidelines and the European Union's recommendation

The European standards and the Recommendation of the European Council and the European Parliament, especially its annex, are for the most part congruent or at least not contradictory. The only significant difference is that according to the European standards and guidelines an agency has to be recognised by a competent public authority within the EHEA and the Recommendation asks that an agency is recognised by a competent public authority within the country in which operates.

Since ministers from all signatory countries adopted the European standards and guidelines, and according to the Recommendation criteria for being included in the register "could" include the criterion mentioned, one might take the stand that the European standards and guidelines should be the decisive factor.

16. Summary of potential models and information contained in the register

The potential models for the register could be summarised as follows:

Model A

The register will list all quality assurance agencies operating in Europe. The register will provide information about each of the agencies according to information contained in the national review report and information that has been submitted by the agency. In this model there would not be any categories. Since the information would not have to be checked, there would not be any need for the ERC. As mentioned before, this option does not guarantee reliability of the information in the register.

Specimen pages for this model can be found in Annex B.

Model B

The register will list all quality assurance agencies operating in Europe. The agencies will be placed in the register according to their level of compliance with the European standards and guidelines. The levels of compliance will be substantially and partially complying.

Specimen pages for this model can be found in Annex C

Model C

The register will list all quality assurance agencies operating in Europe. The agencies will be placed in the register according to their level of compliance with the European standards and guidelines. The levels of compliance will be substantially, partially and not complying.

Specimen pages for this model can be found in Annex D

Model D

The register will list all quality assurance agencies operating in Europe. The register will provide information about their compliance with each of the standards and guidelines.

Specimen pages for this model can be found in Annex E

Model E

The register will list all quality assurance agencies that substantially comply with the standards and guidelines.

Specimen pages for this model can be found in Annex F

Model F

The register will list all quality assurance agencies that substantially comply with the standards and guidelines. The register will also list all agencies that applied for being included in the register but do not substantially comply with the standards and guidelines.

Specimen pages for this model can be found in Annex G

Each of the models can provide all or parts the information mentioned in section 6. Also each of the models will require an equivalent level of administration, just for different purposes. One might include search functions on the website that would allow for sorting agencies according to the criteria chosen for the search mode.

17. Potential legal implications

The risk of legal actions against the decision of the ERC depends on which model for the register is chosen. Model A is the safest option, as it only uses the information provided by the agency. Models B, C, D and F might give the opportunity for legal actions if an agency feels misplaced. The probability of agencies taking legal action

might be higher for models C and F, as also a category for not complying is included. However, placing an agency in a category other than substantial compliance can be considered as a negative statement and give rise to legal actions on the grounds of possible defamation and economic loss. Model E could give rise to legal actions if an agency disagrees with the decision of the ERC not to include the agency. However, since the agency would not be included in the register, no negative statement would be made about it. Legal action on the grounds of defamation would most certainly not lead to success for the agency and also the success possibilities of legal action on the grounds of economic loss would be limited substantially. It would be very difficult for an agency to prove that it suffered an economic loss because the register does not say anything about them at all.

18. Financial implications

The finances required for the register depend on a number of factors. Largely it will depend on the country in which the register is going to operate. It will also depend on the way the register is going to operate, in particular whether there are going to be external reviews and on the organisational structure.

Costs that would incur are related to:

- Office and equipment
- Salary and other costs associated with the secretariat
- Website development and maintenance
- Meetings of the ERC
- Meetings of a possible supervisory board
- Potential external reviews
- Administrative costs

The office rent could range from 1.500 € to 10.000 € annually, depending on the country and city where it should be located. Equipment would require approximately 4.000 € if it needed to be purchased. The costs for office and equipment could be avoided if the secretariat was physically located with one of the E4 organisations and that organisation agreed to cover it or parts thereof.

The salary for one full-time employee in the secretariat and other employer's costs could range from 4.000 € to 60.000 € annually, again depending on the country (figures chosen for Moldova and Norway).

Costs for the website development could range from 1.000 € to 5.000 €. Costs for the maintenance could be reduced if a server of one of the E4 organisations could be used and would amount up to 5.000 € annually, depending on the needs for updating it.

The meetings of the ERC, calculated on the basis of 7 members and 2 meetings annually would amount to approximately 13.000 €.

Meetings of a possible supervisory board, again on the basis of 7 members and 2 meetings per year would also amount to 13.000 €.

