

SUBSIDIARY LEGISLATION 451.02

**MUTUAL RECOGNITION OF HIGHER EDUCATION
QUALIFICATIONS IN THE EUROPEAN REGION
REGULATIONS**

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LEGAL NOTICE 280 of 2006.

1. (1) The title of these regulations is the Mutual Recognition of Higher Education Qualifications in the European Region Regulations.

Citation and
commencement.

(2) These regulations shall come into force on such date as the Minister responsible for education may, by notice in the Gazette, appoint.

2. In these regulations unless the content otherwise requires -

Interpretation.

"access" means access to higher education and is the right of qualified candidates to apply and to be considered for admission to higher education;

"admission" means admission to higher education institutions and programmes and is the act of, or system for, allowing qualified applicants to pursue studies in higher education at a given institution or a given programme;

"assessment of institutions or programmes" means the process for establishing the educational quality of a higher education institution or programme;

"assessment of individual qualifications" means the written appraisal or evaluation of an individual's foreign qualifications by a competent body;

"competent recognition authority" means a body officially charged with making binding decisions on the recognition of foreign qualifications;

"higher education" means all types of courses of study, or sets of courses of study, training or training for research at the post-secondary level which are recognised by the relevant authorities of a Party as belonging to its higher education system;

"higher education institution" means an establishment providing higher education and recognised by the competent authority of a Party as belonging to its system of higher education;

"higher education programme" means a course of study recognised by the competent authority of a Party as belonging to its system of higher education, the completion of which provides the student with a higher education qualification;

"higher education qualification" means any degree, diploma or other certificate issued by a competent authority attesting the

*Not yet in force.

successful completion of a higher education programme;

"general requirements" means such conditions that must, in all cases, be fulfilled for access to higher education, or to a given level thereof, or for the award of a higher education qualification at a given level;

"Party State" means a state that has ratified the Lisbon Convention on the Recognition of Qualifications concerning Higher Education, which is -

- (a) a member of the Council of Europe,
- (b) a member of the UNESCO European Region,
- (c) any other signatory, contracting State or party to the European Cultural Convention of the Council of Europe, or to the UNESCO Convention on the Recognition of Studies, Diplomas and Degrees concerning Higher Education in the States belonging to the Europe Region;

"period of study" means any component of a higher education programme which has been evaluated and documented and, while not a complete programme of study in itself, represents a significant acquisition of knowledge or skill;

"qualifications" means either higher education qualifications or qualifications giving access to higher education, or both;

"qualification giving access to higher education" means any diploma or other certificate issued by a competent authority attesting the successful completion of an education programme and giving the holder of the qualification the right to be considered for admission to higher education in terms of the definition of access;

"recognition" means a formal acknowledgement by a competent authority of the value of a foreign educational qualification with a view to access educational or employment activities;

"requirement" means either general requirements or specific requirements, or both;

"specific requirements" means such conditions that must be fulfilled, in addition to the general requirements, in order to gain admission to a particular higher education programme, or for the award of a specific higher education qualification in a particular field of study.

Access to
assessment of
qualification.

3. (1) Holders of any qualifications issued by a recognised institution of higher education of one of the Party States shall have adequate access, upon request to the appropriate body, to a transparent, coherent and reliable assessment of the qualifications.

(2) No discrimination shall be made in this respect on any ground such as the applicant's gender, race, colour, disability, language, religion, political or other opinion, national, ethnic or social origin, association with a national minority, property, birth or other status, or on the grounds of any other circumstance not related to the merits of the qualification for which recognition is sought and skills achieved.

(3) Decisions on recognition shall be made on the basis of appropriate information on the qualifications for which recognition is sought.

(4) In the first instance, the responsibility for providing adequate information rests with the applicant, who shall provide such information in good faith.

(5) Notwithstanding the responsibility of the applicant, the recognised institutions of higher education in Malta, having issued the qualifications in question shall have a duty to provide, upon request of the applicant and within reasonable limits, relevant information to the holder of the qualification, to the institution, or to the competent authorities of the country in which recognition is sought.

(6) The responsibility to demonstrate that an application does not fulfil the relevant requirements lies with the body undertaking the assessment.

