



## ED-AFFICHE (EUROPEAN DEGREE: ADVANCING, FACILITATION AND FOSTERING INTERNATIONAL COLLABORATION IN HIGHER EDUCATION)

### DELIVERABLE D3.1 – ED-AFFICHE: OVERVIEW GRID ON NATIONAL/ REGIONAL OBSTACLES

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# Obstacles for Transnational Collaboration in Higher Education

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## Introduction to ED-AFFICHE Analysis of the Obstacles for Transnational Collaboration in Higher Education

### About ED-AFFICHE

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In 2022, the European Commission launched a call for European University Alliances to examine and facilitate the delivery of a joint European degree label. The ED-AFFICHE Project consortium, composed of six university alliances (**Una Europa, 4EU+, CHARM-EU, EC2U, EU-CONEXUS, and Unite!**) and 51 higher education institutions from 22 different countries, have secured European support.

In consultations with experts, the ED-AFFICHE consortium will propose possible improvements to the criteria associated with the European degree label and co-develop recommendations on the possible assessment procedure, as well as the design and delivery of a future European Degree label.

Together, the consortium has been successful in securing the **support of 19 national and regional ministries in charge of higher education as well as 15 national accreditation and quality assurance agencies**. It is the exchange of best practices between those actors and the open dialogue with their universities that carries the real potential to move forward the European Higher Education Area.

### About the Analysis

This comprehensive document brings together countries sharing **similar experiences, good practices, and innovative legislative approaches to tackle the challenges associated with joint programmes**. The document is divided into 5 different categories: Accreditation, Quality Assurance of New Programmes, Flexible Learning Paths, Curricula, and Governance Structures.

Each of these sections delves into the existing obstacles, potential solutions and new legislations to respond to the obstacles (when available).

This **comparative analysis serves as the foundation for future discussions with national and regional authorities** and will pave the way for the ED-AFFICHE "Policy Report on Best Practices



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and Recommendations for the Future Development and Implementation of Joint Programs in Europe" (D3.2).

## Methodology

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This document exists thanks to the valuable input of experts from partner universities involved in the ED-AFFICHE project. Over the course of the months of June and July 2023, legal experts from universities based in the same country joined forces to **collaboratively identify the legal barriers for the implementation of joint programmes arising from national legislation**. This endeavour was facilitated through an Excel file (annex 2) meticulously crafted for this purpose, aiming to identify obstacles, share experiences, explore solutions, and, when possible, articulate desired changes.

The **obstacles identified in the template are based on those identified during the "Consultation Meeting with ad hoc Expert Group"** organized by the European Commission on 30 April 2021 and contained in the "Background note: Challenges to unlocking the full potential of European Universities"<sup>1</sup>. We selected from this list the obstacles that were directly linked to the creation and implementation of joint programmes. Beyond this foundational framework, legal experts were also encouraged to highlight any additional obstacles they deemed relevant. Notably, not all 51 universities in the consortium responded to the call for contributions regarding the identification of legal obstacles. Consequently, this document does not represent all 22 countries within the consortium. On the other hand, it does represent all countries where the ministry is associated partner, as those are the countries where the workshops with the ministries will take place, which the obstacle lists feeds into.

To foster a deeper understanding and encourage constructive dialogue, the project management team arranged **an introduction meeting with legal experts in all participating countries** on 9 June 2023. Subsequently, we had **meetings with a selected national contact point** who will organize workshops with the ministries **in all participating countries** where the ministry is an associated partner to the project. These meetings served as forums for explaining the document's purpose and methodology while also eliciting valuable feedback regarding recent legislations impacting joint programmes and joint degrees.

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<sup>1</sup>CONSULTATION MEETING WITH AD HOC EXPERT GROUP (30 APRIL 2021), Background note: Challenges to unlocking the full potential of European Universities.



In order for our analysis of the legislation to be as useful as possible, we asked the legal experts to address not only the obstacles, but also (i) their experience concerning particular obstacle; (ii) whether or not they found a solution for it; (iii) and what their wishlist would be if their legislator were to remove the obstacle. This way, the information from the legal experts **directly feeds into the workshops** that will be organized with the ministries who are associated partners in the course of September till November. It is therefore essential to note that the documents contributed by legal experts contain sensitive, confidential information, as for now, especially while the workshops with the ministries are still underway. As such, this deliverable was designed in such a way to provide an **analysis** of the obstacles caused by the underlying legislations in each country, together with a colour-coded grid that signals obstacles to interested parties (annex 3), but was not designed to share all underlying country-specific files in their entirety.

What is presented in the analysis of the legal obstacles is a **thematic concretisation** of the item list that was part of the "Background note: Challenges to unlocking the full potential of European Universities". For each item on the list linked with joint programmes, our deliverables concretises which precise obstacles actually underpin the item on the list of the Background note. For example: items like "restrictive legislation regarding the possibility to create an interdisciplinary degree" in reality encompass a wide variety of diverging legislation as to *how exactly* the legislation hampers the creation of an interdisciplinary degree in those countries with restrictive legislation. The deliverable analyses exactly that: the different ways in which the obstacle does, or does not exist in the researched countries, and the grid colour-codes the country as green, yellow or red depending on the nature of the obstacle in that country.

In addition to this thematic concretisation, the analysis looks at **possible solutions** for these obstacles as well. These possible solutions originate from two different sources: (i) we look at the countries that have undergone legislative change to accommodate the European University Initiative or joint programmes in the recent past and describe the solutions found there; (ii) we look at the wishlists formulated by the legal experts, and see which solutions could work for other countries as well. The possible solutions are different in nature: some are item-specific and solve one single obstacle, others (like acceptance of the European Approach in those

countries where this is not fully implemented yet) solve more than one obstacle at the same time.

This document was **shared with the ED-AFFICHE external advisory committee** on Monday 25 September 2023, which stressed the importance and added value thereof. The added value was twofold, according to the committee. On the one hand, it helps programme directors to understand and predict where the obstacles will be when creating a joint programme. On the other hand, it raises awareness for legislators who are not always sufficiently aware exactly *where* their own legislation causes obstacles for joint programmes as it can only be verified by practice.

Such predictive value is indeed highly needed. The “Joint programmes from A to Z report” rightfully indicates that, when planning joint programme cooperation, universities need to take into account both the national legislative frameworks and the institutional regulations, guidelines and screening processes of **all** partner institutions<sup>2</sup>. Further in the document, the guide specifies that the designing process of a joint programme should include a check on “national and institutional regulations on the content of the programme, such as minimum length of the dissertation/thesis, requirements of labour-market related elements, and dissertation/thesis defense”<sup>3</sup>. Further information on the national legal systems themselves is, however, not given. The EQAR website does include country-specific information, notably on the way in which countries have accepted the European Approach, or the way in which they have organized their national accreditation and quality assurance system and the way in which those are in line with the European Standards and Guidelines. Country-specific regulations on curricula, flexible learning paths, are however not described there. The above documents have handily been pooled on the Impea website<sup>4</sup> providing an online toolkit for the European Approach, but once again country-specific legislation causing obstacles for joint programmes is not described there. The present deliverable thus fills a gap in the existing tools to facilitate joint programmes.

At a later stage of the project, after the consultations with the national and regional ministries have ended, the underlying country-specific legislation itself will be presented as an annex to

<sup>2</sup> Becker, R. (2020). Joint Programmes from A to Z: A Reference Guide for Practitioners (2nd ed.), p. 20 - <https://impea.eu/wp-content/uploads/2020/12/Joint-Programmes-from-A-to-Z-Report-2020.pdf>

<sup>3</sup> Idem, p. 25.

<sup>4</sup> <https://impea.eu/>.



the final deliverable. At that time, the country-specific list will have been presented to the respective ministries and have formed the basis for internal discussion within the country, and thus will have lost much of their sensitive nature. At this stage of the project, the ED-AFFICHE consortium already stands ready to **provide information pertaining to legislation causing barriers to joint programmes and joint degrees and the experiences universities have encountered** in dealing with these challenges, upon specific requests.

## 1. Accreditation

### 1.1 Accreditation (criteria, procedure, time frame) of the programmes

#### Obstacles

Of all items on the obstacle list that was presented to the legal experts, this was one of the items where **the largest number of countries reported that the obstacle exists**. The experience of the different universities with this obstacle however greatly differs from country to country. The way in which the country has embraced the European Approach as a joint accreditation procedure obviously has a great impact on the responses of the legal experts. However, even in countries that have embraced the European Approach, obstacles remain such as timing issues when additional documents are needed within the country, or if additional accreditation criteria/processes apply within the country next to the European Approach.

#### *1. Procedural rules/timelines that are country-specific*

When national legislation sets a timeline for accreditation procedures, then setting up a joint programme becomes difficult, since different actors around the table have different agendas.

Examples are:

- Countries where the starting point of the procedure is rather early (for example Flanders and France, although legislation changed for European Universities in 2021 in Flanders).
- Countries where the deadline falls at a difficult time for most partners (for example Italy where the deadline to hand in the complete study plan falls right after the January exam period).
- Countries where the timeframe is deemed too narrow (for example, Spanish legal experts report of issues on concluding the consortium agreement in time for the accreditation procedure. Although the idea that the drafting phase of consortium

agreements for joint programmes is demanding, seems to be a shared concern for many experts).

