



## Terms of Reference of Task Force on the Review of the Rules and Regulations for the Governance of the European Higher Education Area

<p><b>Name of the Task Force</b></p> <p><i>Task Force on the Review of the Rules and Regulations for the Governance of the European Higher Education Area</i></p>
<p><b>Contact persons/Co-Chairs</b></p> <ul style="list-style-type: none"><li>• To be decided</li></ul>
<p><b>Composition</b></p> <p>The TF should be made up of 6 – 8 members with a broad experience of the EHEA, in particular of the BFUG and Board, but ideally also of Ministerial conferences and working groups. Members should be appointed <i>ad personam</i>, and their collective experience should include that of BFUG members as well as consultative members.</p>
<p><b>Purpose and/or outcome</b></p> <p>The TF is an ad hoc expert group that should develop a proposed set of rules and regulations for the governance of the European Higher Education Area (“EHEA”) and its bodies, in particular the BFUG, the BFUG Board and the Secretariat, working groups and similar, and submit the proposal to the BFUG in time for its final adoption by the BFUG before the Ministerial conference in 2024 including any necessary text to be reflected in the ministers’ communique.</p>
<p><b>Specific Tasks</b></p> <p>The TF should:</p> <ol style="list-style-type: none"><li>Identify the decision making bodies of the EHEA, consider the appropriate level at which any given decisions should be made, and in particular seek to identify the issues for which a decision by EHEA Ministers shall be required;</li><li>More broadly, while ensuring coherence, readability and simplicity, consider whether – and which - different levels of rules and regulations are required;</li></ol>



- c) Consider decision making and key supporting procedures and modalities, including provisions for making decisions between Ministerial conferences and meetings of the BFUG as well as provisions for calling extraordinary meetings of these bodies;
- d) Translate these conclusions into a set of principles, processes and key procedures allowing effective and efficient operation and development of the EHEA structures.
- e) Restructure the historical information that accompanied the Rules of Procedures.
- f) Cooperation with the Consultative Members that have similar way of organization.

The TF is invited to propose recommendations on any reforms of EHEA structures in line with needs identified within the work on updated rules of procedures.

### **Values and principles**

In fulfilling its mandate, the TF should be guided by the following principles:

- (i) Build upon a review of existing formal procedures and informal practices, respect the inherited culture of BFUG over the past decades;
- (ii) Avoid overlap as well as contradictions between the different elements of the rules and regulations;
- (iii) Ensure, as far as possible, that the rules and regulations cover all eventualities for which such rules and regulations may be required;
- (iv) Ensure that the rules and regulations not include unnecessarily detailed prescriptions or areas for which such rules and regulations are not required.
- (v) While explicitly recognizing that decisions shall in principle be made by consensus, making, propose voting arrangements for cases where consensus cannot be reached in spite of the best efforts by the Co-Chairs, and identify issues on which more than a simple majority shall be required and submit proposals for the majority that shall be required in such cases;
- (vi) While recognizing the particular value of meetings held face to face and keeping them as a the first option, stipulate conditions and circumstances in which meetings may be held in other formats, in particular online or hybrid.



### **Meeting schedule**

The TF should submit key elements and/or a preliminary draft in time for discussion at the meeting of the BFUG in spring 2023 and a draft proposal in time for the meeting of the BFUG in autumn 2023. The further timetable, including developing draft wording for the Tirana Communiqué, shall be adapted to the discussion in and timetable of the BFUG.

The TF should organize its own schedule in accordance with these milestones.

The TF may meet physically or online and should aim to hold at least its first meeting in spring 2023 and its final meetings before the autumn 2023 and, if required, the spring 2024 BFUG meetings in person.

### **Reporting**

The TF shall report to each ordinary meeting of the BFUG and BFUG Board.

### **Additional remarks**

The TF should draw on the more recent experience of the BFUG and other EHEA bodies, in particular that of adapting to the requirements of the COVID pandemic as well as that of the relationship between members' adhering to the fundamental values of the EHEA and their role and participation in the BFUG, other EHEA bodies, and the work program.

The TF may review the current rules and regulations for various aspects of the governance of the EHEA but shall submit a complete and coherent proposal for the consideration of the BFUG.

### **Reference to Communiqués**

The basic references to governing arrangements for the EHEA will be found in the early Ministerial Communiqués.

