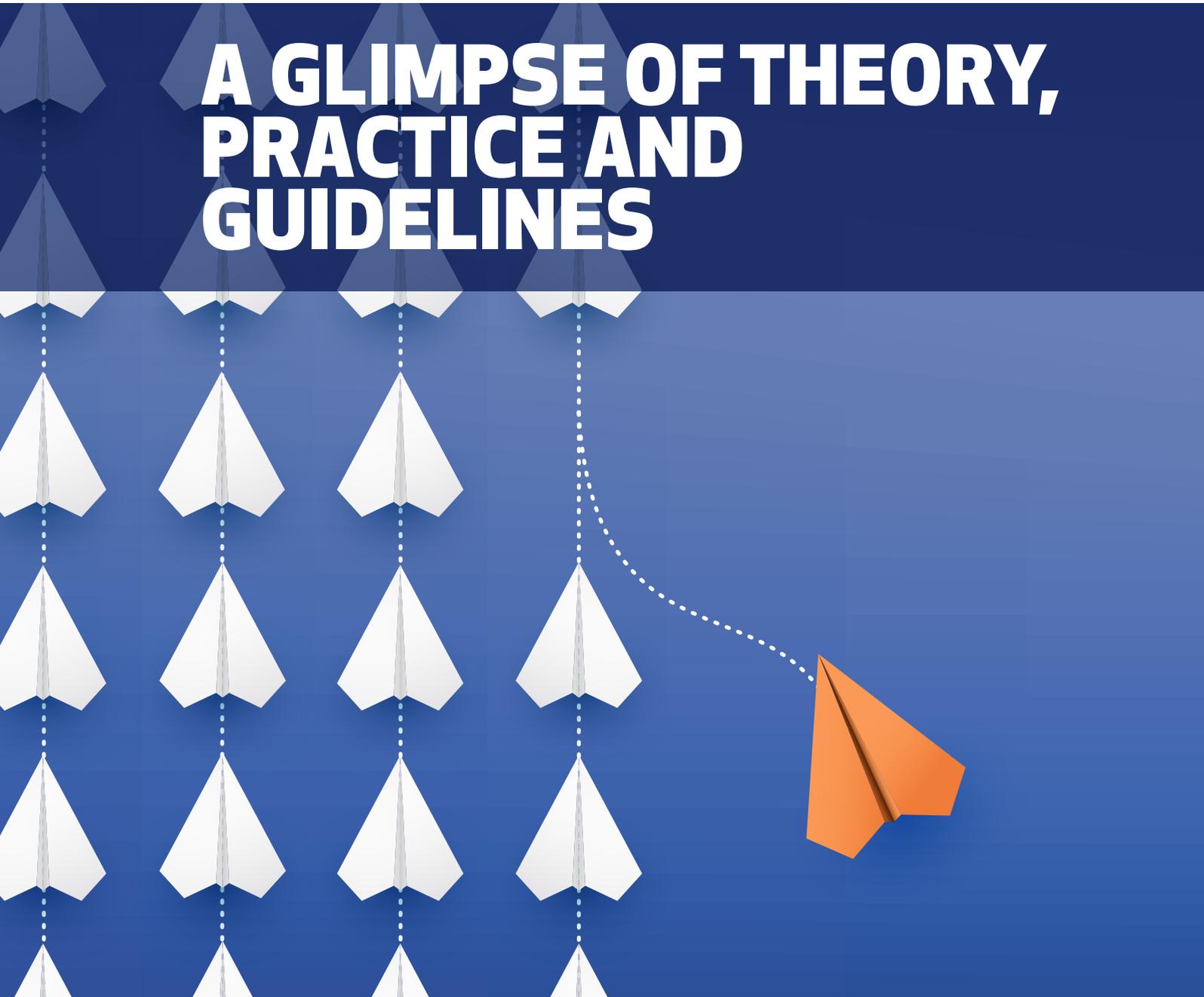


# SUBSTANTIAL DIFFERENCES

## A GLIMPSE OF THEORY, PRACTICE AND GUIDELINES



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# INTRODUCTION

This document is edited in the framework of the *Thematic Peer Group on the implementation of the Lisbon Recognition Convention in EHEA countries* project. The Seminar on Recognition of Qualifications and Substantial Differences<sup>1</sup>, held in Bologna on the 26th of June 2019, organised within the aforementioned project, was the occasion for a common reflection on the theme of substantial differences.