- Sometimes the lack of specific legislation organizing the accreditation of transnational programmes, leaves countries with little other certain option than to use the national process and its criteria, even if this is very difficult for transnational programmes. The fact that the European Approach is possible, does not in itself mean that there is actually a procedure in place to organize this in practice . For example Romanian legal experts report that ARACIS is working on a “Methodology for accreditation of Joint programmes”. Organisation and accreditation of joint programmes it is not possible *in practice* until this Methodology is published although the law stipulates that joint programmes can be organised and accredited using the European Approach *in theory*.

## 2. Accreditation criteria that are country-specific

When countries require analyses that are country-specific, then transnational programmes have to duplicate efforts in every country involved. Even when only one accreditation procedure is used (European Approach), this obstacle does not automatically disappear if the underlying country-specific legislation requires specific criteria to be fulfilled that are not common to all partners.

Examples are:

- In Denmark, the academic profile of the programme must be documented to meet the demands of the local labour market. It is not sufficient to provide a needs analysis of the European/international labour market. Spanish legal experts report similarly of a market analysis that is needed, and country-specific.
- A country-specific test on macro-efficiency in the local context (as is the case in the Netherlands, and also Flanders, except for European Universities and Erasmus Mundus).
- According to Romanian legal experts, while the European Approach is applicable, it does not automatically exempt the programmes from adhering to the specific legislation of each participating country. This leaves the designing phase of the programme and the consortium agreement a complex endeavor, even though the accreditation procedure itself has become easier.
- Obviously, when the European Approach is not used and several accreditation procedures need to be applied in parallel, then the issue is all the more palpable that accreditation criteria are a little different from country to country and that sometimes additional information needs to be included, as Spanish legal experts report.

- Although legislative changes are welcomed in many countries to make accreditation procedures of joint programmes easier, there is an inherent risk that changing legislation may also cause confusion. For example, when RD822/2021 was introduced in Spain, it was unclear for joint programmes that received the Erasmus Mundus Joint Masters grant at that time, which accreditation procedure to follow as both had different regulations e.g.,. for title, duration of accreditation, diploma.

### *3. Specific legislation for specific programmes*

Many countries report that some degree programmes have specific regulations (especially specific professions like medicine). In such case, they feel uncertain about organizing joint programmes. More on this matter will follow below.

### *4. Mixture of institutional and programme based accreditation*

If some of the countries partaking in the joint programme have institution-based accreditation, and others have programme-based accreditation systems, then the process tends to get a bit more complex. Deadlines, criteria, but also the accreditation culture is different. The European Approach facilitates things but has the biggest impact on those countries who have a programme-based approach and might make it even a bit more complex for the other countries.

### *5. Countries who accept only their own accreditation agency or need its consent*

France's and Cyprus' legal experts report on this matter. The reasons why countries require the involvement of their own accreditation agency can be different (for example because a national degree (title) is created through this process). But this makes the use of the European Approach more complicated if a university from another country takes the lead. And it also makes it less evident to find partners outside of the EU.

### *6. The process of collecting signatures and (internal) agreement processes are slow and complex*

Experts from Lithuania and Poland report on this matter. Although as much an internal issue (or even more so) than an issue of legislation, the reality is that internal approval and signatures procedures are complex. That is the case when several universities are involved, but also when overarching structures like European Universities intervene if their structure is not sufficiently embedded in the universities' processes. If signatures are needed prior to the accreditation procedure, this risks slowing things down in light of the deadlines for the accreditation procedure.

### 7. Political approval of accreditation procedure

Some legal experts report that before or after the accreditation procedure, sometimes political approval (for example through a ministerial decree) is needed. This makes them more careful during the drafting phase of the consortium agreement.

Poland and Hungary provide examples where government action is in some (defined by legislation) cases required to link the joint programme to a national degree title, or to make sure the joint programme satisfies the degree (learning) outcomes of a specific national degree. Another example is given by the Netherlands, who report on a macro-efficiency test to be done before a new programme can be accredited.

### Examples of countries with new legislations

- In Flanders, initial accreditation is no longer necessary for programmes that went through some kind of selection process externally (Erasmus Mundus, programmes organized by European Universities). The European Approach can still be used if partner universities need programme-based initial accreditation.
- In Hungary, the law was changed as well to accommodate the accreditation process. Initially, the decree had a limited list of degree titles, which was difficult in an international setting when a common degree title needed to be chosen. The new law makes the list of degree titles open-ended. New degree titles at second cycle level can now be established after the accreditation procedure, making it easier for partner universities from different countries to set up a second cycle degree that works for all of them.
- The legal expert from Croatia reports that a new Act on Quality Assurance in Higher Education and Research was introduced to facilitate the accreditation procedure.

### Possible solutions

- **Institution-based accreditation for European universities instead of programme-based accreditation** (cfr. EUNIQ project) would make collaborations easier for European Universities. For all other types of collaborations where such an overarching organization as a European University is lacking, institution-based accreditation is less obvious, unless each HEI's accreditation suffices to let them establish joint programmes together.

- An alternative is to **omit programme-based accreditation procedures for programmes that have been selected competitively** (such as Erasmus Mundus) or stem from a collaboration that was funded competitively (such as European Universities).
- If programme-based accreditation is necessary then the **European Approach** should be the only applicable procedure, setting a single set of deadlines and procedural requirements. Ideally, the European Approach also leads to a degree title which is freely chosen by the parties and created through the European Approach. If intervention of ministries is needed in some countries to attach the degree to a national degree title, then this national system should also be an open system of degree titles, rather than the transnational programme needed to “fit into” a limitative list of national degree titles.
- The European Approach works best if the **accreditation can take place by any EQAR registered agency** and not only by those of the own country. That way, the university taking the lead in the coordination of the joint programme can use the agency they feel most familiar with and have the easiest communication with.
- The process of finalizing the agreement/collecting signatures works easier if all countries/procedures accept **digital signatures**.
- A joint programme with innovative teaching formats does not require students to be physically present in the universities themselves for joint teaching to take place. Legislation which requires a minimal amount of **physical presence** before the degree title can be awarded, should be avoided.
- A single (joint) European Approach can be a facilitator, but only insofar as it encompasses every aspect of the accreditation procedure (for example also macro-efficiency tests etc.). Otherwise, the timing issue remains.
- A single (joint) European Approach can be a facilitator, but only insofar the underlying legislation that regulates the **formation of curriculum** (and other criteria that *precede* the accreditation procedure and determine the drafting phase of the consortium agreement), is made more flexible:
  - Either countries accept that the consortium agreement is subordinated to the law of one country (i.e., the coordinating universities’ legislation) and that as a result the curricular regulations of that country prevail,
  - Either countries accept that for joint programmes (or once the label exists, for European degrees label), their own country-specific legislation is set aside to

provide flexibility in the negotiation of the consortium agreement (which is then subsequently quality checked during the European Approach or during the awarding of the European Degree label).

## 1.2 Restrictive national legislation regarding the possibility to create an interdisciplinary degree

### Obstacles

#### *1. No legislation making it very difficult for universities to maneuver*

If the law does not clearly allow **interdisciplinary degrees**, then universities are reluctant to establish interdisciplinary joint programmes as legal systems are then usually still organized around the traditional disciplines.

Examples are:

- French legislation organizes studies into subject areas/majors/courses, which are associated with disciplines (in the humanities and social sciences field). This makes interdisciplinary degrees not impossible, but time-consuming and also complex as to financing and staff involvement.
- Lithuanian experts report that a joint degree is awarded for one discipline only. There is no clarity on what a joint degree or a joint diploma would look like in an interdisciplinary programme.
- Romanian experts report that interdisciplinary programmes are regulated in the law only for doctoral studies, but not for other levels, so that they do not feel inclined to participate in other levels.

#### *2. In all degrees, one field of study has to be dominant*

When legal systems allow interdisciplinary degrees to some extent, but still force them into the framework of classic disciplines, then universities still struggle to create interdisciplinary degrees.

- In an interdisciplinary degree, one discipline/field has to have more than 50%. The dominant field of study determines the “code” of the programme. This is difficult to apply in practice and not always desired (Czech Republic).
- The programme may include a maximum of three fields of study. The name of the qualification degree corresponds to the name of the group of fields to which the main (dominant) field is assigned. This applies to first and second cycle studies (Lithuania).

- The university assigns a field of study to at least one discipline. If the field of study is assigned to more than one discipline, the leading discipline is indicated, within which more than half of the learning outcomes will need to be obtained (Poland).

### *3. Possibility to establish transnational interdisciplinary degrees is attached to programming of all relevant initial degrees*

Restrictive legislation might allow a university to establish an interdisciplinary degree only if it organizes the relevant initial second cycle degrees as well. If a partner university from abroad organizes the initial degree (and thus has the necessary knowledge to establish a qualitative joint programme), this might not be sufficient.

- Flanders has a system where education law describes which degree title can be offered where (not only on the level of the university, but also the city/campus where a certain degree can be offered). This makes it more complex for a transnational joint programme to use different existing courses from other (national) degrees.

