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Draft Briefing Notes on the Revised Rules of Procedure
and the Permanent Secretariat - 16 Jan

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Draft: Briefing Note* on the Revised Rules of Procedures and the New Arrangements for the Secretariat (for the Brussels BFUG)

BFUG Board Jan 2024

*As in preparation of the Ministerial Meeting, BFUG members may need to inform and brief their Ministers, and colleagues in their ministry, the following note may help them to do so. Obviously, every member can adapt it at his/her discretion. The BFUG Board is invited to provide comments and suggestions.

In November 2022, the BFUG established a Task Force (TF) on the Review of the Rules and Regulations for the Governance of the European Higher Education Area. After more than 20 years, it was felt that the existing Rules needed a systematic revision. The TF was also mandated to explore whether and how the current ways of working in the Bologna Process could be improved. Specifically, it was to assess and propose whether and how the present rotating secretariat (which is provided by the party that hosts the next Ministerial conference) could and should be replaced by a more enduring structure, and what would be the points to be taken in consideration.

The TF proposes that the Tirana Ministerial Conference should be invited to adopt the revised Rules of Procedures of the European Higher Education Area, as well as decide to establish a permanent Secretariat from 2027 and adopt a related roadmap.

The present document provides a briefing on both issues, which are in some respects related, but will require separate decisions.

Background

The Bologna Process is a framework for higher education cooperation in Europe, focussing on intergovernmental cooperation and coordination in higher education reform. In 2010, it became the European Higher Education Area (EHEA), which currently gathers 49 countries and the European Commission as members and 8 inter- and non-governmental international organisations as consultative members.

The EHEA develops shared higher education reform policies and instruments, as for example the Overarching Framework of Qualifications of the European Higher Education Area (QF-EHEA), the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG),

the European Quality Assurance Register for higher education (EQAR), the European Credit Transfer and Accumulation System (ECTS), the Lisbon Recognition Convention, and the Diploma Supplement. Policies and instruments are essential to advancing the higher education reform development within individual European countries, while ensuring exchange and collaboration between systems and institutions, benefiting in particular students and staff. Recent developments, such as the European university alliances and microcredentials, clearly demonstrate the benefit of being able to develop and rely on shared policies and instruments across Europe.

1. Rules of the European Higher Education Area (EHEA) and of the Bologna Follow Up Group (BFUG)

During the first two decades of its existence, the Bologna Process has grown in terms of members, and also in the scope of reforms it addresses. In parallel, it gradually developed its Rules of Procedure, and adjusted and updated them over the years, in reaction to internal and external changes. These developments have not always resulted in a coherent set of rules and practices. More recently, the membership of Belarus since 2015, Russia's war against Ukraine, and the subsequent decisions first to postpone the Co-Chairmanship of Belarus and then to suspend the rights of representation of the both the Russian Federation and Belarus in the EHEA governance bodies as well as their participation in the work programme, demonstrated the need for clearer rules, allowing decision making also in times when no unanimity could be achieved. It also brought a stronger emphasis on the values that the EHEA promotes and cherishes.

Therefore the Bologna Follow-up Group in November 2022 decided to set up a task force to review the **Rules and Procedures by which the European Higher Education Area (EHEA) will be governed**. The Task Force commenced its work in December 2022. Drafts of the revised Rules have been circulated for comments and discussed at the BFUG in 2023 and 2024.

The main novelties of the proposal are the following:

- The Rules consist of two major sections:
 - **Part 1** sets out the **Rules of the European Higher Education Area**, which provide the overall framework. Any change of these rules shall be subject to the decision of the **Ministerial Conference**.
 - **Part 2** sets out the **Rules of the Bologna Follow-Up Group** and its sub-structures. It can be subject to changes, **decided by Bologna Follow-up Group**, as far as these are in full compliance with Part 1.

This way it clarifies the responsibilities of the two main governing structures of the EHEA, the Ministerial Conference, and the Bologna Follow-up Group.
- The Rules set out the requirements and process for accession of new members (being a signatory of the European Cultural Convention, compliance with the goals and the values of the Bologna Process, undergoing a roadmap process to fulfil as fast as possible key comments regarding quality assurance, qualification framework and recognition), but also on **withdrawal** (upon written request of the country) and **suspension/exclusion from the Bologna Process**, if a member or consultative member pursues policies or actions that contradict the commitments of the European Higher Education Area, constitute a significant violation of its values or confirm an intention to do so. In this case, the BFUG could suspend its participation, whereas any decision to exclude a member or consultative member is the sole competence of the Ministerial Conference.

- The Rules underline that decisions in the EHEA are normally made by consensus. But they also stipulate **rules for voting**, for the presumably rare cases, where a decision would be needed, but cannot be achieved by consensus: voting is usually by **simple majority** except in following cases where a **two third majority** would be required:
 - Adoption of the priorities of the European Higher Education Area;
 - Adoption of communiqués, standards, guidelines, and binding policy instruments or goals;
 - The admission and exclusion of members or consultative members;
 - Any financial commitments on behalf of the European Higher Education Area;
 - Modifications of the present Rules of the European Higher Education Area.