Costs for external reviews are difficult to estimate, since there is indication of how many external reviews could be undertaken. The costs for each of the reviews would amount to approximately 15.000 €, depending on the size of the review team and their fees.

Administrative costs, including the production of an annual report would be approximately 10.000 € annually.

On that basis the annual costs could have a maximum of 111.000 € plus the costs for possible external reviews. Additionally, 10.000 € would be needed for the launching phase.

19. Actions for the E4

In order to ensure that register can be established as soon as possible, the E4 will have to take a number of decisions and agree on a for the register. All questions with regard to the practicalities and operation of the register will have to be answered and all foreseeable challenges will have to be sorted out. The following gives an overview about the kinds of decisions and actions that the E4 will have to take. Some decisions will have to be taken jointly by the E4 as a group; some will have to be decided by each individual organisation.

The E4 will have to decide:

- Which legal form should the register have?
- Which country should the register have its legal basis in?
- Which country should the register have its operational basis in?
- Who should be the owners of the register?
- Should the secretariat be attached to any of the E4 organisations?
- Should the secretariat work on the premises of any of the E4 organisations?
- Should the E4 promote the register through their own requirements?
- Which information should the register contain?
- What should be the governing structure of the register?
- Should the register list quality assurance agencies or categorise them?
- Which categories the register have?
- Should there be an appeals system?
- What should the appeals system look like?
- Should the register give information about compliance with each of the standards?
- Should not assessed agencies be mentioned in the register?
- What kind of information should be provided about not assessed agencies?
- What should be the policy for applications?
- Should there be standards and guidelines for national reviews?
- What should be the standards and guidelines for national reviews?

- What should be the relation between decisions for placing agencies in the register and national reviews?
- What should be the funding model for the register in the long run?
- Should criteria be developed for making the standards and guidelines applicable for placing agencies in the register?
- How should these criteria look like?

Other actions the E4 will have to take are:

- After the E4 decided about the questions regarding the legal form of the register a legal expert from the respective country should be asked for advice in order to clarify all remaining issues. Money left for the register development project might be used for this.
- The E4 will have to seek funding for the launch of the register and the first period of operation.
- Depending on how the ERC should be composed, the E4 should contact potential members of it.
- The E4 should develop a strategy for ensuring the register is widely known and understood in order to guarantee the maximum level use of the register by agencies and other stakeholders. It might be an idea to organise a major conference for the launch of the register in order to inform all stakeholders about it
- Should the E4 decide to develop criteria for applying the standards and guidelines for placing agencies in the register, the E4 could organise a consultation about the criteria to ensure their acceptance throughout the EHEA

Annex A: List of organisations and individuals that were interviewed

Date	Interview partner
2006-05-08	European Commission
2006-05-08	EUA (Andrée Sursock; Henrik Toft Jensen)
2006-05-09	EURASHE
2006-05-12	ESIB
2006-05-17	CHEA
2006-05-18	Germany
2006-05-18	UNICE
2006-05-19	Belgium (fr)
2006-05-20	Belgium (fl)
2006-05-22	Finland
2006-05-22	Sweden
2006-05-23	ENQA
2006-05-23	AUCC
2006-05-24	Christian Thune
2006-05-26-27	Legal expert
2006-05-30	Malta
2006-06-01	Switzerland
2006-06-02-03	Albania
2006-06-07	Czech Republic
2006-06-10	EUA (Jean-Marc Rapp)

Annex B: Model A

Name of the agency	Cemafero	Meridian	T&G expert group	Xanthos
Average duration of process	18 months	14 months	2 weeks	4 months
Costs	20.000 €	25.000 €	10.000 €	11.500 €
Recognition	Slovenia	France	none	Greece, Cyprus, Albania
ENQA membership	Yes	No	No	Applying
European agency	Yes	Yes	No	Yes
Failure rate	5 %	23%	0,5 %	Not applicable
Follow-Up procedure	Yes	No	Yes	Yes
International expert in the peer review	No	No	Yes	Yes
Internationally operating	No	Yes	Yes	No
Mission statement	Publicly available	Not available	Publicly available	Not available
Nationally operating	Yes	Yes	No	Yes
Non-European agency	No	No	Yes	No
Number of activities undertaken	20	427	1285	57
Private agency	Yes	No	Yes	No
Public agency	No	Yes	No	Yes
Publication of reports	Yes	Yes	No	No
Specialisation of the agency	None	MBA	Veterinary public health	Joint Degrees
Student involvement in peer review	Yes	Yes	No	Yes
Type of quality assurance	Institutional accreditation	Programme accreditation	Programme accreditation	Evaluation
Website address	www.cemafero.si	www.meridian.gov.fr	www.tg.com	www.xanthos.mk

A link would lead to further information about an agency. That information could contain old reports of quality assurance activities undertaken by the agency, information about the governing structure, methods of the agency, criteria of the agency its address. A link could provide further general information and explanation for each of the items in the first column.