The concept of substantial differences was introduced in the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, otherwise known as the “**Lisbon Recognition Convention**”, in 1997. Substantial differences reflect developments and reforms to support compatibility and mutual understanding of higher education systems that have taken place over the last 20 years in the higher education sector within the European Higher Education Area (EHEA) and worldwide. Therefore, it is crucial to investigate the concept of substantial differences, i.e., differences that are fundamental enough to justify the denial of recognition.

This document is intended to contribute to the discussion about substantial differences, giving a broad picture of the various elements involved, while sharing existing good practices and examples of how to implement them.

Another aim of this document is to provide input on how to categorise the different typologies of substantial differences and to support higher education institutions in understanding whether a difference or a set of differences should be considered substantial or not.

# THE DEFINITION OF SUBSTANTIAL DIFFERENCES

The concept of substantial differences was introduced in the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, otherwise known as the “**Lisbon Recognition Convention**”, which is the key treaty regulating recognition of qualifications in the UNESCO Region of Europe and North America, adopted on the 11<sup>th</sup> April 1997.

Among the major aims of this treaty, it is worth highlighting:

- ◆ facilitating mobility of holders of qualifications through the recognition of academic qualifications awarded in one of the signatory/ratifying party to the Lisbon Recognition Convention via the mechanisms for the recognition of academic qualifications in another party to the convention.
- ◆ facilitating access to the information on higher education systems of the signatory/ratifying parties of the Lisbon Recognition Convention. The implementation of the Lisbon Recognition Convention by the signatory/ratifying parties is overseen by the Committee of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (commonly known as the Lisbon Recognition Convention Committee - LRCC).

The Lisbon Recognition Convention states as its basic principle fair recognition, as defined in Article III: “Holders of qualifications issued in one of the Parties shall have adequate access, upon request to the appropriate body, to an assessment of these qualifications” and “Each Party shall ensure that the procedures and criteria used in the assessment and recognition of qualifications are transparent, coherent and reliable”<sup>2</sup>. The Lisbon Recognition Convention and its stipulations apply only to the competent authorities operating within the higher education systems of the signatory/ratifying parties of the convention. As such, authorities should ensure the establishment of criteria and standards

<sup>1</sup> For further information and for the materials of the seminar: [www.ehea.info](http://www.ehea.info)

<sup>2</sup> Lisbon Recognition Convention Section III – Basic principles related to the assessment of qualifications, Article III.1 and III.2.

for the evaluation of foreign academic qualifications in general, as well as for specific aspects of the evaluation of such qualifications, including cases of substantial differences.

With regard to substantial differences, in Article VI.1, the Lisbon Recognition Convention states that: “To the extent that a recognition decision is based on the knowledge and skills certified by the higher education qualification, each Party shall recognize the higher education qualifications conferred in another Party, unless a **substantial difference** can be shown between the qualification for which recognition is sought and the corresponding qualification in the Party in which recognition is sought”.

The Lisbon Recognition Convention also takes into consideration the recognition of periods of study in higher education, as outlined in Article V.1: “Each Party shall recognise periods of study completed within the framework of a higher education programme in another Party. This recognition shall comprise such periods of study towards the completion of a higher education programme in the Party 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 the Party in which recognition is sought”.