### *4. Difficulties in determining the outcome of the programme. If a country has a list of learning outcomes set for specific degrees without organizing interdisciplinary degrees, then negotiating an interdisciplinary degree becomes difficult*

- In France, according to the legislation each programme has to name the field of study. This determines the name of the programme and the outcome requirements. Each programme may not have more than one field of study. For some fields of study (e.g., education), the programme and outcome requirements are regulated by a ministerial decree, for other fields of study the programme and outcome requirements are regulated by an official documentation published by the minister, in cases of a third type of programmes (only at second cycle level) the national authority registers them.
- In Italy, each second cycle degree has its “*classe di laurea*” chosen from a list. Each second cycle degree “*classe*” describes educational objectives/goals and a table of ECTS in some scientific disciplinary area (each area includes some scientific disciplinary sectors to which the exams are related). The project for the second cycle degree must describe in detail its own educational objectives/goals, which must correspond with the list of the courses. So if there are too many courses in these scientific disciplinary areas, the Italian Ministry can judge negatively on the study plan with respect to the educational objectives. Each course must be “labeled” with a scientific disciplinary sector. The study plan may include a box of choices between courses of the same scientific disciplinary area, regardless of the university that offers them. This means that

it is necessary to attribute a scientific disciplinary area to all courses offered by foreign universities as well.

- In Lithuania, it would be difficult to accredit the joint programme and each of its specializations according to the descriptions of the study areas. The current regulation of interdisciplinary studies does not reflect the main principles of interdisciplinary studies: programmes are assigned to one main (dominant) field, which must meet the requirements set in the description of the field (and takes 50% of the credits at least), according to which evaluation is carried out and funding is allocated.
- In Lithuania, a few directions of engineering cannot be combined into one programme.
- The university assigns a field of study to at least one discipline. If the field of study is assigned to more than one discipline, the leading discipline is indicated, within which more than half of the learning outcomes will be obtained (Poland).
- Sweden: A degree in a certain area, for example in Chemical Engineering, means that a certain minimum amount of chemistry, mathematics, natural sciences and other subjects should have been studied. These requirements are an obstacle to covering many disciplines within the number of credits required for the degree.

#### *5. Rigid (national) programme structures make interdisciplinarity difficult*

A joint accreditation procedure does not necessarily mean that the underlying education legislation of all participating countries is no longer applicable. Finding a compromise between several systems which all impose different kinds of programme structures, makes all types of joint programmes a difficult and delicate exercise, but especially for interdisciplinary degrees where unusual curricular choice is made, the complexity is enormous.

- The Italian system makes interdisciplinarity difficult where it regulates, on top of the “*classe de laurea*” described above, that students can only choose elective courses up till a specific maximum (8-15 ECTS maximum).
- In Lithuania, less than 50 percent of the study programme credits remains for specialization. Universities usually have their own agreements on the teaching of mandatory transversal skills subjects, which are also considered as specialization.
- The Spanish legal experts also rightfully point out that, if the curricular rules in one of the participating countries do not allow it, then the entire consortium has a problem.

Examples of countries with new legislations





Polish legal experts report that changes to the Act of 20 July 2018 The Law on Higher Education and Science have been recently introduced, and that a point on interdisciplinary of programmes that also pertains to the joint programmes was added.

#### Possible solutions

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- A European uniform system for degree titles could be considered, in which **interdisciplinary degrees** are included. The national degree titles could be linked to/replaced by this European degree title system.
- On a national level, legislators should make sure that, if the legal system is built around standard categories of classic disciplines, that these are actualized to better **accommodate the newer forms** of (interdisciplinary) cooperation.

### 1.3 Restrictive national legislation regarding the necessary components of the graduation diploma and the joint diploma and graduation rules

#### Obstacles

There are many misunderstandings when discussion takes place on joint degrees and joint diplomas. Legal experts from different countries indicated that they found this **item on the list of possible obstacles confusing**. The process of awarding the degree title (does that entail a decision in each university or does one single joint decision by a body of the programme suffice?); the title itself that is awarded (is it one joint [transnational] title that is awarded as a degree, or is it a number of national degrees that are awarded, and then tied together by a joint degree encompassing these national degrees?), and the parchment (who can print the document or documents?) are all different questions that evoke different reactions. These questions are often not properly distinguished, resulting in confusion between partners as to the applicable rules. What is clear however, is that when these aspects are regulated by country-specific rules, then they have a huge impact on the organization of joint degrees. Where universities can try to be creative when establishing a curriculum, much less room to maneuver is comfortable for these formal aspects of the joint degree.

*1. Country-specific documents which underpin the joint degree may clash if they are not the same*

- Certain documents are needed before the degree title can be awarded and accepted as valid within one country, even if it is an international joint degree (Germany, Austria).
- The law sets the standard texts of the mandatory documents to be used by HEIs. Not only the text of all types of degree certificates (i.e., the parchments) but even the certificate of student status (Hungary).

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*2. Countries specify which degree title needs to be on the diploma, i.e., a limited list of degree titles recognized in national law*

Above, we already reflected on this matter when we described the obstacles that are faced by interdisciplinary degrees. Other examples where the degree title which needs to be awarded and printed on the document is laid down in law include:

- Czech Republic: the name of the degree (and its abbreviation) has to be written on the diploma, along with the reference on the specific section of the Act (e.g., "the graduate was awarded the title of "Magistr" (Mgr.) according to the act. n. 111/1998 Coll.).
- Italy: law stating that diplomas have to include the degree programme denomination and the respective "*classe di laurea*". A joint diploma/parchment is possible as long as the name of the universities involved, the denomination of the degree programme and its equivalence in each national education system are included.
- Sweden: the Degree Certificate (the document a graduate receives) must besides the student name and registration number indicate: 1) the title of the qualification and the cycle in which it was awarded; 1b) Qualification title in Swedish and English (e.g. Teknologie Masterexamen/Master of Science) ; 2) if the qualification forms part of a joint degree with reference to the legal frame; 3) list of completed courses by each university ; 4) reference to the legal framework and contact information for enquiries.

*3. The organ that needs to take the decision on the degree/diploma, is specified in the legislation*

The degree title is automatically awarded to the student in most countries, after completion of the study programme. Nonetheless, some legislation specifies which organs need to take a formal decision, either for fixing the grades, either for awarding the degree title, either for issuing the diploma that results from the awarding of the degree title. If such organs diverge or conflict, this makes the process complex.

- The Flemish legislator for example awards competence to an examination committee.

- Countries that require each university within the consortium (or at least their own university) to take a formal decision (for example when a national degree needs to be awarded as well) were presumed to present an obstacle. However, this has not been reported as such by the legal experts. Although a complex undertaking, each university can do so subsequently according to the rules and processes in place within the university, so that the potential for clashes is limited.

#### *4. Necessity of all rectors signing the diploma can be hard to organize internationally*

Although seemingly only a practicality, with many students from many countries, the signature process by all participating universities is complex, even when electronic signatures are accepted. Indeed, if it is a title awarded by all institutions, then all the Rectors of the participating institution must sign the diploma. This can cause delays when they have to be sent by mail to all universities, as legal experts testified. When electronic signatures are not accepted, the obstacle is even more palpable:

- In Hungary, the diploma may not be issued only electronically, it has to have a paper form.

#### *5. Legislation specifying the format of the parchment*

Issuing one single parchment is impossible if different countries have different rules for printing the parchment. Although this issue is in itself less delicate than the process of awarding the degree (since the parchment is only the proof of the degree, not the degree itself), in reality many legislators and universities do not distinguish between both, which causes regulation on the parchment to block the awarding process of the joint degree as well.

- In France, issuing the diploma is strictly regulated: it needs to be printed on a single parchment (paper from the *Imprimerie Nationale*). Legal experts report however that, in the event of a disagreement, each party may print on its own parchment, specifying "*délivré en partenariat international avec l'université de (pays)*".
- Other obstacles are caused when the parchment/diploma may not be issued only electronically, it has to have a paper form (e.g., Hungary) or when the law sets standard texts of the mandatory documents that need to be used by the HEIs (also the case in Hungary).
- Italian law states that diplomas have to be issued in the name of the Italian Republic including the Rector and Director General's signatures.

- Similarly, legal experts from Spain ask themselves if it is an issue for other countries to accept the name of the King and the Spanish shield and the Spanish language on the diploma, as requested by the legislation.

#### *6. Legislation specifying the language of the parchment*

- The French language is mandatory for diploma issued by French Institutions.
- Polish experts report as well that according to national legislation, if a diploma is issued by a Polish university, then the original diploma must be fully in Polish as a Polish public document. Only a copy of a diploma can be in English or another language. For joint programmes, this is felt to be unfortunate.
- Spanish legal experts similarly point out the diplomas issued by them need to be in the Spanish language.

#### *7. Legislation stating that the university may only print this if the coordinate the programme*

- French legal experts report that they cannot print the diploma, if they did not coordinate the programme.

#### *8. Lack of specific legislation for joint diplomas (awarding the degree or printing the parchment)*

- Spanish legal experts report that, sometimes the lack of legislation can be an obstacle in itself. Even though there are no specific obstacles created for joint programmes in such a case, universities still struggle because of lack of guidance of what is allowed and how awarding a joint degree actually works. Appropriate legislation underpinning joint degrees thus needs to be developed.

#### *9. (Im)possibility to mention the merits on the diploma*

- Danish legal experts report that in some jurisdictions degrees are/can be awarded with distinction - e.g., graduate with honours or cum laude/magna cum laude/summa cum laude, whereas in the Danish jurisdiction such distinctions do not exist, hence cannot be included in a diploma issued jointly.