A: Agencies substantially complying with the European standards and guidelines

Name of the agency	Cemafero	TDKOMÄ	LITL	Tulip
Average duration of process	18 months	12 months	6 months	13 months
Costs	20.000 €	22.000 €	5.000 €	35.000 €
Recognition	Slovenia	Finland	Georgia	Netherlands
ENQA membership	Yes	Yes	No	Yes
European agency	Yes	Yes	No	Yes
Failure rate	5 %	Not applicable	10 %	18 %
Follow-Up procedure	Yes	Yes	Yes	Yes
International expert in the peer review	No	Yes	Yes	Yes
Internationally operating	No	No	Yes	Yes
Mission statement	Publicly available	Publicly available	Publicly available	Publicly available
Nationally operating	Yes	Yes	Yes	Yes
Non-European agency	No	No	Yes	No
Number of activities undertaken	20	65	80	190
Private agency	Yes	No	Yes	Yes
Public agency	No	Yes	No	No
Publication of reports	Yes	Yes	Yes	Yes
Specialisation of the agency	None	None	Dentistry	New programmes
Student involvement in peer review	Yes	Yes	Yes	Yes
Type of quality assurance	Institutional accreditation	Evaluation	Programme accreditation	Programme accreditation
Website address	www.cemafero.si	www.tdkoma.fi	www.litl.com	www.tulip.nl

B: Agencies partially complying with the European standards and guidelines

Name of the agency	AGTL	Meridian	Sepia	Xanthos
Average duration of process	8 months	14 months	5 months	4 months
Costs	8.000 €	25.000 €	17.000 €	11.500 €
Recognition	None	France	Norway	Greece, Cyprus, Albania
ENQA membership	Yes	No	Yes	Applying
European agency	Yes	Yes	Yes	Yes
Failure rate	15 %	23%	Not applicable	Not applicable
Follow-Up procedure	Yes	No	Yes	Yes
International expert in the peer review	Yes	No	Yes	Yes
Internationally operating	No	Yes	No	No
Mission statement	Publicly available	Not available	Publicly available	Not available
Nationally operating	Yes	Yes	Yes	Yes
Non-European agency	No	No	No	No
Number of activities undertaken	51	427	87	57
Private agency	yes	No	No	No
Public agency	No	Yes	Yes	Yes
Publication of reports	Yes	Yes	Yes	No
Specialisation of the agency	None	MBA	None	Joint Degrees
Student involvement in peer review	No	Yes	Yes	Yes
Type of quality assurance	Institutional accreditation	Programme accreditation	Evaluation	Evaluation
Website address	www.agtl.com	www.meridian.gov.fr	www.sepia.no	www.xanthos.mk

A link would lead to further information about an agency. That information could contain old reports of quality assurance activities undertaken by the agency, information about the governing structure, methods of the agency, criteria of the agency its address. A link could provide further general information and explanation for each of the items in the first column.

Annex D: Model C

A: Agencies substantially complying with the European standards and guidelines

Name of the agency	Cemafero	TDKOMÄ	LITL	Tulip
Average duration of process	18 months	12 months	6 months	13 months
Costs	20.000 €	22.000 €	5.000 €	35.000 €
Recognition	Slovenia	Finland	Georgia	Netherlands
ENQA membership	Yes	Yes	No	Yes
European agency	Yes	Yes	No	Yes
Failure rate	5 %	Not applicable	10 %	18 %
Follow-Up procedure	Yes	Yes	Yes	Yes
International expert in the peer review	No	Yes	Yes	Yes
Internationally operating	No	No	Yes	Yes
Mission statement	Publicly available	Publicly available	Publicly available	Publicly available
Nationally operating	Yes	Yes	Yes	Yes
Non-European agency	No	No	Yes	No
Number of activities undertaken	20	65	80	190
Private agency	Yes	No	Yes	Yes
Public agency	No	Yes	No	No
Publication of reports	Yes	Yes	Yes	Yes
Specialisation of the agency	None	None	Dentistry	New programmes
Student involvement in peer review	Yes	Yes	Yes	Yes
Type of quality assurance	Institutional accreditation	Evaluation	Programme accreditation	Programme accreditation
Website address	www.cemafero.si	www.tdkoma.fi	www.litl.com	www.tulip.nl

