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During the discussion on the ENQA report at the BFUG meeting 1 March 2005 some members expressed their need for more clarity and transparency about the exact role and ownership of the proposed European register of quality assurance agencies as well as the composition and legal status of the European Register Committee (ERC) which will decide on admissions to the register.

This brief document should hopefully serve this need. The document is the result of consultations between the E4 partners: ENQA, EUA, EURASHE and ESIB and serves the purpose of detailing the planning at the present stage for the register and the ERC.

I look forward to the feedback from the BFUG not least concerning the link between the BFUG and the ERC where some models are outlined below.

Purpose of the register

The report to the Ministers states clearly the purpose of the register as an instrument to meet the interest of higher education institutions, governments, and students in being able to identify professional and credible quality assurance agencies operating in Europe. The most valuable asset of the register would be its informative value to institutions and other stakeholders, and the register could in itself become a very useful instrument for achieving transparency and comparability of external quality assurance of higher education institutions.

Scope of the register

The register will be open to applications from all agencies providing services within Europe, including those operating from countries outside Europe or those with a transnational or international basis. Europe is defined as the Bologna signatory states and in an open, but still operational, definition an agency would be an organisation with the remit to quality assure higher education institutions or programmes.

It is important to stress that the register will be open to all agencies operating in Europe and that the agencies will not be ranked. They will be categorised, however, according to their scope (regional/national/ cross-border/European/extra-European); their review status (reviewed or non-reviewed); and their level of compliance with the European standards for external quality assurance agencies (full compliance/partial compliance).

Ownership of the register

In relation to its functions, decisions, procedures and appeals system the register will belong to the European Register Committee. This will be a joint committee of ENQA, EUA, ESIB, EURASHE, BFUG and representatives of European employers, labour organisations and professional bodies. It was suggested at the recent BFUG meeting that the register could be "owned" by ENQA. However, in that case there is a risk of credibility in that the owner itself representing its member agencies could be perceived as an actor operating on the growing European market for quality assurance of higher education institutions.

Composition and procedure of the ERC

The composition of the ERC should be guided by the following principles in order to ensure its legitimacy and to be in line with general good practice for fostering the proposed European standards for external quality assurance agencies:

Independence: The members of ERC are nominated in their personal capacity by their respective organisations. Hence, they will not be 'representatives' of or 'mandated' by their nominating bodies.

Transparency: The members will initially include representatives nominated by the four members of the E4 Group and, before the end of 2005, of organisations representing and nominated by European employers, unions and professional organisations.

Efficacy: The ERC should consist of 11 members. Any larger number would be unwieldy and inefficient and would not address one of the BFUG's concerns that the structure of the ERC should be as light and non-bureaucratic as possible. The E4 Group will nominate 4 members, the BFUG will nominate 3 members (see options for governments' representation below), and other stakeholders to be identified will nominate 3 members. The final seat will be reserved for the chair that will serve for one year at a time and be nominated by an E4 partner based on a rotation principle.

Accountability: In order to balance the need for accountability to governments and the independence of the ERC, it is proposed that government representatives will be nominated by BFUG. While recognising the prerogative of the government representatives to choose their own nominees it is suggested that the role of government should be indirect to ensure independence.

Options for governments' representation:

- Governments take turns (alphabetical order) nominating 3 members to the ERC for a limited period to be defined (cf. rotation model of the BFUG Board).
- The 3 representatives come from governments from those countries represented in the BFUG Troika.
- BFUG nominates 3 members for fixed periods. BFUG decides whether these should be BFUG members or not.

Procedure: It is proposed that decisions in the ERC will be taken by a qualified majority of two thirds of members present at the ERC meeting.

Role of the ERC

The ERC decides on admissions to the register. The ERC will generally not itself appraise applicants, but will base its decisions on the reviews done by other organisations and consider the credibility of the processes leading to an application. As the ENQA report states:

"A European Register Committee will decide on admissions to the European register. The committee will use agency compliance with the European standards for external quality assurance agencies as identified in the cyclical review as one criterion for placement in the register. Other criteria should be developed which will take account of the diversity of the higher education systems."

This means that ERC will have responsibility for deciding the criteria for inclusion in the various categories of the register; for deciding which agencies are admitted to the register; for deciding which agencies should be included in which categories of the register; and for deciding and implementing all other necessary procedures.

In the build-up phase the ERC will have four annual meetings. The ERC could be linked to the Bologna process through a simple procedure where the ERC submits to the BFUG on a semi-annual basis updates on the decisions and activities related to the register. Through this procedure the Bologna Follow-Up Group would be able to follow and comment on the developments regarding the register.

Legal status and appeals system

One of the first steps to be taken after the Bergen Ministerial conference will be the establishment of the ERC with appropriate legal status and to identify exactly which form of legal personage should be adopted. The E4 meeting 22 June 2005 will consider how best to achieve this purpose. Due to the scope and role of the ERC, the committee is not likely to be the object of any legal action. Nevertheless, possible legal consequences of a negative decision regarding an application from an agency must be investigated before the ERC can be established. ENQA will seek legal advice on the issue before the E4 meeting in June.

After having received such legal advice and consulted the E4 partners, ENQA will draft a set of formal rules and regulations for the ERC and the register.

Another immediate task to be undertaken by the E4 Group after Bergen is to address whether there is a need for the establishment of an appeals system. In any case, the agencies under review will be given a fair period of time to react to a draft decision.

Financing of the ERC

The costs of establishing and maintaining the register and the Committee will not be insubstantial, but in due course it should become a largely self-financing venture. The nominating organisations might, initially at least, cover expenses of their nominees. ENQA can finance the running administration, i.e. processing of applications and publishing of the register in an online version. Applicants for the register should expect to pay an appropriate fee. The ERC will prepare a business plan as an early priority, with a view to establishing the register on a self-financing basis as soon as possible, and after the build-up phase the committee may investigate the possibility of applying for supplementary funding from the European Commission.

Concluding remarks

I hope that this document has provided enough details to make evident for the BFUG the implications of the proposals of the ENQA report regarding the register and the ERC. In any case, I am prepared to present the arguments and proposals for the BFUG at the coming meeting 12 April in Luxembourg.

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