#### *10. Timeframe to take the degree decision*

- In Denmark, upon graduating/passing the final exam, the university must issue the degree certificate within a maximum of 2 months. Other universities in other countries however work with biannual exam boards and will not be able to meet the two month requirements in the Danish legislation.

### 11. Physical presence of students determines possibility to award the joint degree

Some countries require that the joint degree title is only awarded to students who have actually studied in the specific country physically. In joint programmes with innovative teaching methods, joint courses are however sometimes offered in a digital way, leading to a situation where the involvement of a university does not necessarily result in physical presence of students in that country.

- Finland: as funding between universities depends on it, awarding a joint degree title to students who study in the joint degree programme, but did not undertake (physical) mobility to Sweden, is delicate.
- Flanders: for joint PhD's, the law requires a PhD student to have been in Flanders for at least six months.
- Denmark reports on this matter as well, explaining that the option of "online mobility" is not present in the Danish legislation, even though this type of learning mobility is common in joint programmes.

### Examples of countries with new legislations

New legislation has focused both on the possibility of awarding a joint degree, as well as on the parchment on which the degree is printed. Both are indeed necessary, with the process of awarding the degree perhaps getting (too) little attention, as well as the underlying criteria that need to be fulfilled in each country in order for the degree to be legally valid in each country.

- Croatia: new legislation allows issuing a joint diploma.
- Spanish experts report on a development on the legislation about diplomas (i.e., the model that is compulsory to be attached to joint diplomas issued by another university to have validity in Spain). It creates a joint diploma format which includes all partners, and it can be bilingual or multilingual. This has been recently approved to give a legal framework to European Universities (however not published yet at the time of reporting).

### Possible solutions

- Making **legislation on the design of the diploma (parchment) flexible** so that universities can accommodate all the requirements of the other universities as well as the national requirements.

- Legislation which sets aside national requirements for awarding the degree/diploma in case of transnational joint degrees/European Degrees.
- Legislation which specifies that a joint degree diploma/parchment does not preclude underlying national degrees being awarded and being mentioned on the diploma.
- A **diploma format designed by the European Union**, providing a format for a joint diploma/parchment of joint degree programmes.
- Legislation which specifies that for joint degrees, the diploma can be **issued bi- or multilingual and not only in the national language**.
- Legislation should accept that the “jointness” of a joint programme also stems from joint involvement in each course by all participating universities. That means that **students who have not visited a university physically**, still have been taught (albeit online) by that university, and awarding a joint degree from all universities (also the ones which the student did not visit physically) should not be impossible.

## 1.4 Final exams form - possible national/state examinations (not common in all countries)

### Obstacles

Strict regulation on curricula makes the creation of a joint programme difficult. A particular difficulty relates to exams. Some countries have a maximum number of exams which may clash with other countries who have legislation that forces them to organize an exam for each single course. **Some countries have specific rules for the end exam(s) of the programme.** In an international setting where curriculum builders try to respect all of the underlying legislations, this makes a joint programme a complex, and sometimes impossible, endeavor, especially when the law becomes specific on the details of the curriculum (for example who needs to assess a diploma thesis or the number of ECTS credits for a diploma thesis).

#### 1. Organization of the diploma thesis regulated

- Italian law stipulates who the supervisor can be.
- Finish law regulates the length of the thesis.
- In Hungary, the administrative process is regulated by law. The content of the final examination (parts, knowledge, competencies etc.) are however defined by the universities.

- In Romania, completion of the integrated study programmes is done through a license exam. The diploma is awarded according to the legislation of the university where the student was enrolled. Completion of the second cycle integrated study programmes is done by publicly defending a dissertation and the diploma is awarded according to the legislation of the party where the second cycle student was enrolled.
- Some countries specific the number of ECTS credits for the thesis (Italy, Lithuania), and the numbers differ.
- Polish experts point out that the obstacle is not only caused by conflicting legislation on the organization of the diploma thesis, but also arises when not all countries/degree programmes with partner universities have a thesis as the final exam form.

## *2. Other types of final exams regulated by law*

- In Austria, the procedure for final examination is regulated.
- In Czech Republic, all study programmes students must defend a thesis and pass state examination in order to graduate. All parts of final state exams (defense and state examination) have to be public.
- French experts report that Licence MCCC favors continuous assessment (decree 30/07/2018).
- The number of final exams is regulated (Italy).
- Italian experts report as well that the legislation does not allow online final exams (with a list of well-defined exceptions) even if the teaching took place online.
- A specific obstacle here are exams for regulated professions (like medicine) which can differ from other programmes within an institution.

## Examples of countries with new legislations

- In the Czech Republic, more flexibility in graduation requirements (specific to study programmes) was discussed but the actual text of amendment has changed many times. At the time of reporting, the final changes are not known yet.

## Possible solutions

- Exclude details and practicalities when a certain exam form is compulsory (like a thesis) for transnational programmes.
- Give institutions autonomy to determine exam forms freely for joint programmes.

## 1.5 Percentage of foreign teachers in a degree programme

### Obstacles

Some countries specify a **direct language regulation in their legislation** (such as a maximum percentage of foreign teachers), other countries more indirectly generate obstacles for joint programmes, for example making knowledge of the national language compulsory. Although such is understandable in a national context, for transnational joint programmes such rules may make staff mobility between the participating universities difficult.

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- Direct obstacle through maximum numbers:
  - The Italian legislations allows universities to have a maximum of 50% of foreign teachers as “core” of the programme.
  - Romanian experts report on the ARACIS “Methodology for authorization, accreditation and reevaluation of the programmes”, which stipulates the percentage of teachers that must be full time employed at the university that organizes the programmes: “At least 40% of the total number of teaching positions created according to the law are covered by full-time teaching staff in the higher education institution organizing the evaluated study programme.”
- Many countries know indirect obstacles through language proficiency requirements. (Flanders, Finland, Lithuania, Spain).
- Communication of professor’s names (to the QA agency of in a database) by a certain country specific deadline can also be an indirect obstacle if other universities have different (later) deadlines for distributing teaching duties (Italy).

### Possible solutions

- Country-specific legislation that details the staff categories involved should ideally **not be applicable to transnational programmes**.
- At least legislation should be precise on which categories of involved professors/teaching staff the regulation actually applies to in the framework of a joint programme.
- Language regulation could be made more **flexible for teaching staff in joint programmes**, given the inherent mobility of staff teaching in such programmes.



## 1.6 Differences in grading scales and workload per ECTS

### Obstacles

Grading conversion is a delicate issue in joint programmes. Joint programmes are sometimes hampered by legislation that makes a **certain grading scale compulsory in a specific country**, leading to the necessity of grade conversion. But at the same time, the **lack of legislative framework** is sometimes deemed by universities as leaving too much space to universities to maneuver in this delicate field as well. A proper consortium agreement in which grade conversion is organized, should provide a solution for this.

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- Legislation enforcing a certain grading scale, making grade conversion a necessity:
  - Legislation determining which grading scale is compulsory (Austria, Hungary, Italy, Switzerland, Czech Republic).
  - In France, the legislation allows to change the grades during the academic year (adjustments), whereas in many other countries, this is not possible.
- Unclear legal framework leaving (too much?) space to universities for grade conversion:
  - Cyprus: sometimes there are difficulties to match arithmetic grading with letter grading when the matching is not so clear.
  - France: problems in interpreting the different grading scales for validating and recognizing grades.
  - Italian experts also point out that the question “who has the final say in case of discrepancies in joint programmes?” should be given proper attention as well.

### Examples of countries with new legislations

- The Spanish Government provides a grading conversion tables for every country and grading system to help convert grades.

### Possible solutions

- A “default” **conversion table, drafted at European level**, could reduce tensions between partner universities.
- When national legislation enforces a specific grading scale, this should not be applicable to transnational joint programmes.

## 1.7 Restrictive national legislation forcing programmes to go through a new accreditation procedure every time the consortium partners or the core curriculum change

### Obstacles

#### **Joint transnational programmes can be subject to more changes than national programmes.**

On the one hand, the partners may change (for example in the context of European Universities where new partners are accepted). On the other hand, the courses or minor/major choices are often dependent on a larger number of universities who jointly pool their courses to establish the curriculum. When such changes require re-accreditation of the programme, the dynamic of international collaboration is hampered.

- Major changes require re-evaluation (reported by Cyprus, Croatia, Italy, Spain, but legal experts from other countries report as well that re-accreditation would probably be necessary, although not many experts seem to have actually already been placed in this situation to answer in a definitive manner).
- In countries where the national accreditation agency would not require reevaluation because there is institution-based accreditation, the question is still asked what an EQAR registered agency would who has guided the (initial) universities through the European Approach. Would they require reaccreditation or does the European Approach allow such subsequent changes (Finland)?

### Possible solutions

- Accreditation and quality assurance processes should accept that joint programmes are a closely intertwined and dynamic exercise, and are inherently designed to be used by (sometimes changing) international partners without this constituting a major change to the programme itself.
- Working with institutional-based accreditation is also reported as a solution for changing partners in a consortium.

## 1.8 High accreditation costs

### Obstacles

Although not necessarily obstacles caused by legislation, legal experts reported that:



- The workload of people involved in joint programmes is high when programme-based accreditation is taking place.
- The European Approach can be more expensive than national QA procedures.

### Examples of countries with new legislations

- In Cyprus, a proposal is submitted for the accreditation costs to be calculated based on actual costs, rather than estimates.