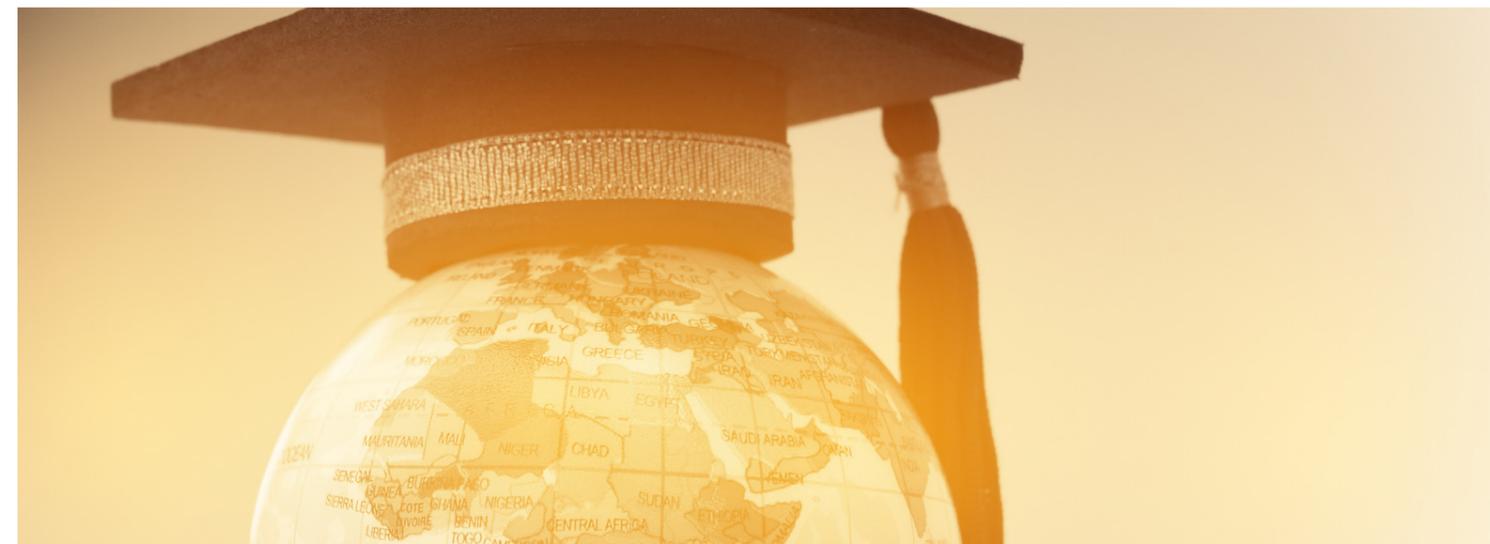
In subsequent years, the concept of substantial differences appears in the majority of the so called second generation of regional conventions, with the exception of the Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Latin America and the Caribbean (2019). None of them, though, provides a definition of substantial differences, or identifies a set of elements on the basis of which a decision can be taken on whether there is a substantial difference.

A definition of substantial differences in the context of recognition conventions only appeared in 2019 in the text of the UNESCO **Global Convention on the Recognition of Qualifications concerning Higher Education**.

The definition provided in the Global Convention on the Recognition of Qualifications concerning Higher Education is the following:

**Substantial differences:** significant differences between the foreign qualification and the qualification of the State Party which would most likely prevent the applicant from succeeding in a desired activity, such as, but not limited to, further study, research activities, or employment opportunities<sup>3</sup>.

<sup>3</sup> See “Section I. Definition of terms” of the text of the **Global Convention on the Recognition of Qualifications concerning Higher Education**.



## SUBSTANTIAL DIFFERENCES AND CONVENTIONS ON RECOGNITION OF QUALIFICATIONS

**The Convention on the Recognition of Qualifications concerning Higher Education in the European Region - 1997:** concept formulation. No definition and no list of substantial differences.

**Asia-Pacific Regional Convention on the Recognition of Qualifications in Higher Education - 2011:** concept formulation. No definition and no list of substantial differences.

**Revised Convention on the Recognition of Studies, Certificates, Diplomas, Degrees and Other Academic Qualifications in Higher Education in African States - 2014:** concept formulation. No definition and no list of substantial differences.

**Global Convention on the Recognition of Qualifications concerning Higher Education - 2019:** concept formulation. Definition but no list of substantial differences.

# SUBSTANTIAL DIFFERENCES OVER THE LAST 20 YEARS

Along with the Lisbon Recognition Convention, the **Bologna Process** represents another milestone in recognition that during the last twenty-five years has paved the way to consider the recognition of qualifications on a larger scale than was applied previously. The Bologna Process, launched in 1999, which led to the establishment of the EHEA, was established to boost the harmonisation of higher education systems in the European Higher Education Area and to enhance the attractiveness and competitiveness of European higher education, alongside other aims. The process aims to ensure inclusiveness and transparency in higher education; openness to all citizens; framework conditions encouraging mobility not only within the EHEA; the establishment of tools to facilitate the recognition of qualifications in the EHEA; the introduction of an overarching qualifications framework, as well as the establishment of European standards and guidelines on quality assurance.

These two milestones have developed largely in synchronicity and complementing one another. In the framework of the Lisbon Recognition Convention and the Bologna Process, many initiatives have been implemented towards a common understanding of substantial differences.

Upon initiative of CIMEA, the Italian ENIC-NARIC centre, the ENIC-NARIC Working Party deliberated from 2005 to 2008 on what constitutes substantial differences and how they should be defined. They agreed on the following principles:

- ◆ It is the obligation of the competent authority, and not of the applicant, to provide evidence for the existence of a substantial difference.
- ◆ Substantial differences are a valid reason for non-recognition, but they do not imply an obligation not to recognise.
- ◆ A difference should be considered substantial only in relation to function and purpose of the qualification.
- ◆ A difference in formal terms only is an insufficient argument for denying recognition.