4. Decisions on recognition shall be made not later than four months calculated from the time all necessary information on the case has been provided. If recognition is withheld, the reasons for the refusal to grant recognition shall be stated, and information shall be given concerning possible measures the applicant may take in order to obtain recognition at a later stage. If recognition is withheld, or if no decision is taken, the applicant shall be able to make an appeal within four months to the Mutual Recognition of Qualifications Appeals Board.

Time limit.

5. (1) The Malta Qualifications Recognition Centre and institutes of higher education within Malta shall recognise qualifications issued by similar institutions in other Party States and which meet the general requirements for access to higher education in those Party States for the purpose of access to programmes belonging to the Maltese higher education system, unless a substantial difference can be shown between the general requirements for access to an institution of higher education in Malta and those of the Party State concerned.

Recognition of qualifications giving access.

(2) Alternatively, it shall be sufficient for a Party State to enable the holder of a qualification issued in one of the other Party States to obtain an assessment of the qualification, upon request by the holder, and the provisions of sub-regulation (1) shall apply *mutatis mutandis* to such a case.

(3) Where a qualification gives access only to specific types of institutions or programmes of higher education in the Party State in which the qualification was obtained, Malta shall grant holders of such qualifications access to similar specific programmes in institutions belonging to its higher education system, unless a substantial difference can be demonstrated between the requirements for access in the Party State in which the qualification was obtained and in Malta.

(4) Where admission to particular higher education programmes is dependent on the fulfilment of specific requirements in addition to the general requirements for access, the competent

authorities of the institutions of higher education may impose the additional requirements equally on holders of qualifications obtained in the other Party States or assess whether applicants with qualifications obtained in other Party States fulfil equivalent requirements.

(5) Where, in the Party States in which they have been obtained, school leaving certificates give access to higher education only in combination with additional qualifying examinations as a prerequisite access, Institutions of Higher Education in Malta may make access conditional on these requirements or offer an alternative for satisfying such additional requirements within their own educational systems.

(6) Without prejudice to the provisions of sub-regulations (1), (2), (3), (4) and (5), admission to a given higher education institution in Malta, or to a given programme within such an institution, may be restricted or selective. In cases in which admission to a higher education institution or programme is selective, admission procedures should be designed with a view to ensuring that the assessment of foreign qualifications is carried out according to the principles of fairness and non-discrimination described in regulation 3(2).

(7) Without prejudice to the provisions of sub-regulations (1), (2), (3), (4) and (5), admission to a given higher education institution in Malta may be made conditional on demonstration by the applicant of sufficient competence in the language or languages of instruction of the institution concerned, or in other specified languages.

(8) In the case in which access to higher education may be obtained on the basis of non-traditional qualifications, similar qualifications obtained in other Party States shall be assessed in a similar manner as non-traditional qualifications earned in Malta.

(9) For the purpose of admission to programmes of higher education, each Party State shall make the recognition of qualifications issued by foreign educational institutions operating in its territory contingent upon specific requirements of Maltese legislation or specific agreements concluded with the Party State of origin of such institutions.

Recognition of
periods of study.

6. (1) Institutes of higher education in Malta shall recognise periods of study completed within the framework of a higher education programme in another Party State. This recognition shall comprise such periods of study towards the completion of a higher education programme in the Party State in which recognition is sought, unless substantial differences can be shown between the periods of study completed in another Party and the part of the higher education programme which they would replace in Malta.

(2) Alternatively, it shall be sufficient for the institution of higher education in Malta to enable a person who has completed a period of study within the framework of a higher education programme in another Party State to obtain an assessment of that period of study, upon request by the person concerned, and the

provisions of sub-regulation (1) shall apply *mutatis mutandis* to such a case.

(3) In particular, Institutions of higher education in Malta shall facilitate recognition of periods of study when:

- (a) there has been a previous agreement between, on the one hand, the higher education institution or the competent authority responsible for the relevant period of study and, on the other hand, the higher education institution, or the competent recognition authority responsible for the recognition that is sought; and
- (b) the higher education institution in which the period of study has been completed has issued a certificate or transcript of academic records attesting that the student has successfully completed the stipulated requirements for the said period of study.