Most of these Rules are not entirely new, but have been drawn up in a more structured, defined and detailed fashion. Therefore, rather than changing, they are expected to confirm, strengthen, and protect the ways in which the Bologna Process/EHEA has been operating successfully for the past two and a half decades.

The TF proposes that the revised Rules of Procedure of the EHEA (Part 1) be submitted for adoption by the **Tirana Ministerial Conference in May 2024**. Subsequently, it is suggested that the BFUG adopts the Rules of Procedure of the BFUG (Part 2) on the next possible occasion, likely the first BFUG meeting in autumn 2024.

2. New arrangement for the EHEA Secretariat

Since 2003, the country hosting the next Ministerial Conference has provided the BFUG (or EHEA) Secretariat, for a term extending through the following Ministerial Conference. This includes premises and staff, which at the discretion of the host country may be seconded from the ministry, or another organisation, or newly recruited. The host country has to cover the related costs, supported by a grant of the European Commission covering approximately one third of the annual costs.

Since the establishment of the EHEA in 2010, and given the increased need to boost the implementation of the key commitments, the **challenges of this rotating secretariat** have become more and more evident:

- Hosting countries have a different understanding of and approaches to the provision of Secretariat, which can pose challenges for the continuity of the work
- The Secretariat team is usually entirely new, sometimes with little or no prior experience of the EHEA. The take-over of tasks from the previous host country requires considerable adaptation time, and for the first 1-2 years, the Secretariat team usually finds itself in a quite challenging “learning while doing” process. Once it is fully up to its tasks, and has established good communication and collaboration relations with the BFUG, its term is almost over, and the next Secretariat starts, undergoing the same process.
- The regular change of Secretariat has also technical implications, for the transfer and further development of the website, the maintenance of an archive etc.;
- All this has led to delays, and considerable extra work for both the Secretariat and the BFUG, and at times to instability and confusion, in particular during the handover periods.

Therefore, the need for a more enduring structure has become evident :

- The envisaged Secretariat would operate with permanent staff, under the authority of the BFUG. It would be more institutionalised, and in a better position to provide continuous administrative and technical support to the joint work.
- The Secretariat team would serve in a longer-term perspective, engaging staff with the right profile, and provide it with the necessary training, and with an overall capacity that can be scaled to the requirements of the service. It would be more “European”, as it would be independent from any individual country, and comprise staff from different EHEA countries.
- This would provide a stable contact point for stakeholders and thus also help to enhance the visibility and recognition of the Bologna Process and the EHEA, in Europe, and internationally.
- It can be expected to provide a **more continuous, stable and reliable support structure for the EHEA**, be in a **better position to support the implementation of the EHEA policies and instruments**, and maintain a **solid knowledge base** and provide expertise at the service of the EHEA and its bodies.
- This would be of benefit for all members and consultative members of the Bologna Process, and overall, lead to a more efficient functioning of the EHEA. It would allow the EHEA and its members to focus on content-related issues, thus **boosting implementation of key commitments** – and therefore improving internationalisation of higher education and mobility.
- This approach also seems fairer, as the **cost of the Secretariat will have to be shared by all members**. The European Commission has indicated it would continue to support the Secretariat under such arrangements.
- **Hosting of the Ministerial conference** would stay on a rotating basis. This would likely widen the range of countries which would volunteer to host, as this is no longer requires a hostint of the Secretariat.

At the Madrid BFUG in autumn 2023, **a majority of members expressed its support for the set-up of a longer-term secretariat**, and requested the further exploration of the organisational, legal and financial model, with the goal to launch such a Secretariat immediately after the 2027 Ministerial conference. One probable approach would be the establishment of a non-governmental organisation to be based in one of the EHEA countries. Alternatively, a foundation could be established.

To ensure that the Secretariat can start to operate under this new arrangement in 2027, it will be of crucial importance that Ministers at the **Tirana Ministerial Conference** in May 2024 endorse the approach, and confirm their commitment and support, and by endorsing the proposed roadmap, authorise the BFUG to take the further steps required to implement the Ministerial decision to establish these Secretariat arrangements from summer 2027.

This would enable the BFUG to continue the work post-Tirana, to further explore the model, which also depends on the legislation of the country where the Secretariat is to be based. To this purpose, it is proposed to launch a call to hosting countries in mid 2024. While a hosting country may provide a contribution in kind (such as provision of premises), it otherwise just guarantees the functioning of the Secretariat and its work without any external interference.

From this point of view it is important to agree on several key principles such organisation and hosting country should meet:

- independence of the secretariat from the hosting country and its accountability to the BFUG including the BFUG competence to select the Head of the Secretariat
- long-term sustainability
- stable international staff, transparent provisions for secondment of the EHEA members' staff
- location in a country regulations of which allow autonomous operation and flexibility, as well as other practical aspects including easy international travel
- non-for-profit principle and suitable form of organisation

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