- ◆ The identification of a substantial difference should be based on the 5 elements of a qualification (level, workload, quality, profile, learning outcomes).

In 2007 NUFFIC, the Dutch ENIC-NARIC centre, led a consortium for a one-year project entitled “Survey on Substantial Differences” in order to investigate how the various ENIC-NARIC centres apply the concept of substantial differences in practice. The project concluded that “there seem to be very few ‘textbook cases’ of substantial differences on which all NARICs agree”<sup>4</sup>.

In their book “Developing attitudes to recognition: substantial differences in an age of globalisation” the authors<sup>5</sup>, based on the text of the convention and its explanatory report, established a number of elements for further consideration concerning the concept of “substantial difference”:

- ◆ “The existence of a substantial difference may provide a reason not to recognise a qualification, or to give only partial recognition.
- ◆ The responsibility for demonstrating the existence of a substantial difference lies with the competent recognition authority assessing the application for recognition.
- ◆ The existence of a substantial difference provides a reason for non-recognition but entails no obligation in this sense. A competent recognition authority may choose to recognize a qualification even if it considers that a substantial difference exists. In such cases, it would, however, seem reasonable to assume that other factors may be considered to outweigh the substantial difference, and, at first sight, it would also seem reasonable to assume that such cases would be rare.
- ◆ The difference in question should be substantial in relation to the function of the qualification and the purpose for which recognition is sought.
- ◆ The real test of whether a difference is “substantial” therefore lies in the function of the qualification and the purpose for which recognition is sought more than in the formal characteristics of the qualification, such as length of study or the architecture of a given study programme<sup>6</sup>.

<sup>4</sup> Wegewijs B., *Survey on substantial differences: an example of practice in Europe* in *Developing attitudes to recognition: substantial differences in an age of globalisation*, Council of Europe Publishing, 2009, p. 69-96.

<sup>5</sup> Bergan S., Hunt S., *Developing attitudes to recognition: substantial differences in an age of globalisation*, Council of Europe Publishing, 2009, p. 19-20.

<sup>6</sup> *Ibidem*, p. 20.

In the EHEA Ministerial Conference in Bucharest in 2012, Ministers in charge of higher education decided to adopt the **European Area of Recognition (EAR) Manual** as an official document within the EHEA. The EAR Manual was created with the aim of disseminating transparent recognition procedures and harmonising as much as possible recognition procedures of foreign qualifications among EHEA and ENIC-NARIC countries, based on common standards and guidelines. The EAR Manual defines substantial differences as “differences between the foreign qualification and the national qualification that are so significant, that they would most likely prevent the applicant from succeeding in the desired activity such as further study, research activities or employment.”

Furthermore, the EAR Manual gives some guidelines:

- ◆ “Not every difference should be considered to be “substantial”.
- ◆ The existence of a substantial difference entails no obligation to deny recognition to the foreign qualification.
- ◆ The difference should be substantial in relation to the function of the qualification and the purpose for which recognition is sought. [...]
- ◆ The ENIC and NARIC Networks promote flexible attitudes and to move away from rigid and legalistic interpretations.
- ◆ The interpretation of substantial differences is very much linked to the overall outcome of a qualification, programme and/or programme components, since this determines whether the applicant has been prepared sufficiently for the desired activity.
- ◆ A difference that is only related to input criteria (such as workload and structure of the programme) is not likely to have a direct effect on the abilities of the applicant and should therefore not be considered automatically as a substantial difference”<sup>7</sup>.

In 2016, the Lisbon Recognition Convention Committee conducted a monitoring exercise on the implementation of the Lisbon Recognition Convention sending a detailed questionnaire to all the states parties to the Lisbon Recognition Convention. As stated above, in the text of the Lisbon Recognition Convention there is not a definition of what a substantial difference is. From the answers received, however, it seems that in the majority of the participating countries there is a common understanding on substantial differences and the criteria which lead to their definition, thereby affecting decisions on partial recognition or non-recognition<sup>8</sup>.