B: Agencies partially complying with the European standards and guidelines

Name of the agency	AGTL	Meridian	Sepia	Xanthos
Average duration of process	8 months	14 months	5 months	4 months
Costs	8.000 €	25.000 €	17.000 €	11.500 €
Recognition	None	France	Norway	Greece, Cyprus, Albania
ENQA membership	Yes	No	Yes	Applying
European agency	Yes	Yes	Yes	Yes
Failure rate	15 %	23%	Not applicable	Not applicable
Follow-Up procedure	Yes	No	Yes	Yes
International expert in the peer review	Yes	No	Yes	Yes
Internationally operating	No	Yes	No	No
Mission statement	Publicly available	Not available	Publicly available	Not available
Nationally operating	Yes	Yes	Yes	Yes
Non-European agency	No	No	No	No
Number of activities undertaken	51	427	87	57
Private agency	yes	No	No	No
Public agency	No	Yes	Yes	Yes
Publication of reports	Yes	Yes	Yes	No
Specialisation of the agency	None	MBA	None	Joint Degrees
Student involvement in peer review	No	Yes	Yes	Yes
Type of quality assurance	Institutional accreditation	Programme accreditation	Evaluation	Evaluation
Website address	www.agtl.com	www.meridian.gov.fr	www.sepia.no	www.xanthos.mk

C: Agencies not complying with the European standards and guidelines

Name of the agency	Orchid Ass.	NGUI	T&G expert group
Average duration of process	5 months	4 months	2 weeks
Costs	13.000 €	8.000 €	10.000 €
Recognition	None	None	None
ENQA membership	No	No	No
European agency	Yes	Yes	No
Failure rate	6 %	Not applicable	0,5 %
Follow-Up procedure	No	No	Yes
International expert in the peer review	Yes	Yes	Yes
Internationally operating	Yes	Yes	Yes
Mission statement	Not available	Not available	Publicly available
Nationally operating	Yes	No	No
Non-European agency	No	No	Yes
Number of activities undertaken	100	75	1285
Private agency	Yes	Yes	Yes
Public agency	No	No	No
Publication of reports	No	No	No
Specialisation of the agency	None	Business	Veterinary public health
Student involvement in peer review	No	No	No
Type of quality assurance	Institutional accreditation	Evaluation	Programme accreditation
Website address	www.orchid.com	www.ngui.is	www.tg.com

A link would lead to further information about an agency. That information could contain old reports of quality assurance activities undertaken by the agency, information about the governing structure, methods of the agency, criteria of the agency its address. A link could provide further general information and explanation for each of the items in the first column.

Annex E: Model D

Name of the agency	LITL	NGUI	TDKOMÄ
Recognition	Georgia	None	Finland
European agency	No	Yes	Yes
Follow-Up procedure	Yes, after 6 months	No	Yes, after 12 months
Internationally operating	Yes	Yes	No
Mission statement	Publicly available, clear information about goals and objectives	Not available	Publicly available, clear information about goals, no information about objectives
Nationally operating	Yes	No	Yes
Non-European agency	Yes	No	No
Private agency	Yes	Yes	No
Public agency	No	No	Yes
Publication of reports	Yes, online	No	Yes, online but very difficult to find
Student involvement in peer review	Yes, but choosing a random student	No	Yes, student representative from the HEI
Type of quality assurance	Programme accreditation	Evaluation	Evaluation
Independence	Fully independent apart from inclusion of the rector in the final decision	Fully independent	Fully independent but head of the agency is the minister
Self-Assessment	Clear criteria for the self-assessment report	Self-assessment required; no criteria for it	No self assessment required
Cyclical review of the agency	Takes place every 3 years	Takes place every 5 years	No cyclical review

A link would lead to further information about an agency. That information could contain old reports of quality assurance activities undertaken by the agency, information about the governing structure, methods of the agency, criteria of the agency its address. A link could provide further general information and explanation

for each of the items in the first column. A link would provide further information about the agency's compliance with each of the standards and guidelines (marked in blue).