7. (1) To the extent that a recognition decision is based on the knowledge and skills certified by the higher education qualification, institutions of higher learning in Malta shall recognise the higher education qualifications conferred in another Party State unless a substantial difference can be shown between the qualification for which recognition is sought and the corresponding qualification in Malta.

Recognition of
higher education
qualifications.

(2) Alternatively, it shall be sufficient for the Malta Qualifications Recognition Information Centre or an institution of higher education in Malta to enable the holder of a higher education qualification issued in one of the other Party States to obtain an assessment of that qualification, upon request by the holder, and the provisions of sub-regulation (1) shall apply *mutatis mutandis* to such a case.

(3) Recognition in Malta of a higher education qualification issued in another Party State shall have one or both of the following consequences:

- (a) access to further higher education studies, including relevant examinations, or to preparations for the doctorate, on the same conditions as those applicable to holders of qualifications of the Party in which recognition is sought;
- (b) the use of an academic title, subject to the laws and regulations of Malta, or a jurisdiction thereof. In addition, recognition may facilitate access to the labour market subject to laws and regulations of Malta, or a jurisdiction thereof.

(4) An assessment in Malta of a higher education qualification issued in another Party State may take the form of:

- (a) advice for general employment purposes;
- (b) advice to an educational institution for the purpose of admission into its programmes;
- (c) advice to any other competent recognition authority.

(5) The Minister responsible for education may make the recognition of higher education qualifications issued by foreign education institutions operating in Malta contingent upon specific requirements of national legislation or specific agreements concluded with the Party State of origin of such institutions.

Recognition of qualifications held by refugees, displaced persons and persons in a refugee-like situation.

8. Malta shall take all feasible and reasonable steps within the framework of its education system and in conformity with its constitutional, legal, and regulatory provisions to develop procedures designed to assess fairly and expeditiously whether refugees, displaced persons and persons in a refugee-like situation fulfil the relevant requirements for access into higher education, to further higher education programmes or to employment activities, even in cases in which the qualifications obtained in one of the Parties cannot be proved through documentary evidence.

Information on the assessment of higher education institution and programmes.

9. The Malta Qualifications Recognition and Information Centre and recognised institutions of higher education in Malta shall provide adequate information on any programme offered with a view to enabling the competent or designated authorities of other Party States to ascertain whether the quality of the qualifications issued justifies recognition in the Party State in which recognition is sought. Such information shall take the form of information on the methods and results of this assessment, and of the standards of quality specific to each type of higher education institution granting, and to programmes leading to higher education qualifications.

Information through information technology.

10. The Malta Qualification Recognition and Information Centre through its Information Technology Office shall make adequate provisions for the development, maintenance and provision of:

- (a) an overview of the different types of higher education institutions belonging to its higher education system, with the typical characteristics of each type of institution;
- (b) a list of recognised institutions, both public and private, belonging to its higher education system, indicating their powers to award different types of qualifications and requirements for gaining access to each type of institution and programme;
- (c) a description of higher education programmes;
- (d) a list of education institutions located outside its territory which Malta considers as belonging to its educational system.

Facilitation of the recognition of qualifications.

11. (1) In order to facilitate the recognition of qualifications concerning higher education, institutions of higher learning undertake to establish transparent systems for the complete description of the qualifications obtained.

(2) Acknowledging the need for relevant, accurate and up-to-date information, the Malta Qualification Recognition and Information Centre in collaboration with institutions of higher

education shall maintain a national information centre which shall form part of the European Network of Information Centres on academic mobility and recognition known as the ENIC Network, established by decision of the Committee of Ministers of the Council of Europe on the 9th June, 1994 and the UNESCO Regional Committee for Europe on the 18th June, 1994. The Centre shall also maintain links with the Committee of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region.

(3) The Malta Qualification Recognition and Information Centre incorporating ENIC shall:

- (a) facilitate access to authoritative and accurate information on the higher education system and qualifications of Malta;
 - (b) facilitate access to authoritative and accurate information on the higher education systems and qualifications of the other Party States;
 - (c) give advice or information on recognition matters and assessment of qualifications, in accordance with national laws and regulations;
 - (d) promote the use of the UNESCO or Council of Europe Diploma Supplement.
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