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## Advisory Group 3: Dealing with Non-Implementation

### Reykjavik (Iceland), 12 September 2016

### Minutes

#### 0. List of Participants

Delegation	First Name	Surname
BFUG Secretariat	Françoise	Profit
BFUG Secretariat	Marina	Steinmann
COE	Villano	Qiriazzi
EQAR	Colin	Tück
ESU	Blazhe	Todorovski
European Commission	Mette-Moerk	Andersen
EURASHE	Michal	Karpíšek
France	Eliane	Kotler
Iceland	Una	Vidarsdóttir
Liechtenstein	Daniel	Miescher
Poland	Zbigniew	Marciniak
Switzerland	Silvia	Studinger

#### 1. Welcome and information by the chairs

The chairs of AG 3 welcomed the participants and gave a short overview about the work done so far.

At the meeting in January, AG3 had focused on identifying and defining key commitments of the Bologna process to focus further work; and decided to dedicate the next meeting to discussing the processes to be proposed to Ministers in Paris in 2018 for how to deal with countries which are having problems with implementation of those key commitments.

The three key commitments had been identified and approved by the BFUG in March 2016. The proposals for a procedure as well as proposed measures for countries that consistently do not implement the key commitments were discussed during this meeting. The aim of the meeting is to produce a draft procedure to be presented at the BFUG Board meeting in October for discussion, and papers to take to the BFUG meeting in December.

## **2. Adoption of the draft agenda**

The agenda was adopted.

## **3. Summary of work carried out so far and outcome of BFUG meeting at Amsterdam**

The chairs summarised discussions on the working papers prepared by AG3 for the BFUG meeting in Amsterdam in March. The BFUG had approved the working papers after substantial discussion. While academic freedom, student participation in governance and other features are core to the Bologna process, they have not been consistently monitored hitherto and are thus not included in the key commitments. After the last BFUG meeting, Una Vidarsdottir had had a short meeting with Tone Flood Strom (WG1) and David Crosier (WG1) provided tables with data on current implementation of the three key commitments for all BFUG countries, based on the 2015 implementation report. The WG on implementation (WG2) will also base its work on the 2015 Implementation report. This topic will be discussed at the chairs meeting in Berlin. For AG3, it is important to know what WG2 is doing and if support is on offer that is appropriate for the needs of countries which score yellow orange or red in the implementation report. Countries cannot be forced to act, but those who need support should be able to find it, from one of the many sources available.

Data provided by WG1 was discussed extensively. The key commitments are not directly reflected by the data given in the actual tables, as they were not designed specifically to measure those criteria. Suggestions were made to changes to the criteria. For the first key commitment (three-cycle system), the last column in the first table (short cycle) should be excluded, as short cycles are no part of the key commitments. The criterion on the Diploma Supplement has to be moved to the second table, as it belongs to the second key commitment. The remaining four indicators are suitable for checking the implementation of the first key commitment.

Regarding the second key commitment (Lisbon Recognition Convention), AG3 might decide to use data of the Lisbon Recognition Convention report in addition to or instead of the Implementation Report data. This issue should be discussed with LRC committee.

The third key commitment (quality assurance) is the aspect where most countries have problems. The indicators used so far are not fully suitable for assessing implementation of the third key commitment and it would have been more appropriate to assess if the country uses an EQAR registered agency.

WG1 will be asked to provide the criteria for allocating colours, to be given as an appendix to the tables. The key commitments should be quoted above the table of indicators and the indication of the level of implementation of key commitments has to be linked to measurable elements.

AG3 proposed that at the next BFUG meeting it will seek approval to contact all countries with one red indicator and/or with more than one yellow/orange indicator. The BFUG will be asked to adopt the rule that one red respectively two or more yellow/orange indicators automatically cause them to enter the list of countries considered for action due to non-implementation. Approval from the BFUG will be sought to send a letter to the BFUG representatives of those countries which have been identified as having implementation problems. The letter will quote the respective indicator and ask questions regarding the implementation of the respective key commitments. If relevant, the BFUG member will be invited to seek advice from their representative to the LRC for implementation issues regarding the Lisbon Recognition Convention.

A draft of these letters will be presented to the Board in October and these are proposed to be sent out after the BFUG discussion in December 2016. The letter should refer to the work of AG3 and include not only the problems highlighted but also ask for a timeline for resolving the issues concerned. The list of Bologna Experts could be attached to letters, as could lists of relevant peer-learning activities from WG2. Answers have to be received by the end of February. Responses should be discussed with WG2 and AG3 will report to the BFUG Board meeting in March and prepare draft answers if needed.

