



The Committee of the Convention on the Recognition of Qualifications concerning  
Higher Education in the European Region

## **EXPLANATORY MEMORANDUM TO THE RECOMMENDATION ON THE RECOGNITION OF JOINT DEGREES**

Adopted on 9 June 2004

## INTRODUCTION

The Council of Europe/UNESCO Convention on the Recognition of Qualifications concerning Higher Education in the European Region is the main international legal text concerning the recognition of qualifications. It was adopted on 11 April 1997 and entered into force on 1 February 1999. A list of ratifications and signatures may be found at <http://conventions.coe.int> by searching for ETS 165.

The Council of Europe/UNESCO Recognition Convention is also one of the key standards for the Bologna Process aiming to establish a European Higher Education Area by 2010, the main goals of which include improving the mobility of students, staff and graduates, facilitating the recognition of qualifications and increasing the transparency of higher education systems in Europe.

The Council of Europe/UNESCO Recognition Convention has a double function. In legal terms, it is a treaty between states, and as such it is valid as a legal standard for the recognition of qualifications belonging to the higher education systems of the parties to the Convention as well as the qualifications covered by its subsidiary texts. In a broader sense, the Convention also serves as a guide to good practice, and in this sense, its provisions may, *mutatis mutandis*, be applied to all higher education qualifications, regardless of their origin. In this sense, the Council of Europe/UNESCO Recognition Convention is in fact used as a standard well beyond its strictly legal function.

In article X.2.5, the Convention foresees that the Council of Europe/UNESCO Recognition Convention Committee may adopt subsidiary texts to the Convention. So far, three such texts have been adopted:

- (i) a Recommendation on International Access Qualifications (1999);
- (ii) a Recommendation on Criteria and procedures for the Assessment of Foreign Qualifications (2001);
- (iii) a Code of Good Practice in the Provision of Transnational Education (2001).

As will be seen, two of the three subsidiary texts adopted so far concern qualifications that are not a part of national education systems. This is partly because the Convention itself in a legal sense only covers qualifications belonging to the education system of Parties, and partly because the importance of qualifications not belonging to any national education system have increased vastly in importance since the Convention was adopted in 1997. This development is, with the increased emphasis on quality assurance, the most significant development in the recognition field since 1997.

### Joint degrees

The increased importance of joint degrees is a part of this overall development towards qualifications not formally recognized as belonging to any – or any single – national education system, although it is a phenomenon of a different nature than transnational education.

While qualifications arising from transnational arrangements often fully stand outside national qualifications systems, in the case of joint degrees each component most often belongs to a national system and it is the combination of these elements that make competent recognition authorities (and others) consider joint degrees either as belonging to more than one national system or not fully belonging to any single national system.

This problem of typology should, however, not overshadow the considerable potential of joint degrees as an excellent means of stimulating academic mobility and cooperation between higher education institutions. As such, joint degrees have the potential to play an important role in helping establish the European Higher Education Area, as was underlined by the Prague Higher Education Summit:

*In order to further strengthen the important European dimensions of higher education and graduate employability Ministers called upon the higher education sector to increase the development of modules, courses and curricula at all levels with "European" content, orientation or organisation. This concerns particularly modules, courses and degree curricula offered in partnership by institutions from different countries and leading to a recognized joint degree.*

(Prague Communiqué, adopted by the Ministers of the Bologna Process)

However, this role can only be fulfilled if joint degrees are given adequate recognition. The purpose of the present Recommendation is therefore to help ensure fair recognition for a kind of qualification that has considerable potential, but that is in a strict legal sense not covered by the Council of Europe/UNESCO Recognition Convention.

Within the Bologna Process, joint degrees have been the subject of a major study carried out by the European University Association and financed by the European Commission<sup>1</sup>. The present Recommendation is indebted to the study and seeks, as appropriate, to translate its main recommendations into legal provisions applicable in the context of the Council of Europe/UNESCO Recognition Convention. In so doing, it also takes account of the round table debate of the Council of Europe's Higher Education and Research Committee (CD-ESR) on the European Higher Education Area at the 2002 plenary session of the CD-ESR (Strasbourg, 2 – 3 October 2002).

## **Preamble**

The Preamble places the Recommendation in the context of the Council of Europe/UNESCO Recognition Convention and the European Higher Education Area and points to the main developments that call for improved provisions for the recognition of joint degrees.

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<sup>1</sup> See Andrejs Rauhvargers "Joint Degree Study" in Christian Tauch and Andrejs Rauhvargers: *Survey on Master Degrees and Joint Degrees in Europe* (Bruxelles 2001: European University Association).

## General considerations

The general considerations place the present Recommendation in the context of the Convention and points to the double function of the Convention as an international legal instrument and as a guide to good practice. Attention is also drawn to the fact that while joint degrees are most commonly issued as a result of cooperation between higher education institutions located in different countries and issuing their degrees within different higher education systems, joint degrees may in principle also be issued by higher education institutions located in the same country and issuing degrees within the same higher education system. With appropriate adjustments, the provisions of the present Recommendation may equally well be applied to such cases.