Agencies substantially complying with the European standards and guidelines

Name of the agency	Cemafero	TDKOMÄ	LITL	Tulip
Average duration of process	18 months	12 months	6 months	13 months
Costs	20.000 €	22.000 €	5.000 €	35.000 €
Recognition	Slovenia	Finland	Georgia	Netherlands
ENQA membership	Yes	Yes	No	Yes
European agency	Yes	Yes	No	Yes
Failure rate	5 %	Not applicable	10 %	18 %
Follow-Up procedure	Yes	Yes	Yes	Yes
International expert in the peer review	No	Yes	Yes	Yes
Internationally operating	No	No	Yes	Yes
Mission statement	Publicly available	Publicly available	Publicly available	Publicly available
Nationally operating	Yes	Yes	Yes	Yes
Non-European agency	No	No	Yes	No
Number of activities undertaken	20	65	80	190
Private agency	Yes	No	Yes	Yes
Public agency	No	Yes	No	No
Publication of reports	Yes	Yes	Yes	Yes
Specialisation of the agency	None	None	Dentistry	New programmes
Student involvement in peer review	Yes	Yes	Yes	Yes
Type of quality assurance	Institutional accreditation	Evaluation	Programme accreditation	Programme accreditation
Website address	www.cemafero.si	www.tdkoma.fi	www.litl.com	www.tulip.nl

A link would lead to further information about an agency. That information could contain old reports of quality assurance activities undertaken by the agency, information about the governing structure, methods of the agency, criteria of the agency its address. A link could provide further general information and explanation for each of the items in the first column.

A: Agencies substantially complying with the European standards and guidelines

Name of the agency	Cemafero	TDKOMÄ	LITL	Tulip
Average duration of process	18 months	12 months	6 months	13 months
Costs	20.000 €	22.000 €	5.000 €	35.000 €
Recognition	Slovenia	Finland	Georgia	Netherlands
ENQA membership	Yes	Yes	No	Yes
European agency	Yes	Yes	No	Yes
Failure rate	5 %	Not applicable	10 %	18 %
Follow-Up procedure	Yes	Yes	Yes	Yes
International expert in the peer review	No	Yes	Yes	Yes
Internationally operating	No	No	Yes	Yes
Mission statement	Publicly available	Publicly available	Publicly available	Publicly available
Nationally operating	Yes	Yes	Yes	Yes
Non-European agency	No	No	Yes	No
Number of activities undertaken	20	65	80	190
Private agency	Yes	No	Yes	Yes
Public agency	No	Yes	No	No
Publication of reports	Yes	Yes	Yes	Yes
Specialisation of the agency	None	None	Dentistry	New programmes
Student involvement in peer review	Yes	Yes	Yes	Yes
Type of quality assurance	Institutional accreditation	Evaluation	Programme accreditation	Programme accreditation
Website address	www.cemafero.si	www.tdkoma.fi	www.litl.com	www.tulip.nl

B: Agencies not substantially complying with the European standards and guidelines

Name of the agency	AGTL	Orchid Ass.	Sepia	T&G expert group
Average duration of process	8 months	5 months	5 months	2 weeks
Costs	8.000 €	13.000 €	17.000 €	10.000 €
Recognition	None	None	Norway	None
ENQA membership	Yes	No	Yes	No
European agency	Yes	Yes	Yes	No
Failure rate	15 %	6 %	Not applicable	0,5 %
Follow-Up procedure	Yes	No	Yes	Yes
International expert in the peer review	Yes	Yes	Yes	Yes
Internationally operating	No	Yes	No	Yes
Mission statement	Publicly available	Not available	Publicly available	Publicly available
Nationally operating	Yes	Yes	Yes	No
Non-European agency	No	No	No	Yes
Number of activities undertaken	51	100	87	1285
Private agency	yes	Yes	No	Yes
Public agency	No	No	Yes	No
Publication of reports	Yes	No	Yes	No
Specialisation of the agency	None	None	None	Veterinary public health
Student involvement in peer review	No	No	Yes	No
Type of quality assurance	Institutional accreditation	Institutional accreditation	Evaluation	Programme accreditation
Website address	www.agtl.com	www.orchid.com	www.sepia.no	www.tg.com

A link would lead to further information about an agency. That information could contain old reports of quality assurance activities undertaken by the agency, information about the governing structure, methods of the agency, criteria of the agency its address. A link could provide further general information and explanation for each of the items in the first column.