This procedure is regarded as equal to steps 1 to 3 of the proposed procedure model. The exception here is that AG 3 would act in place of the so called Committee which is going to be proposed at the next Ministerial Conference. In 2018, after the publication of the next Implementation Report, the new procedure (cf. below) will be in place.

#### **4. Presentation and discussion of diverse procedure models**

AG3 members agreed that the three working documents were inclusive and compliant with the Bologna spirit. Nevertheless there is a need to ensure that the cycle is not endless. The Bologna Process will lose credibility if no consequences are visible for non-implementation of key commitments. Up to the publishing of the result of the first non-implementation cycle, some countries might be marked with an asterisk referring to the fact that these countries are following a separate procedure.

The discussion of the two proposed models stressed that the cycle model reflects better what has already been endorsed by the BFUG and will be proposed for adoption.

The non-implementation cycle has to be a process separated from the normal implementation cycle and the AG3 report on non-implementation needs to be clearly distinct from the Implementation Report. In the future, the Implementation Report will directly link to the key commitments; the proposed cycle will start for the first time in 2018. Countries identified for the exceptional 2016/2017 procedure have the chance to improve until then, so that the number of countries involved in the procedure might be smaller than it appears now.

The procedure model has to be adopted by the BFUG and proposed to ministers in Paris 2018 in order to be implemented from 2018.

Step 1: Use data from the Implementation Report 2018 to identify countries as possibly non-implementing states.

Step 2: Committee (cf. 5.) will address countries identified in step 1 to ask for explanation(s) and announce that they undergo a different procedure.

Step 3: State parties (BFUG party) will have to submit replies with written explanation to the committee.

Step 4: Committee decides what to do with the answers. Constructive dialogue should lead to an action plan (no less than one year after ministerial conference).

Step 5: Given that some countries will declare that action is taken and others will not, action plans with measurable monitoring indicators will be asked for. These action plans will be reported on to the BFUG.

Step 6: Feedback of committee on action plans given to the countries.

Step 7: Update on Action plan of country to be sent to BFUG<sup>1</sup>.

Step 8: Provide data for the following Implementation Report (link to regular procedure)

The meeting discussed the number and nature of steps needed in the procedure, and agreed to propose an 8 step model to the BFUG. It was proposed that the chairs of AG3 initially draw up such a procedure, that at be subsequently circulated to and approved by the entire AG3 and taken to the BFUG Board in October for discussion before the final version be prepared for the BFUG meeting in December 2016.

## **5. Discussion on design of a possible committee responsible for the procedure**

The size of the “committee” has to be limited. Countries will be invited to nominate potential members. They have to provide information regarding the expertise and experience of these potential members. A mixture of members of the BFUG with external experts would be possible.

As for the composition of the “committee” it has to be ensured that nominations/participants from countries which are on the list are excluded. Conflicts of interest have to be avoided: members of this committee must not be involved in peer support. It would be advised that one of the committee members also be a member of WG1 on monitoring

The amount of work/time that members of the organ would have to invest has to be described as precisely as possible. The nominating countries/institutions will have to fund their own nominated experts.

The chairs will provide a text describing this “committee”.

## **6. Summary and next steps**

Una Vidarsdottir: Discussion with WG1/David Crosier on the improved document (changes mentioned, annex with indicators explained) and discussion of peer review/list of events with the chairs of WG2 (14 September).

Una Vidarsdottir will report from the meeting with WG1/2 by the end of this week (i.e.15/16 September).

Letters to countries will be drafted by the chairs, the EC, EQAR and ESU member in time for the BFUG meeting in December 2016

AG3 chairs will work on the wording of actual documents (revised table, revised description of the procedure model and the “committee”) and send them together with the draft letter to AG3 members. If available, an updated list of peer learning activities from WG2 will be added.

AG3 members will send their comments to chairs; the approved draft has to be back to the Secretariat no later than 7 October.

The Secretariat will provide Board members with drafts of all these AG3 documents for the Board meeting in Podgorica (10 October).

## **AOB**

AG3 welcomed the debate on fundamental values which will take place in the December BFUG. It proposed to draft and establish a procedure for more prompt reactions to concrete events and actual developments.

Academic freedom is the basis of everything else and AG3 should not limit its work to the three key commitments. As fundamental principles have to be monitored, the dialogue with WG1 is essential. The implementation of human rights as stated in Human Rights Declaration might be a possible indicator.

The next meeting will take place on 19 January 2017 in Zurich (Switzerland).