

Advisory Group 3: Dealing with Non-Implementation

Zürich (Switzerland), 19 January 2017

Draft Minutes

0. List of Participants

Delegation	First Name	Surname
BFUG Secretariat	Marina	Steinmann
COE	Villano	Qiriazzi
EI/ETUCE	Alessandro	Arienzo
EQAR	Colin	Tück
ESU	Lea	Meister
European Commission	Mette-Moerk	Andersen
EURASHE	Michal	Karpíšek
France	Eliane	Kotler
Iceland	Una	Vidarsdottír
Liechtenstein	Daniel	Miescher
The Netherlands	Ferdi	Geleijnse
Poland	Zbigniew	Marciniak
Switzerland	Silvia	Studinger

1. Welcome and information by the chairs

The chairs welcomed all participants to the third meeting of AG3. They reminded them that the first two meetings have been very fruitful: during the first, the three key commitments had been defined (adopted by the BFUG in March 2016), and the cyclic procedure has been developed with the second meeting.

2. Adoption of the draft agenda

The draft agenda was adopted.

3. Report and reflections on the BFUG meeting at Bratislava

The chairs reported that the BFUG expressed broad acceptance of Working Paper III, but AG3 has been asked to elaborate the details of the way in which the model might work in practise. In particular, the BFUG had asked AG3 to develop a proposal of positive and negative incentives for implementation to be brought before the next BFUG meeting in Malta. Most delegations were in favour of the model, although concerns had been expressed by two countries who specifically wanted to avoid public “naming and shaming” of individual countries.

The French delegate wished to point out that the cyclic procedure had not yet been adopted by the BFUG.

The chairs explained that there had been no need for a vote because of the support expressed by many BFUG delegations for the model. The European Commission agreed with the chairs on this matter and confirmed that AG3 has achieved quite a lot with the three key commitments and the cyclic procedure. EQAR expressed that it seemed clear that the majority of delegations had accepted the model and the direction the work of the group was taking; had there been a vote the result would have been rather clear. ESU agreed that most delegations that had spoken had been positive, and had valued the supportive and positive approach of the model proposed. EURASHE added that silence was taken to mean agreement and that they had not spoken up as at the BFUG meeting as it seemed unnecessary to repeat everything that has previously been said in favour of the procedure.

The chairs underlined that the final decision on adopting the model will have to be taken by the ministers, not to the BFUG, a committee or a group.

4. Incentives and measures for implementation

It was proposed to leave the discussion on indicators until after the publication of the implementation questionnaire by WG1 – after all these will become clear in the 2018 Implementation Report and the specific report on implementation of the three key commitments for all countries will be developed as agreed in the BFUG.

The group proceeded to work on clarifying and developing the different steps of the cyclic model in line with comments received at the BFUG meeting in Bratislava, and to clarify the composition and purpose of the “Implementation Committee”, and to present these to the next BFUG meeting in Malta. In order to make clear the collegiate and supportive nature of the model it was agreed to give all countries a role in the revised model – as either being able to share good practice or being in need of peer-support.

Steps of the cyclic model^{}*

It was decided that the steps of the cyclic model should be based on two main components: a multilateral dialogue and a national action plan. Participation in the multilateral dialogue is voluntarily and would include feedback from external experts on the national action plan.

The group discussed detailed changes to the model which will be presented at the BFUG in Malta. These included a change of focus to include all countries in the process, and to team up countries which are successful at implementing certain key commitments with others who face greater challenges in doing so. One of the aims of the model is to highlight not only countries which have problems with implementation of the key commitments, but also whether some commitments are harder to implement, and what problems countries might be facing with their implementation. That way it is possible to offer targeted dialogue and peer-support. The group also developed a more precise description of the nature of the dialogue, the action plan, and the relationship between this cycle and the normal reporting cycle.

The group agreed that it would ask for volunteers to try parts of the new model at the next BFUG meeting.

Members of the group felt that it would not fulfil its mandate if it only proposes another perpetual cyclic system. Therefore it is necessary to tackle the issue of both positive and negative incentives.