Furthermore, the survey asked participating countries to list “**What may be considered a substantial difference between a foreign qualification and a corresponding national qualification**”, which led to the following results:

1. Institution or a programme is not accredited/quality assured (49 out of 50 answers).
2. Nominal duration of study is shorter by more than one year (35 out of 50 answers).
3. Differences in programme content/courses (35 out of 50 answers).
4. Different access requirements (28 out of 50 answers).
5. No final thesis (21 out of 50 answers).
6. Online studies (13 out of 50 answers).
7. The programme is not provided in the home country (10 out of 50 answers).
8. Part-time studies (6 out of 50 answers).
9. Less demanding final thesis (5 out of 50 answers).
10. The institution is recognised in the home country, but is not listed in the international databases (4 out of 50 answers).

The results indicate that despite the lack of a common definition there is in practice a shared view on what can be considered a substantial difference. However, while the principles of the Lisbon Recognition Convention are implemented in almost all its signatory/ratifying countries, differences in its practical application remain and as a result produce different outcome for certain interpretations of the Lisbon Recognition Convention addressed in the survey<sup>9</sup>.

The Lisbon Recognition Convention Committee has published several subsidiary texts/recommendations in addition to the Lisbon Recognition Convention, which also touch upon the issue of substantial differences. These texts can be found on the ENIC-NARIC website in the section dedicated to the **Lisbon Recognition Convention**.

<sup>7</sup> EAR Manual, “**Chapter 10. Substantial differences**”. For Higher Education Institutions, please refer also to the **EAR HEIs Manual – Third edition**.

<sup>8</sup> The Committee of the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, **Monitoring the implementation of the Lisbon Recognition Convention. Final Report**, Paris 2016, p. 48.

<sup>9</sup> ENIC-NARIC centres could include information on what it is considered a substantial difference in their website. This is the case of the Italian ENIC-NARIC centre, that has on its website the information on **evaluation methodology** used in the procedures for the recognition of foreign qualifications in Italy, with reference to substantial differences.

# SUBSTANTIAL DIFFERENCES: WHAT DOES IT MEAN IN PRACTICE

The experience in practice, developed over the years by ENIC-NARIC centres and competent authorities in matters of recognition, and the definition that is provided in the Global Convention on the Recognition of Qualifications concerning Higher Education, suggest that a **case-by-case approach is applied to determining whether substantial differences exist**. This underlines the agreed need for flexibility on this topic. In addition, any decision taken not only applies to the holder of the qualification and his/her future opportunities for further study and employability, but also on a larger scale to the deciding bodies, their national systems of education and the regulations in place on the topic. This means that, upon identifying the presence of substantial differences, a more holistic approach, where appropriate, and depending on the scope of the evaluation of the qualification, should be applied.

Given the centrality of the case-by-case approach, this paragraph provides practical guidance on how to identify substantial differences in the recognition process.

## THE FIVE ELEMENTS OF A QUALIFICATION

When discussing the concept of substantial difference, it is essential to have a clear classification of the elements of a qualification, based on which a decision can be taken on whether there is a substantial difference. The five elements of a qualification were first introduced at the **Copenhagen international conference on qualifications frameworks** in January, 2005; here with the definitions given within the Copenhagen international conference:

- ◆ **Level:**  
representing a series of sequential steps (a developmental continuum), expressed in terms of a range of generic outcomes, against which typical qualifications can be positioned. A qualification framework with levels and descriptors to facilitate understanding and benchmarking of individual qualifications nationally and internationally.
- ◆ **Workload:**  
a quantitative measure of all learning activities that may be feasibly required for the achievement of the learning outcomes. (e.g., the European Credit Transfer and Accumulation System - ECTS).
- ◆ **Profile:**  
either the specific (subject) field(s) of learning of a qualification or the broader aggregation of clusters of qualifications or programmes from different fields that share a common emphasis or purpose (e.g., an applied vocational as opposed to more theoretical academic studies).
- ◆ **Learning Outcomes (LOs):**  
statements of what a learner is expected to know, understand and/or be able to do at the end of a period of learning.
- ◆ **Quality:**  
all systems include an element of “externality”, whether by external inspectors or by academic peers. There is also a general trend towards increasing the input of students and other stakeholders within quality assurance.

The first of these elements, the level of the qualification, has received particular attention in the recent past. Experience has shown that placing qualifications in a **qualifications framework (QF)**, a transparent tool with levels and descriptors to better understand the qualifications awarded and their

learning outcomes, facilitates understanding and benchmarking of individual qualifications nationally and internationally. The indication of the level of any given qualification in a QF should be one of the starting points for evaluation procedures, since it allows credential evaluators to establish whether the foreign qualification is placed at the same level as in the QF of the country where the recognition is sought, or whether there are substantial differences.