## 1.9 Possibility to use the European Approach

### Obstacles

Some respondents wrote specifically they cannot use the European Approach but they would see it either as a big advantage (Sweden) or to have it as an option (Czech Republic - not having it is perceived as an obstacle), or on the contrary, they can use it but do not want to as they see it as an unnecessary burden and national procedures are enough (Denmark).

Overall, based on the answers received only 3 countries stated they cannot adopt the European Approach (Czech Republic, Italy, Sweden). This is correct from the list of associated partners in ED-AFFICHE, but a full list of all countries can be found here: <https://www.eqar.eu/kb/joint-programmes/national-implementation/>.

The European Approach can indeed be a solution for many of the obstacles described above, but only insofar as the national legislation allows it for all HEIs, and insofar as it replaces all other country-specific procedures or country-specific documents. But even then, a single procedure through the European Approach does not remove obstacles that are caused by country-specific legislation regulating the curriculum, the issuing of the degree, the government structure of the programme or the diploma/parchment.

- Countries with no or insufficient regulation as to the use of the European Approach (Czech Republic, France, Italy).
- Countries where the European Approach is not sufficient (Poland - it must be accepted by the Polish Accreditation Committee as part of their procedure afterwards and Spain: additional information required once the evaluation is finished).

## Examples of countries with new legislations

Countries have taken steps in the recent past to facilitate the European Approach (Greece, Spain, Portugal).

## Possible solutions

- Make sure the **European Approach is accepted**, through any EQAR registered agency, and without any further national procedure to be followed or documents to be handed over.
- Consider which national requirements on curriculum, staff, diploma etc., could be eased up for joint programmes going through the European Joint Approach.
- Give **flexibility to the universities to regulate the joint aspects** (like tuition fees, admissions, academic regulations, parchment) of joint degrees/European degrees through their consortium agreement, does setting aside country-specific legislation.

## 2. Quality Assurance of new programmes

### 2.1 QA of new programmes

#### Obstacles

Generally, most of the respondents do not see any major obstacles with QA of the new joint programmes. No answers or almost no answers were provided by Austria, Ireland, Lithuania, some of German lander and Switzerland. Nobody recognized this area as a problematic one, **mainly the answers were no obstacles** (Croatia, Cyprus, Flanders, Greece, Italy, Netherlands, Poland, or Sweden). Most of the respondents wrote they use national QA procedures and regulations that also pertain to regular study programmes – no special procedures exist for international ones (e.g. Denmark, Czech Republic, Hungary, Italy, Poland, France, Romania). Some experts stated that they have special QA procedures and rules in national legislation for transnational joint programmes (Germany: Berlin, Rostock, Jena). Some respondents stated that because of the European Approach the issue of QA of transnational study programmes is no longer an issue (the Netherlands, Spain).

- It was however noted that a lot of knowledge is missing concerning the European Approach method (Finland).

- The biggest obstacle was observed in Portugal, where there is no common national regulation and each institution decides on the QA on its own, which leads to redundant work, excessive bureaucracy, and impossibility to provide consistent and comparable data.

### Possible solutions

- Some respondents stated that it would be helpful if European HEIs would be quality checked by a general European-level process that would be the only applicable QA regulation, like a general agreement on the usage of the European Approach as the only model for QA/accreditation or the harmonization of the QA criteria in all EU countries/EHEA.
- For those countries where national legislation is very strict and such a common solution would not be possible, it was suggested to introduce for example European recommendations on the compatibility of national legal systems and transnational entities such as European Universities.

## 2.2 Difficulties in developing an internal Quality Assurance framework for the European University as a whole that addresses all requirements in the different national systems

### Obstacles

Generally, **no real obstacles are observed** here. Some alliances have already developed their QA framework or parts of it (4EU+, Una Europa, CHARM-EU, EU-CONEXUS, Una Europa, EC2U). Those frameworks are usually based on national or institutional accreditation processes (Flanders, Spain, Poland, Italy) in order not to complicate things. Some respondents wrote that generally this is based on the memorandum of understanding or agreements signed by the parties (Cyprus, Lithuania, Poland, Spain, France). Some HEIs responded that their pragmatic solution was to construct a set of guidelines for joint programmes on what should be included in the consortium agreement regarding QA (Italy, Poland).

Obstacles that were reported were:

- For some institutions it is difficult to overcome the specificities in national legislation as it is very strict and has priority (Czech Republic).

- According to some respondents, it is possible to develop an overarching QA framework under their national law, but this has not yet been done (Greece).
- Some legal experts point to the very time and effort consuming process of coordinating and harmonizing different QA traditions/regulations (Croatia, The Netherlands), although this does not really seem to be an obstacle caused by the legislation.

#### Possible solutions

- Some respondents called for a **harmonized European set of QA criteria**, addressing and replacing all requirements in different national systems.

### 2.3 Restrictive or diverging legislation regarding QA of a joint programme

#### Obstacles

Usually, there are no additional or special QA requirements regarding joint programmes (Denmark, Czech Republic, Hungary, Italy, Poland, France, Romania). In addition to the obstacles described above for the QA of new joint programmes :

- Some legal experts stated that because there are no specific regulations regarding joint programmes, this lack of regulation could be an obstacle as well, as those programmes have to go through the normal programme accreditation procedure which is ill-fir for them (Poland).

#### Examples of countries with new legislations

- Spain (see below).

#### Possible solutions

Among some of the responses there are postulates for the creation of procedures that would support joint QA processes on a European (EHEA) scale making international cooperation more evident: **a joint platform for QA to collect data and feedback it something to underpin the Bologna tools**, whereas a joint quality assurance system and a joint review with participation of all partners, is a solution that would require legislative action (or even shifting competences to the European Union).

Suggestions include:

- **Harmonization** of QA criteria in all EU countries.
- Compatibility of national legal systems and transnational entities such as European University alliances should be explored, such as QA procedures for European universities and how they fit into the national legal systems. Coordination through ENQA can be considered.
- Adoption of **common rules** on the level of European regulation, which is directly applicable, without national variations.
- Joint quality assurance system and review with participation of all partners, through the European Approach. A high-level agreement on the usage of the European Approach as the only model for QA in HEIs' provisions - in all European countries would be a big step for solving these issues.
- Create a joint platform for QA to collect data and feedback.
- Follow the example of the Spanish Government which allows the parties to regulate the joint aspects in the consortium agreement (tuition fees, admissions, academic regulations, parchment) .

## 3. Flexible Learning Paths

### 3.1 Stringent national regulations regarding the establishment of full degrees

#### Obstacles

Whenever (i) countries determine **specific criteria for national programmes**, and (ii) these criteria are **applicable to (transnational) joint programmes** as well, then universities struggle as this means that legislation from several countries needs to be followed at the same time. This is resource-hungry, and in case of conflicting legislation even impossible.

Examples were given above already while describing the obstacles for interdisciplinary degrees, for learning outcomes, and the obstacles that arise when transnational joint degrees need to “fit” into strictly defined national degree names/categories.

Other examples are:

#### *1. Law specifying subjects and contents of the programme*

- Czech Republic: some regulated professions have more strict curricular requirements for the programmes.

- French legal experts report that their legislation is rather restrictive for the curriculum full degrees. A *bloc de connaissances and compétences* exists.
- In Hungary, programmes have to be “defined” by a ministerial decree. To establish a new programme the decree needs to be amended.
- The Spanish experts report that the structure of study plans, and a number of core, elective, specialization requirements are prescribed by law.

## 2. Countries who consider a joint programme as a national programme and apply the same requirements to it

- In Sweden, the obligatory requirements for a specific degree does not take into account if it is a joint programme or not.

## Examples of countries with new legislations

- Italy: flexibility is given to universities to identify Scientific Disciplinary Areas even different from those provided by the degree class (*classe di laurea*).
- Hungary: HEIs can establish new second cycle degree programmes not included in the mentioned decree, however the accreditation procedure must be completed within 3 years.
- France: flexibility is under discussion on the time of reporting, however it is clear that some national requirements will still need to apply. Consideration is given to the inclusion of additional microcredit modules and certificates in the various courses from first cycle degree to doctorate level, to allow greater flexibility. The Sorb'Rising project (PIA 4) provides for the creation of flexible paths and their widespread integration.

## Possible solutions

- (Transnational) joint programmes must receive some form of **flexibility** in which national requirements are eased up for them. The European University Initiative, the European Degree or the European Approach could be vessels to determine which kinds of international collaborations benefit from the flexibility. What is needed is a common denominator, shared by all countries and embedded in national legislation, for which national requirements are set aside. The countries report that the consortium agreement is the place where negotiations on a qualitative programme should take place. This phase is now often restricted to a phase in which several legislations are



applied at the same time, one on top of the other, sometimes leading to a *less* qualitative programme (if the addition of one national rule on top of another national rules does not make sense), instead of this phase being the phase in which the most qualitative curriculum can be designed.

- An alternative is that the **consortium agreement is subdued to the national law of the coordinating university**, and the curricular rules applicable to that university apply for the joint programme.

### 3.2 Recognition of blended/online learning

#### Obstacles

Above, we already reported on the issue of awarding a joint degree to students who have not studied physically in a university but did participate in online teaching offered by all universities during their joint programme. The proposed solution there was to allow all universities in a joint degree to award the joint degree, regardless of where the student physically was while studying the joint programme. This seems to reflect the idea of a truly “joint” programme most.