## Definitions

This part of the Recommendation seeks to define joint degree as a generic term and to explore the main types of joint degrees. It is worth noting that the EUA study on joint degrees found that there is no common definition in use today, whether explicitly or implicitly, but a joint degree can be said to have all or some of the following characteristics:

- the programmes are developed and/or approved jointly by several institutions;
- students from each participating institution physically take part in the study programme at other institutions (but they do not necessarily study at *all* cooperating institutions);
- students' stay at the participating institutions should constitute a substantial part of the programme;
- periods of study and examinations passed at the partner institutions are recognized fully and automatically;
- the partner institutions work out the curriculum jointly and cooperate on admission and examinations. In addition, staff of participating institutions should be encouraged to teach at other institutions contributing to the joint degree;
- after completing the full programme, students either obtain the national degree of each participating institution or awarding body or a degree (usually an unofficial "certificate" or "diploma") awarded jointly by the partner institutions<sup>2</sup>.

The main kinds of joint degrees may be illustrated by a number of examples, which may include very different levels of actual cooperation in curriculum development and mobility of staff and students.

Thus, joint doctoral degrees may range from joint supervision of thesis by professors from different countries to actual joint doctoral programmes where parts of the research towards the doctoral degree are carried out at different universities in different countries. At first and second degree level at one end of the spectrum there are examples of (virtual) universities established in cooperation between two or several countries with a view to offering joint curricula leading to joint degrees, such as the

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<sup>2</sup> Cf. Andrejs Rauhvargers, op. cit., p. 29

Transnational University of Limburg between the Flemish community of Belgium and the Netherlands, the Öresund University between Sweden and Denmark or the Interuniversity Europe Centre established in Bulgaria and Romania with the assistance of Germany. At the other end of the spectrum one will find cooperation on joint degrees which is rather a franchise of one country's degrees in another country (e.g. several cases where British degrees are awarded at Dutch *hogescholen*).

Several broader joint degrees consortia are known that have a curriculum jointly approved by all consortium members, organize studies for each student at two or more partner institutions and issue unofficial joint degree certificates on top of a national qualification (e.g. a joint degree consortium in construction engineering). However, most commonly, due to legal difficulties and formal regulations, the joint curriculum with study periods at several institutions still lead to just one national degree.

While this relatively wide definition is aimed at allowing and facilitating the recognition of degrees from past as well as current and future arrangements, it should be emphasized that the further development of joint degrees as powerful instruments to further the European dimension of higher education and the establishment of the European Higher Education Area will depend on basing joint degrees on a high level of institutional cooperation, including the development of integrated curricula, and the review of national funding systems for higher education.

The term "joint degree" is used as the established term for the qualifications covered by the present Recommendation. The term "diploma" designates the official document attesting the qualifications.

### **General principles**

This part of the Recommendation outlines the main principles on which it builds. These conform to the main principles of the Council of Europe/UNESCO Recognition Convention (see in particular Articles IV.1, V.1 and VI.1 of the Convention).

The point is also made that joint degrees should be recognized at least as favourably as other qualifications from the education system from which they originate. This is a particularly important provision in view of the findings of the EUA study referred to above, in that in current practice, it often seems more difficult to obtain recognition of a joint degree than of a "pure" foreign national degree. This is unjustified in view of the overall policy goal of stimulating international and inter-institutional cooperation and academic mobility.

It is also paradoxical and unjustified from another point of view, and to fully appreciate the paradox, it may be useful to bear in mind that recognition of joint degrees may concern three different situations:

- (a) recognition of the joint degree in a country one of whose institutions has provided a part of the study programme giving rise to the qualification;
- (b) recognition in a country one of whose institutions participates in the consortium having issued the degree, but this institution has not provided any part of the

- degree in question, i.e. the applicant has studied at other institutions participating in the consortium;
- (c) recognition in a third country, i.e. a country that has not in any way been involved in the study programme and/or consortium granting the qualification.
  - (d) recognition of a degree, in any country, all or a part of which has not been subject to transparent quality assurance.

It should further be kept in mind that while recognition of all parts of the study programmes giving rise to a joint degree is automatic among the partner institutions, such recognition is not necessarily granted outside of this consortium.

In situations (a) and (b) described above, recognition of a joint degree should in fact be easier than recognition of a “pure” foreign qualification since in a joint degree, the study programme leading to the degree has been elaborated jointly by one or more institutions belonging to the education system of the country in which recognition is sought and one or more foreign institutions. A recognized institution in the country in which recognition is sought will therefore already have assessed the profile, level and quality of the foreign components of the joint degree, and it would seem paradoxical if this assessment were not to be accepted by (other) competent recognition authorities in the country in which recognition is sought.