There are more than 150 countries worldwide which have a qualifications framework in place, and, in the European region, national qualifications frameworks (NQFs) are referenced to two overarching meta-frameworks – the Qualifications Framework for the European Higher Education Area (**QF-EHEA**) and the **European Qualifications Framework (EQF)** – to ensure a better understanding and easier readability of national qualifications and facilitate their acceptance beyond national borders. For a qualification, it is not only important to have level descriptors, learning outcomes and to be positioned in an NQF. It is also important to identify the quality assurance (QA) standards relating to these qualifications.

Going more into details, substantial differences can be identified in the recognition process by looking at 3 main dimensions:

1. **key information** of the qualification;
2. the structure of the **foreign higher education system**;
3. the **modality** of achievement of the qualification.

For each of these, more detailed indications are provided together with five use cases that further exemplify how they can be identified, or not, as substantial differences on one side according with the national legislations and, on the other side, looking at the practices developed at international level.



## 1. Key information of the qualification

- ◆ Official name of the qualification (in the original language).
- ◆ Official name of the institution that has awarded the qualification (awarding institution).
- ◆ Accreditation/quality assurance/recognition of the awarding institution.
- ◆ Official name of the institution which provided the tuition – where different from the former case (teaching institution).
- ◆ Accreditation/quality assurance/recognition of the teaching institution.
- ◆ Accreditation/quality assurance of the programme
- ◆ Nature of qualification.
- ◆ Level of qualification.
- ◆ Length of the programme.
- ◆ Workload.
- ◆ Academic and professional entitlements.
- ◆ Specific elements (e.g., the production of a final thesis/project).
- ◆ Curriculum.

These elements can be found directly in the official documentation provided by the holder of the qualification, or through official sources in the country that awarded the qualification.

## 2. Structure of the foreign higher education system

- ◆ School education and school-leaving qualification:
  - ◆ Years of schooling required for access to higher education.
  - ◆ Different types of educational institutions and related qualifications of upper secondary education (diversified/non-diversified systems).
  - ◆ Denomination of qualifications awarded at end of upper secondary school and the higher education institutions they provide access to.
  - ◆ Existence of a mandatory national exam to proceed to higher education.
  - ◆ Existence of specific elements required by institutions to access higher education (i.e., admission requirements).
  - ◆ Institution or body that awards school-leaving qualification and national examination certificates (if applicable).
- ◆ Higher education:
  - ◆ Binary or unitary system of higher education.
  - ◆ Denomination of higher education institutions and their specific qualifications.
  - ◆ System of evaluation of progress and methodology used by institutions for grades.
  - ◆ System of credits or measurement of “weight” of each course.
  - ◆ Institution or body which awards final qualification.
  - ◆ Qualifications which permit access to subsequent programmes.

- ◆ Consequential or non-consequential higher education system.
- ◆ Nature of higher education programmes in consideration of the status of the institution and the type of final qualification.
- ◆ Obligation of a final exam, or other graduation requirements, and their type.
- ◆ Existence of an academic qualification awarded together with the study title.
- ◆ Existence of a professional qualification awarded together with the study title.
- ◆ Further elements:
  - ◆ Legislation and national rules: laws and regulations on the subject of secondary and higher education.
  - ◆ International, bilateral or multilateral agreements on the subject of recognition of qualifications and/or the standardisation of systems.
  - ◆ Rules for recognition/quality assurance of higher education institutions.
  - ◆ Rules for recognition/ quality assurance of single study programmes.
  - ◆ Existence of a quality control system at a central or local level or devolved to other bodies.
  - ◆ Existence of a quality assurance mechanism for institutions belonging to a national system that operate abroad.

### 3. Modality of achievement of the qualification

- ◆ Mode of learning and teaching (e.g., online, face to face, blended).
- ◆ Teaching institution different from the awarding institution.
- ◆ Transnational education:
  - ◆ Branch campuses.
  - ◆ Off-shore institutions.
  - ◆ Franchised institutions.
  - ◆ International higher education institutions.
  - ◆ Multinational corporate universities.



# SHOULD I RECOGNISE OR SHOULD I NOT?

Four case studies are presented to help make a decision about when the elements described above should be considered as substantial differences.



## USE CASE 1

Qualifications	Purpose of recognition	Elements of the qualifications
Bachelor of 180 ECTS	Access to a PhD	Workload: 120 ECTS Duration: 2 years Final thesis
Master of 60 ECTS with final thesis		Workload: 60 ECTS Duration: 1 year Final thesis

### Description:

The applicant seeks access to a PhD programme. The applicant achieved a Bachelor of 180 ECTS and, subsequently a Master's degree (EQF 7 or second-cycle qualifications) of 60 ECTS - both in an accredited institution - where the thesis was a requirement to successfully complete the study path.