The 2001 Prague Communiqué recognized that if the goal stipulated in the 1999 Bologna Declaration “to establish the European area of higher education” “within the first decade of the third millennium” were to be reached, follow up arrangements were required beyond the decision in Bologna that Ministers would “meet again within two years in order to assess the progress achieved and the new steps to be taken”.

In Prague, Ministers therefore stated:

*Ministers decided that a new follow-up meeting will take place in the second half of 2003 in Berlin to review progress and set directions and priorities for the next stages of the process towards the European Higher Education Area. They confirmed the need for a structure for the follow-up work, consisting of a follow-up group and a preparatory group. The follow-up group should be composed of representatives of all signatories, new participants and the European Commission, and should be chaired by the EU Presidency at the time. The preparatory group should be composed of representatives of the countries hosting the previous ministerial*



*meetings and the next ministerial meeting, two EU member states and two non-EU member states; these latter four representatives will be elected by the follow-up group. The EU Presidency at the time and the European Commission will also be part of the preparatory group. The preparatory group will be chaired by the representative of the country hosting the next ministerial meeting.*

*The European University Association, the European Association of Institutions in Higher Education (EURASHE), the National Unions of Students in Europe<sup>1</sup> and the Council of Europe should be consulted in the follow-up work.*

The 2003 Berlin Communiqué developed the governance arrangements of the Bologna Process further and established the governance structures as they broadly still exist today, including the establishment of a rotating Secretariat<sup>2</sup>:

*Ministers entrust the implementation of all the issues covered in the Communiqué, the overall steering of the Bologna Process and the preparation of the next ministerial meeting to a Follow-up Group, which shall be composed of the representatives of all members of the Bologna Process and the European Commission, with the Council of Europe, the EUA, EURASHE, ESIB and UNESCO/CEPES as consultative members. This group, which should be convened at least twice a year, shall be chaired by the EU Presidency, with the host country of the next Ministerial Conference as vice-chair.*

*A Board also chaired by the EU Presidency shall oversee the work between the meetings of the Follow-up Group. The Board will be composed of the chair, the next host country as vice-chair, the preceding and the following EU Presidencies, three participating countries elected by the Follow-up Group for one year, the European Commission and, as consultative members, the Council of Europe, the EUA, EURASHE and ESIB. The Follow-up Group as well as the Board may convene ad hoc working groups as they deem necessary.*

*The overall follow-up work will be supported by a Secretariat which the country hosting the next Ministerial Conference will provide.*

*In its first meeting after the Berlin Conference, the Follow-up Group is asked to further define the responsibilities of the Board and the tasks of the Secretariat.*

The 2005 Bergen Communiqué confirmed:

*We endorse the follow-up structure set up in Berlin, with the inclusion of the Education International (EI) Pan-European Structure, the European Association for Quality Assurance in Higher Education (ENQA), and the Union of Industrial and Employers' Confederations of Europe (UNICE) as new consultative members of the Follow-up Group.*

The 2009 Leuven/Louvain-la-Neuve Communiqué endorsed the governance arrangements in place and introduced the system of Co-Chairs:

*The present organisational structure of the Bologna Process, characterised by the cooperation between governments, the academic community with its representative organisations, and other*

<sup>1</sup> Since May 2007, the European Students' union (ESU)

<sup>2</sup> Until then, the country chairing the BFUG (i.e. the EU Presidency country) had also provided it with secretariat services.



*stakeholders, is endorsed as being fit for purpose. In the future, the Bologna Process will be co-chaired by the country holding the EU presidency and a non-EU country.*

In the 2015 Yerevan Communiqué, Ministers stated that:

*The governance and working methods of the EHEA must develop to meet these challenges [i.e. the main challenges identified in the Communiqué]. We ask the BFUG to review and simplify its governance and working methods, to involve higher education practitioners in its work programme, and to submit proposals for addressing the issue of non-implementation of key commitments in time for our next meeting.*

While there was intensive discussion of the implementation and non-implementation of key commitments, leading to the establishment of the Bologna Implementation Coordination Group (BICG) and thematic peer groups, the BFUG has so far not addressed the broader governance issues in any detail except in conjunction with urgent specific issues.

Reviewing the rules and regulations for the governance of the European Higher Education Area with a view to ensuring that they are coherent and fit for purpose will also help fulfill the Ministers' injunction in the 2020 Rome Communiqué:

*We call on the BFUG to address the actions and priorities indicated for the next decade with the overall purpose of creating a European Higher Education Area that fulfils our vision and achieves our goals by 2030.*