Below, similar concerns are voiced regarding curricular rules on online/blended learning.

#### *1. Concept of online mobility not regulated in the legal system*

- Experts from the Czech Republic report that the national Accreditation Bureau for Higher Education does not seem to be in favor for online learning. Entire programmes cannot be online, but it is possible to have some classes online, which have to be reported by the universities.
- Danish experts report that recognition of online learning is possible when integrated into a joint programme, but not in a regular exchange-mobility (which entails physical mobility).
- In Sweden, digital learning is not mentioned in the legislation, which causes uncertainties according to legal experts.

#### *2. Online learning is regulated in the legal system, yet restricted*

- In Italy, a regular course has a maximum of 10% of the ECTS credits that can be blended/online. In case the course is designed as a blended course (and thus not as a “regular” course), a minimum of 2/3 of the courses can be done blended/online. Italian experts report as well that the legislation does not allow online final exams (with a list of well-defined exceptions) even if the teaching took place online.

- In Lithuania, a significant part of the joint programme must be conducted on the basis of academic physical mobility, during which physical mobility of students is mandatory.
- In Poland, the number of ECTS credits that may be obtained through distance learning methods and techniques may not be higher than 50% of the number of ECTS credits (...) - for degree programmes with a practical profile; and 75% of the number of ECTS credits(...) for degree programmes with a general academic profile.

### Possible solutions

- **Allow online/blended learning for joint programmes.** Make the rules for online/blended learning flexible for (transnational) joint programmes.
- Integrate online/blended learning as an integral part of the **QA assessment of joint programmes** (if necessary by appointing an extra member in the External Evaluation Committee to ensure the necessary expertise like is the case in Cyprus).
- Keep the **focus in legislation on learning outcomes**, rather than on the format of teaching.
- Where physical mobility is prescribed in the law, focus on learning mobility (including through taking up digital courses) instead.

### 3.3 Different appropriation of the Bologna Process tools among partners and within Member States and Strong diversity of appropriation of the Bologna Process tools among partners and within Member States

#### Obstacles

The websites mentioned above in the methodology of this deliverable, for example the Impea toolkit and the EQAR pages on the implementation of the European Approach, form a welcome source of information on the implementation of the Bologna tools.

Examples provided by our respondents include:

#### *1. No legislation on financing of mobility*

Many respondents note that the combination of compulsory mobility and lack of specific grants make it very difficult for the programmes to be inclusive. The legislation itself is not necessarily causing an obstacle here (as mobility is allowed), yet the lack of a dedicated funding scheme is.

Yet the legislative framework regulating the current system of grants, seems inapt to capture the specificities of joint programmes.

- Many countries report on the lack of a sufficient national framework targeting specifically joint programmes with extensive mobility schemes: Cyprus, Czech Republic, Poland, Spain. Sometimes, restrictive rules on the possibility to raise tuition fees make the situation even more complex, as is pointed out by the experts in the Netherlands.
- The European Union finances Erasmus mobility for a maximum of 12 months, which means that joint programmes offering more mobility need to look for internal fundings to cover other semesters.
- Taxation issues exist, as is pointed out by the Danish expert.
- There are no regulations in the Erasmus+ Programme Guide concerning the use of Erasmus SMS scholarship for mobilities as a part of joint programmes. As a result, national agencies and HEIs in different countries are acting in various ways. Also, different monthly grant rates of an Erasmus+ scholarship may apply depending on the country of the sending institution, as well as the country of the host university.
- The procedures are different in each country in terms of (i) papers required, (ii) when the student receives the money and (iii) how much is given in advance.
- The concept of home-host university does not work in joint programmes as (i) the students do not necessarily start in their "current residence place", (ii) mobility schemes sometimes entail that students return to the first country (where they started in the curriculum) to finish their degree (for example to write their diploma thesis). But if that first country was not their "home" university, they are not eligible for Erasmus+ grants at that moment.

### Possible solutions

- Availability of a **dedicated national funding scheme**.
- Availability of a **supra-national level fund for joint programmes** (e.g., Erasmus + programme) with specific criteria for complex (transnational) joint programmes. This means more flexible rules of the Erasmus funds (i.e., the rule of 12 months, rethink concept of home university, etc.).
- Creation of a **new category other than Erasmus+ scheme to fund mobilities between alliance members** (specifically for the European Degree) could also be considered.

- **No taxation of scholarships** for mobility of students.
- Insert specific rules regarding **blended mobility in mobility/funding schemes**.

### 3.4 Differences in academic years

#### Obstacles

Many respondents report on the practical difficulties if academic calendars differ. Legislative obstacles however seem to be minor, and linked to these practicalities:

- Czech Republic, Hungary, Italy, Poland: timing to providing necessary documents, information, etc.

#### Possible solutions

- Base collaboration and procedures on the **number of credits** required for a specific degree, rather than thinking in academic years.
- Grant flexibility to universities to **create joint calendars**, allowing them to have a different academic calendar for (transnational) joint programmes than for their national degree programmes.
- Insert specific rules regarding blended mobility.

### 3.5 Minimum requirements in terms of duration (min. number of semesters to be spent at the home university)

#### Obstacles

Above, we already reported on this issue when describing the obstacles to award a joint degree to students who were not physically present in all universities involved in the programme, and when reporting on flexible learning paths (legislation on online/blended teaching).

Similarly, country-specific legislation that requires physical mobility makes it difficult to integrate blended mobility in the programme :

- In Flanders, the law regulates a minimum requirement of (physical) mobility for joint PhDs.
- Countries with a duration of study for certain programmes that differs from the regular duration (for example Poland, 7 semesters for engineering) report problems in setting-up and conducting joint programmes since many European and other partners have

other study durations for these programmes, making mobility schemes difficult to implement.

### Possible solutions

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- Base legislation on the number of credits, rather than study duration.
- Allow universities **flexibility** to organize these matters in consortium agreements free from legal constraints for joint degrees/European Degrees/transnational programmes that went through the European Approach.
- Acknowledge that joint programmes have integrated teaching by all specific universities, so remove requirements that are linked to physical attendance in any or all participating universities.

### 3.6 (Lack of) study progress

#### Obstacles

##### *1. Different student rights enshrined in legislation*

When country-specific legislation enshrines student rights, universities are keen on upholding them. However, differences in legislation make this difficult, as the rights students have in a joint programme cannot easily be differentiated on the basis of their nationality, while respecting equal treatment of all students in the programme.

- For example Czech legislation specifies the consequences of interruption of studies, but makes an exemption for reasons of parenthood. Finland's Universities' Act regulates the possibility to be absent due to mandatory or discretionary reasons as well. France has its own regulation, Poland, Sweden and Hungary as well. How to combine these legislations when students of different nationalities come together in a joint programme, is a delicate matter.
- Some countries have quite strict rules on study progress in first cycle degree years (like Flanders, where students need to pass the first-year courses in a two-year time period on the risk of being de-enrolled from the programme otherwise) whereas universities in other countries are not allowed to de-enroll students (like Finland, Sweden). Once again, this makes a joint programme very difficult.

## Possible solutions

- Allow universities **flexibility** to take individual decisions in transnational programmes on the basis of principles laid down in their consortium agreement, finding a balance between equity and equality of all students in the programme.
- Or accept that the **consortium agreement is subdued to the national law of the coordinating university**, meaning that the students' rights are also determined by that legal system.

## 4. Curriculum

### 4.1 Restrictive legislation regarding the use of languages

#### Obstacles

When certain boundaries are imposed by national legislation regarding the use of languages, it can seriously impact the negotiation phase when setting up a joint programme. The limitations could be connected to **mandatory use of national languages** (in teaching), and to mandatory courses of national languages when the main teaching language differs from the national language. Whether or not such laws were constructed with transnational joint programmes in mind, impacts if such rules then lead to obstacles for joint programmes. Some experts report that the use of national languages is protected or enforced by legislation. Some experts report that the study in foreign languages is treated differently financially as opposed to studying in the (or one of the) national languages.

Most of the countries did not identify any obstacles – there might be practical limitations, but they do not perceive them as legislative obstacles per se.

- In France, some portion of any given programme needs to be taught in French. If this requirement is not met (which is the case for many transnational joint programmes), French HEIs issue a different kind of diploma (a university diploma instead of a national diploma).
- Some experts report that tuition fees can be an indirect obstacle if a special fee for studying in foreign language is collected (Czech Republic, Poland).
- Some countries have special rules for English-language programmes (for example Poland). This also means that if English is chosen as the language of teaching for the

joint programme, then the whole programme must be taught in English rendering multilingual teaching impossible.

- Some countries currently allow teaching to be done only in one foreign language (i.e., English) whereas no other foreign languages are allowed (Denmark).
- Some countries have specific regulation to protect national languages (for example Flanders, a.o. through quota on the number of foreign language programmes). The need to have an equivalent in the national language is also a known measure in some countries (Flanders, Finland), although for transnational joint programmes where knowledge and expertise is spread out over many countries, this is almost impossible to implement in practice if the legislation does not provide for exceptions for (transnational) joint programmes.

#### Possible solutions

- Give universities **the flexibility to derogate from national language** regulation through their consortium agreement for European Degrees/European Universities/joint programmes.
- Give universities the flexibility to derogate from national language regulation through a dedicated investigation during the (initial) accreditation procedure.
- When protective legislation exists towards the own national language, then make sure **exceptions exist for transnational courses/experiences/programmes**.
- Allow transnational programmes that want to offer a multilingual experience the possibility to teach in several languages.
- Accept that transnational programmes gather experience from many countries, meaning that a country-specific “equivalent programme” might not be feasible.