### Context:

In the system where the Master's degree of 60 ECTS with a final thesis is being evaluated, Master level qualifications have a duration of 2 years and the workload is of 120 ECTS normally.

### Would you recognise this qualification for accessing the PhD course?

- ◆ **Yes**, I would recognise the Master's degree of 60 ECTS with a final thesis for the purpose of accessing a PhD programme because the aforementioned Master gives this right in the higher education system of reference. Even if in my higher education system Master level qualifications have a workload of 120 ECTS, this difference is not considered substantial, taking into account that the student acquired the necessary research skills with the final thesis.
- ◆ **No**, I would not recognise the Master's degree of 60 ECTS with a final thesis for the purpose of accessing to a PhD course because the difference in duration, one year vs. two years (as it is in my higher education system) and the difference in workload, 60 ECTS vs. 120 ECTS, is to be considered substantial.

### As far as the Use Case 1 is concerned, are there elements that you would consider as potential substantial differences?

If yes, which are they?

- ◆ Length of course (1 year instead of 2 years).
- ◆ Number of credits (60 ECTS vs. 120 ECTS).

If no, could you elaborate your answer explaining why no substantial difference is individuated in the Use Case 1?

## USE CASE 2

Qualification	Purpose of recognition	Elements of the qualifications
Master's degree in Applied Computer Science with a final project	Access to a PhD programme in informatics	Meets the needs of employers in the area of information technology
		Applies theory to the practical problems of developing information systems
		Meets the needs of employers in the area of information technology

### Description:

The applicant was awarded a Master's degree in Applied Computer Science and, among the requirements to successfully achieve the qualification, he prepared a final project. The applicant now seeks admission to a PhD programme in Informatics.

### Context:

In your higher education system, the requirement for admission to the PhD programme is a Master's degree in a related field with research skills.

### Would you recognise this qualification for accessing the PhD course?

- ◆ **Yes**, I would recognise the Master's degree in Applied Computer Science for the purpose of accessing the PhD course in Informatics because it satisfies the requirements for the needed research element, considering the subject being an applied one.
- ◆ **No**, I would not recognise the Master's degree to access the PhD course in Informatics because my higher education system is a unitary one and it is academic. For this reason, the achieved qualification would not fit in the system as it is considered a substantial difference.

### As far as the Use Case 2 is concerned, are there elements that you would consider as potential substantial differences?

If yes, which are they?

- ◆ Binary or unitary system of higher education.
- ◆ Denomination of academic qualifications and their specific qualifications.
- ◆ Nature of higher education courses in consideration of the status of the institution and the type of school-leaving qualification.

If no, could you elaborate your answer explaining why no substantial difference is individuated in the Use Case 2?

## USE CASE 3

Qualification	Purpose of recognition	Key information of the qualifications
Bachelor's degree	Access to a Master degree	Awarding institution located in Country A and recognised in Country A
		Teaching institution located in Country B and not recognised in Country B

### Description:

The applicant achieved a Bachelor's degree awarded by an institution recognised in Country A that differs from the teaching institution that is located in Country B and is not recognised in the Country where it operated (i.e. Country B).

### Would you recognise this qualification for accessing to a Master's programme in your higher education system?

- ◆ **Yes**, I would recognise the aforementioned Bachelor's degree because the institution that awarded the qualification is recognised in the country where it is based and operates (i.e. Country A) so I do not need other elements to evaluate the qualification.
- ◆ **No**, I would not recognise this Bachelor degree because, even if the quality of the awarding institution is checked as it is recognised, the teaching institution is not recognised by Country B, where it operates so, according to the evaluation methodology in place in my system, the lack of recognition of the institution in Country B prevents me from recognising the Bachelor degree.

### As far as the Use Case 5 is concerned, are there elements that you would consider as potential substantial differences?

If yes, which are they?

- ◆ Teaching institution different from the awarding institution.

If no, could you elaborate your answer explaining why no substantial differences are individuated in the Use Case 3?

## USE CASE 4

Qualification	Key information of the qualifications
Master level degree	Awarded by an international institution
	Awarding institution officially belonging to any Higher Education System
	Qualifications recognised in the country where it is located

### Description:

The applicant has achieved a Master level degree from an international institution that does not belong to a higher education system and the qualification is recognised in the country where the institution is located.

