



# **Establishing the legal framework to allow the implementation of the LRC**

**(Subgroup discussion)**

Thematic Peer Group on Key Commitment 2:  
National legislation and procedures compliant  
with the Lisbon Recognition Convention

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# Implementation of provisions of the LRC

- **Implementation of provisions of a State Party to the LRC is an obligation.**
- National authorities have responsibility to regulate the provisions at national level and oversee the implementation by competent (recognition and information) authorities.
- Where central bodies are competent recognition authorities, the provisions shall take the necessary measures to ensure the implementation.
- Where HEIs are competent recognition authorities, the Party shall take all possible steps to encourage application of its provisions.

# Subsidiary texts to the LRC and implementations

- **Recommendation on Procedures and Criteria for the Assessment of Foreign Qualifications and periods of Study (2010)**
  - In the assessment of foreign qualifications the national legal frameworks should be applied in a flexible way with a view to making recognition possible. In cases where existing national laws conflict with the Recommendation, States are encouraged to consider whether national laws may be amended.
- **Recommendation on the Recognition of Qualifications Held by Refugees, Displaced Persons and Persons in a Refugee-like Situation (2017)**
  - Parties to the LRC should review and, as required, amend their legal framework to ensure that national legislation does not impede the implementation of Art.VII.



# Obligations according to the LRC

Art. II.I of the LRC states that where the central authorities are competent to make decisions, that Party **shall take the measures to ensure the implementation** of its provisions.

Where the competence to make decisions lies with individual HEIs, each Party shall take all possible steps to **encourage the application of its provisions**.

Art. II.I is central to determining the **obligations of the Parties** to the LRC. An obligation to make sure that institutions (central and HEIs) are encouraged to abide by the Convention.

# LRC provisions /obligations

- Access to an assessment
- Criteria and procedures
- Time limit
- Right to appeal
- Recognition unless substantial differences
- Recognition of refugees' qualifications
- Information provision
- National ENIC

# Case from Estonia

- Background information
  - Competent recognition authorities – HEIs
  - Role of national ENIC/NARIC – advice; recommendations
  - “Strong” regulations at national level

# Legal framework

- **Regulations concerning the assessment and academic recognition of foreign educational qualifications and the use of the names of foreign qualifications** (*Government Regulation, 2006*)
  - Implementation of Lisbon Recognition Convention (ant its subsidiary texts)



# Government Regulation

- **Subjects of the Regulation**
  - **Assessment and recognition principles**
    - General consideration, definitions, applicant, purpose of assessment and recognition, etc
  - **Nomination of competent assessment authorities**
    - Estonian ENIC/NARIC (not obligatory, HEI/employer may assess in case they have knowledge and experience)
  - **Nomination of competent recognition authorities**
    - HEI or employer
  - **Role and tasks of the Estonian ENIC/NARIC**
    - Assessment of foreign qualifications, comparison and recommendation
  - **Principles, criteria and procedure on assessment of foreign (and transnational) higher education qualifications, qualifications giving access to higher education and periods of study**
    - List of criteria
  - **Use of the name of foreign educational degrees (titles, and other qualifications)**
    - Right to use original title or in transliteration
  - **Recognition of refugees' qualifications**
    - Regulation according to the Subsidiary text to the LRC (application; assessed by the Estonian ENIC/NARIC; Background Paper; HEIs may set up examinations/tests; decision by HEIs)