^{*} Cf. also the revised version of Working Paper III

*Incentives**

France proposed to create a Bologna label, to be implemented at the institutional level, to highlight that implementation has to happen from the bottom up. Considerable discussion followed where many group members expressed the opinion that being part of the Bologna Process was a label in itself. It was also felt that the label was difficult to implement, on anything but a national level, as systems are different and levels of implementation varied, and there was a danger of creating a more disparate implementation system rather than an improved EHEA. At least one country member had consulted national stakeholders, and institutions were not in favour of such a label. It was concluded that as all core issues of the three key commitments relate to commitments made at a national and not institutional level, and as the BFUG and Ministers also represent national policy makers, the group felt it would not like to take the proposal forward to the BFUG.

On the issue of institutions it was also highlighted that many of the peer-learning activities are aimed at institutions, thus inviting the possibility of a bottom-up approach to implementation. The group also felt that it remained open for individual countries to provide institutions with some sort of reward for implementation at the national level, but it would not be under the auspices of the EHEA.

If there is no commitment to implementation at the governmental level, it could also be possible to consult stakeholders, to see if a more bottom-up approach might work in those particular cases, but such an approach would only be used where relevant i.e. on the basis of an individual case in an individual country.

Much discussion took place on negative incentives and consequences. There was a general agreement that if positive incentives have no effect on the implementation of key commitments, then there needs to be some consequence. It was also felt that all such cases be treated individually, and that there should be no automatic negative outcome triggered by the identification of such a situation in the implementation report. The group discussed the possibilities of suspension or conditional membership but decided not to bring forward this kind of proposal at the BFUG level. Instead, it was suggested to bring forward a suggestion to the BFUG that when no improvement in implementation despite being part of the new cyclic procedure, Ministers should be made aware of that fact at the Ministerial meeting, and if the situation persists for two cycles, the ministers should have to discuss a course of action. Although the group could foresee that the Ministers may wish to discuss suspension or conditional membership it was felt that such a discussion would have to be led by Ministers and any decision should take place at that level. The French delegate wished it to be noted that France did not support any notion of exclusion.

Conversely it was agreed that an excellent positive incentive be that countries which show considerable improvement in implementation be allowed to showcase this in a report or a parallel session at the ministerial conference.

In summary AG3 sees possible positive incentives in the field of "peer recognition". This means that clear and transparent displaying of the implementation-status and progress in a separate report on key commitments is the only and hopefully effective positive measure that can be taken on the level of the BFUG and Bologna declaration.

5. Summary and next steps

Committing to the Bologna Process is in itself a declaration of willingness on behalf of a country to implement the key commitments that make the EHEA function. If a country is not implementing those key commitments, and is not taking part in the cyclic procedure, this is a contradiction to commitment and should be brought to the ministers' attention. Exclusion cannot be envisaged as an automatic or normal consequence from the cyclic procedure. It was proposed that the chairs, in consultation with selected group members develop the model further for initial review by the group, with the aim that it be brought to the BFUG meeting in Malta in spring 2017.

For the Malta BFUG meeting, the following documents will be provided:

- Working paper III revised (cyclic procedure including a more detailed description of the committee and positive and negative incentives)
- Sample letters to countries (highlighting assets and shortcomings of each country).

AG3 Chairs will re-write the paper with a new preamble, clear steps and improved wording. Together with a sample letter it will be send to all participants for comments before being provided for the BFUG meeting. There was not felt to be a need to bring anything to the BFUG Board in Oslo at this moment in time.

6. AOB

The next meeting will take place on 7 June, at the premises of the Council of Europe in Strasbourg.

Topics for the next meeting:

- Go through the new indicators (introduced with the 2018 Implementation Report) to find out if some of them apply to the three key commitments
- Specification of the implementation committee (type and number of members, way for candidature ...)
- Decide what to include in the AG3 final report to the BFUG. If possible the chairs should produce either a draft or an outline of that report.