### Would you recognise this qualification for accessing the PhD course?

- ◆ **Yes**, I would recognise the Master's degree from the international institution as the awarded qualification is recognised in the country where the awarding institution operates.
- ◆ **No**, I would not recognise this Master's degree as, not being part of a higher education system, the quality assurance of the institution is not checked nor transparent and this constitutes a substantial difference for my higher education system.

### As far as the Use Case 4 is concerned, are there elements that you would consider as potential substantial differences?

If yes, which are they?

- ◆ Transnational Education.
- ◆ International Higher Education Institutions.

If no, could you elaborate your answer explaining why no substantial differences are individuated in the Use Case 4?



# GUIDELINES FOR ASSESSING SUBSTANTIAL DIFFERENCES

When evaluating a qualification, you should always start from the following key question.

**Would the qualification that the applicant has obtained enable him/her to successfully follow a given study programme or successfully perform a given employment?**

The answer to this question should be based on the following key principles that encourage flexible attitudes instead of rigid and legalistic interpretations:

- ◆ Accept differences that are not substantial.
- ◆ Consider whether a single criterion can be enough to justify withholding full recognition.
- ◆ Look at learning outcomes: the recognition procedure may be more directly focused on the outcomes reached and competences obtained, instead of - input criteria such as workload and contents<sup>10</sup>."
- ◆ Consider if criteria are substantial in the light of recognition purpose.
- ◆ The mode of delivery should not be regarded as a substantial difference if the programme is officially recognised.
- ◆ Look more at academic entitlements of a qualification instead at the duration of the programme.
- ◆ If a substantial difference has been proven, seek to establish whether alternative, partial and/or conditional recognition may be granted.

Having in mind that it is pivotal to proceed on a case-by-case approach, it is possible to identify some levels of substantial differences that can be taken into consideration in the recognition process<sup>11</sup>.

## High level – substantial<sup>12</sup>:

- ◆ Belonging to different levels of the Qualifications Framework.
- ◆ The programme/institution is not accredited/quality assured in the system of reference.
- ◆ The programme/institution is not official.
- ◆ Different nature and scope (academic, professional, research).
- ◆ Absence of academic rights/it does not give access to similar programmes.
- ◆ In the national system, there are no corresponding/analogous qualifications.

## Medium level – substantial depending on the aim of recognition:

- ◆ Distinctive elements of the qualification (i.e., the thesis).
- ◆ Duration/workload: substantial only in cases where nostrification is needed.
- ◆ Disciplinary field and contents (two elements that have to be taken in consideration according to the scope).

## Low level – not substantial:

- ◆ Absence of an exam.
- ◆ Different names of the programmes.

<sup>10</sup> EAR Manual, *Chapter 09. Learning outcomes*. For Higher Education Institutions, please refer also to the *EAR HEIs Manual – Third edition*.

<sup>11</sup> This section is based on to the results of the *Monitoring the implementation of the Lisbon Recognition Convention* review carried out by the Lisbon Recognition Convention Committee Bureau.

<sup>12</sup> The elements in red are those that are generally considered substantial differences, the elements in yellow are generally considered potential substantial differences and this varies depending on the system and the purpose for which recognition is sought. Lastly, the elements in green are the ones that should not be considered substantial differences per se.

# RESOURCES

- ◆ Convention on the Recognition of Qualifications concerning Higher Education in the European Region.  
URL: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/165>
- ◆ Documents adopted by the Lisbon Recognition Convention Committee.  
URL: <https://www.enic-naric.net/the-lisbon-recognition-convention-97.aspx>
- ◆ EAR Manual, chapter on “Substantial differences”.  
URL: <http://ear.enic-naric.net/emanual/Chapter10/default.aspx>
- ◆ Monitoring the implementation of the Lisbon recognition convention (data gathering from LRC states parties).  
URL: [https://www.enic-naric.net/fileusers/Monitoring\\_the\\_Implementation\\_of\\_the\\_Lisbon\\_Recognition\\_Convention\\_2016.pdf](https://www.enic-naric.net/fileusers/Monitoring_the_Implementation_of_the_Lisbon_Recognition_Convention_2016.pdf)
- ◆ Standards and Guidelines for Quality Assurance in the European Higher Education Area.  
URL: [https://www.enqa.eu/wp-content/uploads/2015/11/ESG\\_2015.pdf](https://www.enqa.eu/wp-content/uploads/2015/11/ESG_2015.pdf)
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