If recognition of a joint degree is sought in a third country (situation (c)), it is at least difficult to see why recognition of the joint degree should be more difficult than the recognition of a national qualification from any of the countries whose institutions have contributed to the joint degree.

It would therefore seem reasonable that the only justifiably difficult situation would arise if significant parts of a joint degree were delivered by an institution or higher education programme that does not belong to a national education system and/or that has not been the subject of transparent quality assessment (d), cf. also paragraph 11 of the Recommendation.

So far, there is no evidence of cases where the joint degree would have been given on the basis of many short periods of study at a large number of institutions. Rather, in the case of large joint degree consortia, it is the joint programme that has been jointly elaborated and approved by a dozen or more institutions, but students actually spend study periods at a limited number of consortium partners – e.g. two or three institutions. The principles of the Recommendation can well be applied also to such (so far hypothetical) cases, bearing in mind that when assessing a qualification awarded after studies of relatively short periods at a greater number of institutions, attention has to be paid to the integrity of the programme

### **Legislation**

Paragraph 9 makes the case for reviewing national legislation with a view to removing any remaining legal obstacles to the recognition of joint degrees and/or introducing legal provisions that would facilitate such recognition.

This is also an important provision in the light of the findings of the study. For example, it still seems legally difficult in many countries to issue one single

qualification in the name of several institutions, especially when at least one of these institutions is foreign.

Another example is that it is not uncommon that higher education institutions have rules requiring that at least one half of the credits toward any given degree be taken at the institution in question for the degree to be issued by this institution. If a student seeks a joint degree from two or more institutions practicing this rule, the results are predictable. This is an obvious case where rules and regulations prevent a laudable initiative, but legislation may also impede fair recognition in less obvious ways. The call for a review of national legislation in this sense was made by the 2002 plenary session of the CD-ESR, and it is important to include the point in the present Recommendation.

Finally, it should be noted that the fact that national legislation does not specifically prevent joint degrees from being established or recognized is not a sufficient measure. In many cases, an absence of legal provision positively recognizing the concept of joint degrees may in itself constitute an impediment to the recognition of such qualification. Any review of national legislation should therefore consider positive provision for the recognition of joint degrees rather than just abolishing any explicit impediments to such recognition.

### **Quality assurance and institutional recognition**

The increased importance of quality assurance and the acceptance of close link between the quality assurance and recognition of institutions and study programmes on the one hand and individual qualifications on the other hand is one of the major development since the adoption of the Council of Europe/UNESCO Recognition Convention in 1997. Whereas in 1997, there was still discussion of *whether* quality assurance was needed as general norm, the discussion now focuses on *what kind* of quality assurance is needed.

The close link between quality assurance and recognition was underlined by the Prague Higher Education Summit (May 2001), where the Ministers of the Bologna Process in their communiqué “called upon the universities and other higher education institutions, national agencies and the European Network of Quality Assurance in Higher Education (ENQA), in cooperation with corresponding bodies from countries which are not members of ENQA, to collaborate in establishing a common framework of reference and to disseminate best practice”. Cf. also the comments to the General principles, above.

The Recommendation indicates that where a part of the study programme giving rise to a joint degree has not been the subject of quality assessment or is not considered as belonging to the education system of one or more parties to the Lisbon Recognition Convention, this may be a valid reason not to recognize the degree. In such cases, recognition authorities should, however, consider whether partial recognition may be granted, in keeping with the provisions of the Recommendation on Criteria and procedures for the Assessment of Foreign Qualifications<sup>3</sup>.

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<sup>3</sup> Cf. paragraph 8 of this Recommendation, adopted by the Lisbon Recognition Convention Committee at its second meeting (Riga, 6 June 2001).

It is important to note that in these cases where the studies for the joint degree have actually taken place in a limited number of institutions, but the joint degree is awarded in the name of a larger consortium, it seems rightly to require that all the consortium members are recognized institutions and that at least the institutions in which the student has actually studied for the joint degree, have been quality assessed.



## **Information**

Information on education systems as well as on individual institutions, programmes and qualifications is one of the key challenges facing those working with the recognition of qualifications. As identified by the conference on Recognition Issues in the Bologna Process, organized in Lisbon on 11 – 12 April 2002 by the Council of Europe and the Portuguese authorities<sup>4</sup>, the problem is not one of a lack of information, but rather of a lack of pertinent and focused information. The Diploma Supplement (cf. also Article IX.3 of the Convention) and the European Credit Transfer System are important information instruments that help facilitate the recognition of qualifications. In the case of joint degrees, it is particularly important that a Diploma Supplement be issued with the degree that would clearly describe the various components of the degrees in relation to the education systems within which they have been earned.

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<sup>4</sup> See Sjur Bergan (ed.): *Recognition Issues in the Bologna Process* (Strasbourg, to appear in 2003: Council of Europe Publishing), in particular the articles by Stephen Adam and Chantal Kaufmann and the report by the General Rapporteur, Lewis Purser.