## 4.2 Restrictive national legislation regarding curricula (minimum or maximum ECTS credits per course/minimum ECTS credits for compulsory courses)

### Obstacles

National legislation can impose limitations on how the curricula can be constructed, for instance by setting thresholds on the maximum or minimum amounts of courses, exams, ECTS for any given unit, setting rules on how to structure modules of courses, etc. Many of these obstacles have been reported on above already (maximum number of exams, regulation of diploma thesis, regulation of blended teaching or language regulations).

If such is the case and if universities need to abide by all these regulations in order to have a valid curriculum and degree in all relevant countries, then negotiating the curriculum becomes very difficult, and the leading principle during the discussions is not necessarily the quality of the programme (since adding one rule on top of another when they were not designed to be implemented at the same time, is no guarantee for quality). Like with similar issues that complicate the creation of joint programmes, national laws and regulations are usually set up in good faith to structure standard domestic study programmes in a qualitative fashion, but if there are no exemptions in place for transnational joint programmes, it can be very complicated to account for these boundaries (when the individual country-specific requirements do not align). The respondents report that most of the countries have existing policies that address the usage of ECTS, sometimes for the entire curriculum, sometimes for compulsory or elective courses or for the thesis. This complicates the practice of designing transnational joint curricula, but some countries do have dedicated exceptions for transnational joint programmes.

For regulated professions (see also below), the obstacles are often even larger. Some study programmes are mandatorily conducted as long-cycle programmes (for example medicine) – and these are rarely done on a transnational level.

Additional examples of obstacles are:

- In Poland, national legislation requires that at least half of the ECTS credits included in the curriculum are obtained “in classes” directly involving academic teachers or other lecturers and students, thus limiting time for written assignments or project/individual work.



- Poland reports as well that some specific degree programmes have different rules especially for internships (regulated professions in medicine, or teacher training programmes).
- Some countries set a maximum number of exams for a second cycle degree in Italy, a maximum of 12 exams is allowed for a second cycle degree (elective courses, further educational activities and thesis are not included).
- Some countries exclude language classes in a degree programme that is not a language programme, making a multilingual experience less attractive.

### Examples of countries with new legislations

- Denmark reports changes to the law, and Romanian experts as well report that a methodology-framework is set up for the organization of integrated study programmes, offered by two or more universities, leading to the obtaining of joint diplomas.

### Possible solutions

- Provide **exemptions for joint programmes/European degrees/European Universities** (for example Portugal, Poland, Spain, Flanders know such types of exemptions for some of their curricular rules such as language requirements of ECTS constraints).
- If the Bologna Process is fully applied, some discrepancies in legislation might disappear, although the Bologna process in itself does not set aside country-specific curricular regulations. This means that legislative action is still desired on a national/regional level to give more **flexibility to joint/European degrees**.

Three different strategies are welcomed by the legal experts:

- The legislation encloses joint programmes (or European degrees) in their national legislation and lists the articles in national/regional law that are not applicable for these types of programmes.
- The legislation accepts that a joint programme is only governed by one national law, i.e. the law of the coordinating university (that law then also governs the consortium agreement).
- The obstacles in national/regional law are tackled one by one, providing a dedicated solution for each obstacle.

### 4.3 Different intellectual property rights or data protection legislation

(development for course material)

#### Obstacles

Intellectual property rights are connected with transnational joint programmes in several ways: first, they have to be taken into account while setting up the joint programme and the consortium is setting up the flow of information (for example access to courses and literature). Second, it pertains to students who study the programme (and whose personal data is necessarily shared – from their personal whereabouts to storing their final theses). Third, it relates to any scientific outputs that might be generated on the basis of the transnational programme, which can happen with or without the assistance of students.

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Intellectual property rights are mostly well defined in the national contexts and known enough to not be perceived as legislative obstacles by the HEIs conducting joint programmes. The most common “best practice solution” is to negotiate on these matters in the consortium agreement.

- In some cases, it is necessary to execute a special agreement (possibly even with a student/s – should him/her/they be involved in some IP protected work).
- The biggest reported discrepancy in legislation is among those states in which the students/researchers themselves own the products of their work (Flanders, Sweden) versus those where it is the institution having the main claim (Czech Republic) by default.
- In some countries, each final thesis has to be made available to public for free, while those containing sensitive research data can be redacted or their availability may be postponed (Czech Republic).

Countries with different legislation might however be hesitant to publish the work of students without their consent.

#### Possible solutions

- An **agreement should be allowed to organize ownership rights**, ideally through a consortium agreement and not through individual agreements with teaching staff/professors.

- Uploading or sharing **materials on e-learning platform** should be allowed, ideally through a consortium agreement and not individual agreements with teaching staff/professors.

## 4.4 Regulated professions

### Obstacles

The sheer fact that some professions are regulated implies that the respective study programmes need to meet some additional criteria (smaller or bigger obstacles are reported by the legal experts). This is caused by high demand, social importance, as well as lucrativeness of these professions, which usually range from medical personnel and teaching staff, law disciplines, and architecture to engineering professions (like the removal of nuclear waste). These regulations are usually embedded in national legislation and it is also the national bodies who check the compatibility. To construct such programme would mean to meet the requirements of all the regulatory bodies (ministries responsible for that given field) which would be very difficult because of the formal differences that are in place.

Most of the countries operate within the same conditions: the **list of regulated professions is specified in law**, and respective ministries then oversee the education based on their jurisdiction – Ministry of Health/Medicine for medical personnel, Ministry of Education for teachers, etc. However, the concrete forms vary in their concrete implementation, and they also barely allow any exemptions. As a result, transnational joint programmes barely exist in these domains. Not many legal experts indicate significant barriers, but that can be also attributed to the small number of HEIs who actually try to implement these study programmes on a transnational level.

- Accreditation of these programmes is an issue, legal experts report:
  - Generally, the external regulator is the ministry (for ex. Ministry of Education for pedagogy, Ministry of Health for medical professions, Ministry of Labour and Social Affairs for the area of social work). In order to get an accreditation, the external regulator has to agree with the proposition of the new study programme first. It generally means an extra 3 months when preparing the accreditation. Only after his external approval the study programme can be approved by the Internal Evaluation Board (Czech Republic),
  - Respective ministries regulate the professions that fall under their jurisdiction (Finland).

- The Spanish Ministry publishes ministerial orders regulating these professions, for example, ECI, CINN that are negotiate with the respective other Ministers. These regulations make it very difficult to establish any joint degree with other countries.
- Medicine, veterinarian medicine, dentistry, pharmacy, must meet the requirements in the recognition directive (Denmark).
- Access to the profession in medicine is regulated by the federal legislator in Belgium, even though the first cycle and second cycle degree programmes are regulated by the Flemish legislator. This is a complex context even in a national context, let alone in a transnational one.
- Regulated professions exist in some academic areas, especially in area of health (Sweden).
- Loi fédérale sur les professions médicales universitaires (LPméd) et Ordonnance concernant les diplômes, la formation universitaire, la formation postgrade et l'exercice des professions médicales universitaires (OPméd), (Switzerland).
- Special legislation exists for specific programmes:
  - For example, the act on Higher Education and Science lists concrete professions for which the educational standards need to be met (Poland).
  - In France, specific regulation exists for professions organized into professional orders (e.g., health professionals), public or ministerial officials holding an office conferred by the State and appointed by decision of a minister (e.g., notaries), medical auxiliaries whose activity is regulated by the public health code (e.g., nurses, MKs), other regulated liberal professions (e.g., auditors).
- Practical exams or internships often exist in this area:
  - In order to award a qualification valid, we need to set a programme where, for example, a practical-evaluative professional internship is foreseen in order to allow students to acquire the skills necessary for carrying out of the profession. In addition, at the end of the internship – as well as at the end of all the exams – before the public defense of the diploma thesis, students will have to take a final habilitation exam including an evaluation practice test (Italy).

## Possible solutions

- Each degree programme already has outcome requirements that specify the qualification that is obtained. **No differentiation is needed between regulated and non-regulated professions** for the organization of (transnational) education.
- European compatibility of specific requirements for degree programmes that lead to regulated professions would be welcomed, some legal experts report.
- **Engagement of professionals** in the degree programme should be possible.
- For any programmes of study that requires the graduates to register to any professional bodies, an extra member (by the relevant body) could be appointed in the **External Evaluation Committee of the programme** to ensure the legality and smooth operation of the programme (such as is the case in Cyprus).

## 5. Governance Structure

### 5.1 Enrolment

#### Obstacles

No answer was given by several respondents to this question (Austria, Cyprus, Germany, Ireland, Lithuania, Romania, Sweden). Some legal experts only briefly stated that there are no obstacles even if there is national regulation (Croatia, Greece, Flanders, Switzerland, Denmark, the Netherlands). In only few cases this is not regulated on a national level (Spain) or no national regulation is mentioned (Croatia).

Mostly, **the issue of enrolment is handled based on national (or institutional) regulations**, however many respondents wrote that for joint programmes specifically all provisions should be negotiated through the consortium agreement (Croatia, Italy, Poland, Spain).

- There were some cases where respondents mentioned that national regulations could be waived or minimized for joint programmes (Poland) and others on the contrary, cannot waive the national regulations regarding admission (Hungary).
- Some institutions mentioned specific problems and solutions, listed below:
  - Question of where students must be enrolled: do they need to be enrolled in all universities offering the joint programme from the beginning (Czech Republic)?

- In some countries students must at least be enrolled at their university in the time of graduation (Finland) which might mean they will have double/multiple enrolment in their final year.
- A similar case regards France, where students should be registered in all universities involved in the joint programme, and this is required in the year of graduation. They however question, whether student who begin studying in a joint programme at another university, has to be enrolled at the French partner from the very beginning of the study programme. The legislation is not clear on this.
- The experts from the Italian HEIs report that they understand that students are enrolled at only one university (i.e., where they begin their programme), and that this university is then the coordinator of the programme where student pay tuition fees (the fees are then distributed among partners).
- The concept of enrolment and registration is fluid. How do we understand „enrolment” vs. „admission” vs. „registration”?
  - Many legal experts differentiate between enrolment and registration. Enrolment is done at the coordinating institution, while registration is done at host institutions where students follow their mobility track. The legislation must allow for the consortium agreement to organize these matters.
  - The Danish legal experts however differentiated between enrolment and admission, which is crucial for joint programmes according to them. Students can only be admitted to one institution where they start the joint programme. The enrolment (multiple) can follow the student during their mobility track from one partner to another. It is therefore important to establish from the beginning at which institution a student is admitted to the programme.
  - Several respondents mentioned that enrolment is closely tied to funding of HEIs and that is why this subject might be problematic for regulations (Czech Republic, the Netherlands).
  - Portugal mentioned that the information is not always available in a timely manner, which causes some obstacles.

### Possible solutions

- More **clarity is needed regarding the terminology used**, as national legal systems do not always properly differentiate between admission to the programme, admission to a

mobility track within that programme, enrollment in an institution and registration in an institution.

- Some experts promote a solution where national legal systems would contain a rule stating that, when studying in a joint programme, **enrolling in one university also means enrolling at all other universities.**
- Other legal experts promote the **official enrolment to only be done in one single institution** (with solely a registration in the partner institutions). That way, in case of doubt, it is clear which legislation (and institutional regulations) prevail.
- It must be clear that admission to a programme does not entail a right to study in any/all of the universities offering that programme. Institutions should be able to organize the **distribution of students among the institutions through their consortium agreement.**

## 5.2 Tuition Fees

### Obstacles

For several respondents the national legislation regarding tuition fees is not an obstacle in conducting joint programmes (Austria, Croatia, Cyprus, Switzerland). Some legal experts clarify that the fees are not regulated by national legislation (Spain, Poland). Most of the respondents point out that **tuition fees for joint programmes are and should be established in the consortium agreement** (Cyprus, Czech Republic, Italy, Poland, Spain, France).

The universities that report on the obstacles caused by tuition fees, deem these obstacles to be important. They are closely **intertwined with concerns on the inclusiveness of programmes**, as well as with the delicate issue of (selection of) students and admission to universities. Different countries have different cultures, and although transnational joint degrees to a large extent only cover second cycle degrees, new joint first cycle degrees are being created in the context of the European University Initiative. The concern of tuition fees, selection and inclusiveness is of the utmost relevant there.

The potential clash arises if partners institutions want to charge different fees, because their country-specific legislation determines the amount that needs to be charged to students. Examples include:

- Students pay fees for studying in study programmes taught in other languages than Czech. For joint programmes flexibility is possible: there are no strict rules but the possibility to negotiate is perceived as a positive feature (Czech Republic).
- Denmark: national regulation makes it mandatory for Danish universities to charge tuition fee from non-EU citizens. For EU-citizens the HE is free of charge. The solution implemented usually is to charge non-EU students while maintaining the joint programme free of charge for EU-students. For international partners, this is not always easy to accept that access to the programme is free for EU-citizens, if their own country does not entail such a rule.
- Finland: studies leading to a university degree and entrance examinations relating to student admissions are free of charge for the student unless otherwise provided in the national regulations. It is not legally permitted to collect fees from EU and EEC students, however Finnish HEIs can participate in joint programmes where other partners collect fees.
- Sweden: Swedish universities are required to charge a tuition fee for non-European students on first degree and second degree level (that is students outside of EU, EEA and Switzerland and without residence permit in Sweden). On the other hand, Swedish universities may not charge any fee for students from an EU/EEA country. On PhD-level no tuition fee can be charged. This means that the specific costs for joint programmes often are difficult to charge for.
- France: students pay fees established at a national level, there are exemptions possible within the framework of the agreement.
- Italy: students pay tuition fees where they are enrolled, according to the national legislation on the determination of fees. If the coordinating university where students are enrolled is an Italian university, the law states that the fee is calculated on the base of student's income conditions. Usually, each partner in the joint programme has a different amount of tuition fees, thus there is always a need to establish the same fees (even when students attend semesters at different universities). Specifying in the agreement which university is the coordinator implies that the amount of fees is determined in compliance with the national legislation of the coordinating institution. If Italian university is not the coordinating institution, no fees are required from students to be paid there.



- Lithuania: the standard price of studies is determined in a course or group of courses, and if it is reduced, the state funding also decreases. Entry and registration fees for foreigners are higher due to the need for educational recognition
- Flanders: fees are regulated by law for first degree and second degree programmes. Due to democratization of higher education, these amounts are kept small, which causes an obstacle for transnational programmes with complex mobility schemes.

### Possible solutions

- Allow the students to **be enrolled in one (coordinating) university which sets the fees**. The students can pay everything to the leading institution and the institution can distribute the fees. That way, only one set of tuition fee regulations applies, and universities can choose the coordinating university in function of tuition fee and corresponding student influx and public funding scheme for higher education.
- Some experts promote the **simplification of government funding for joint programmes**, rather than depending for funding on student registration and tuition fees.
- Similarly, some experts point out that students of joint programmes should be eligible for national/regional funded schemes, diminishing the need to resort to tuition fees for funding of transnational programmes.
- Many experts express the need for matters like selection of students, follow-up on study progress, amount of tuition fees, public funding, etc., **to be aligned**. If these matters cannot be negotiated all together in the consortium agreement and if the joint application of multiple sets of country-specific legislation leads to disjointed decisions (for example: open intake for students without collection of tuition fees) this affects the sustainability of the programme for HEIs and the inclusiveness of the programme to students.

### 5.3 Recognition of previous education (for admission/enrolment)

#### (Lack of) obstacles

Several respondents stated only that there are no obstacles regarding recognition of previous education (Austria, Croatia, Finland, the Netherlands, Portugal, Switzerland, Sweden) or that it is not regulated and thus should be established in the agreement (Spain).

Some respondents (Italy, Czech Republic and Lithuania) explicitly specified that they follow the Lisbon Convention for the recognition of previous education, which we know is the case for other countries as well.

Other respondents also stated that this is not an obstacle while providing further insight into the practice and regulations (Cyprus, Czech Republic, Hungary, Poland, Romania). It is clear based on the national regulations mentioned by the respondents or direct statements, that students in joint programmes are treated like regular students regarding the recognition of previous education and that no specific obstacles have been found here (yet).

## 5.4 Language proficiency validation

### (Lack of) obstacles

Respondents stated that this is not an obstacle include: Austria, Croatia, Netherlands, Portugal. No answers were received from Germany, Ireland, Romania, Switzerland. Some respondents state that language proficiency validation is regulated (Cyprus, Denmark, Hungary, while France and Lithuania – on some conditions) while others state that this is not regulated on a national level thus providing a great deal of flexibility for joint programmes (Czech Republic, Finland, Italy, Poland, Spain, Sweden). Usually, when it is not regulated on a national level, it is determined by the admission requirements for specific programme, so also established in the agreement for joint programmes (Czech Republic, Finland, Italy, Poland, Spain).

Overall, no specific obstacles were mentioned by the legal experts.

## 5.6 Restrictive legislation regarding selection of students

### Obstacles

Selection of students is a sensitive issue in some countries, especially since the European University Initiative led to the first transnational joint first cycle degree programmes to be developed.

If countries have different regulations on the selection of students, then establishing a transnational joint programme becomes a complex endeavor with the risk of student litigation to be admitted if the selection process of the joint degree runs differently from national degree programmes without the underlying legislation allowing to do so.



- Flanders responded that they cannot impose limits of admitted students in initial first cycle degree programmes for students who hold a degree of secondary education.
- Other countries (like Denmark, Finland, Hungary, Sweden) know detailed regulations (objective criteria with regard to selection), to guarantee equal treatment, with sometimes different rules for first degree and second degree programmes.
- Other countries (Cyprus) know different rules for distance learning/online programmes and for face-to-face programmes, as well as different rules for EU citizens, and non-EU citizens).
- Other countries (like Italy) define quota (sometimes distinguishing between non-EU and EU students).

#### Possible solutions

- Country-specific rules (like EU and non-EU quota for transnational courses) should be allowed to be set aside in the consortium agreement, allowing the partners to find a **balance between selection of students, funding, sustainability of the programme and equal treatment of students.**





## Annexes

[Annex 2](#) – Template sent to legal experts in the ED-AFFICHE consortium

[Annex 3](#) – ED-AFFICHE's Colour-coded grid for legal obstacles in transnational higher education collaboration

