

ERASMUS+ PROJECT 2023-1-RS01-KA220-HED-000156660

**EPIR** | E-Procedure of Institutional Recognition of  
Foreign Higher Education Documents

## WORK PACKAGE 2

TASK 2.1. IN-DEPTH ANALYSES OF EXISTING REGULATORY INSTITUTIONAL FRAMEWORKS, AND  
EU STANDARDS AND POLICIES

## INTRODUCTION

According to the Law on Higher Education ("Official Gazette of the RS" No. 88/2017, 73/2018, 27/2018- other law, 67/2019, 6/2020- other laws, 11/2021- authentic interpretation, 67/2021, 67/2021- other law and 76/2023) there are two types of procedures for recognition of foreign higher education documents in the Republic of Serbia:

- 1) **Academic recognition procedure** - recognition of a foreign higher education document for the purpose of continuation of education, which is under the jurisdiction of independent higher education institutions (universities, academies of applied studies, colleges, and colleges of applied studies).
- 2) **Professional recognition procedure** - recognition of a foreign higher education document for the purpose of employment, which is under the jurisdiction of ENIC/NARIC Centre, the organizational unit of the Qualifications Agency.

## LEGAL FRAMEWORK

### 1) The Law on Higher Education

The Law on Higher Education is the main law in the Republic of Serbia which regulates recognition of foreign higher education documents. It defines two types of recognition procedures, jurisdiction for each type of the recognition procedure, criteria for evaluation of foreign study programmes, which higher education documents are not subject to the recognition procedures (higher education documents acquired in SFRY – until 27 April 1992, in the Federal Republic of Yugoslavia, State Community of Serbia and Montenegro – until 16 June 2006 and in the Republic of Srpska), and prescribes obligation for maintaining records of conducted procedures, obligatory data in the registry and obligation for keeping documentation on conducted procedures permanently.

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According to the aforementioned law, the procedure for recognition of a foreign higher education document is conducted in accordance with its provisions unless otherwise provided by an international agreement.

Regarding the academic recognition procedure, the Law also prescribes that the procedure shall be conducted by the professional body of the independent higher education institution, upon previously evaluated foreign study programme or part of the study programme. Evaluation of a foreign study programme shall be conducted based on the type and the level of achieved competencies acquired upon completion of a study programme, considering the system of education in the country where the higher education document was acquired, the admission conditions, the rights stemming from the foreign higher education document in the country in which it was acquired and other relevant facts, without the consideration of formal designations and the structure of the study programme. The information on previously mentioned facts shall be provided by the ENIC/NARIC Centre to the independent higher education institution. Besides, it is stipulated that the continuation of education and the enrolment of the higher educational degree can be conditioned by the obligation of acquiring additional learning outcomes or rejected thereof if determined that there is an essential difference between the type and level of the acquired knowledge and skills and the conditions for the enrolment in a specific study programme. The criteria for determining the existence of the essential difference between the type and level of acquired knowledge and skills and the conditions for enrolment in a specific study programme and the procedure of academic recognition should be prescribed by a general legal act of the independent higher education institution. The decision on the outcome of the academic recognition procedure should be made within 90 days from the date of receipt of a proper request. The decision is final in the administrative procedure. Unless otherwise prescribed, the procedure for academic recognition is subject to the law governing the general administrative procedure.

## **2) Bylaws - The Statute of the University of Novi Sad and the Regulation on evaluation of foreign study programmes and recognition of foreign higher education documents for the purpose of continuation of education**

The University of Novi Sad adopted the general internal act – the *Statute of the University of Novi Sad* (adopted on March 8, 2018, changed: on April 5, 2018- correction, on February 13, 2019, on September 29, 2020, on January 28, 2022, on December 5, 2023), which stipulates that the Expert Councils of the Senate of the University of Novi Sad (6 Expert Councils for different educational scientific/artistic fields) are in charge of making final decision in the academic recognition procedure and that the academic recognition procedure shall be conducted in accordance with provisions of a general internal act adopted by the Senate of the University of Novi Sad.

On September 20, 2018 the Senate of the University of Novi Sad adopted internal act *Regulation on evaluation of foreign study programmes and recognition of a foreign higher education for the purpose of continuation of education*. The last changes to this internal act were adopted on April 27, 2023. The aforementioned internal act prescribes the bodies that are involved in the recognition procedure, their jurisdiction in the procedure, the list of obligatory documents that candidates have to submit and the types of decisions that can be made by Expert Councils of the Senate.

The content of the Regulation is divided into six main parts with the following titles:

I Subject Matter of the Act

II Basic Terms and General Principles

III Initiation of the procedure of evaluation of foreign study programs and academic recognition of foreign high education documents

IV Procedure for evaluation of foreign study programs and academic recognition of foreign higher education documents

V Record

VI Transitional and Final Provisions

At the end of the Regulation, it is prescribed that two following models are an integral part of the Regulation and are to be used in the recognition procedure:

1. Application for Academic Recognition of a Foreign Higher Education Document
2. Report on the recognition of a Foreign Higher Education Document for the Continuation of Education

### **3) International Agreements and Treaties**

The Republic of Serbia is a contract party in numerous bilateral and multilateral agreements. The main international acts applied in the recognition procedure are found below:

*3.1 The Convention on the Recognition of Qualifications concerning Higher Education in the European Region (The Lisbon Recognition Convention, 1997)*

On March 3, 2004, the Republic of Serbia signed and ratified the Lisbon Recognition Convention. The Convention was entered into force on May 1, 2004.

The Lisbon Recognition Convention (LRC) aims to ensure that holders of a qualification from a signatory country can have adequate access to an assessment of the qualification in another country in a fair, flexible, and transparent way.<sup>1</sup> Acceptance of this Convention is very significant considering the principles on which it is based.

The key points of the Lisbon Recognition Convention:

- No discrimination shall be made in this respect on any ground such as the applicant's gender, race, colour, disability, language, religion, political opinion, national, ethnic, or social origin.
- The responsibility to demonstrate that an application does not fulfil the relevant requirements lies with the body undertaking the assessment.
- Each country shall recognise qualifications – whether for access to higher education, for periods of study or for higher education degrees – as similar to the corresponding qualifications in its own system unless it can show that there are substantial differences between its own qualifications and the qualifications for which recognition is sought.
- Recognition of a higher education qualification issued in another country shall have one or more of the following consequences: access to further higher education studies, use of an academic title, and access to the labour market.

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<sup>1</sup> <https://www.enic-naric.net/page-lisbon-recognition-convention>

- All countries shall develop procedures to assess whether refugees and displaced persons fulfil the relevant requirements for access to higher education or to employment activities, even in cases in which the qualifications cannot be proven through documentary evidence.
- All countries shall provide information on the institutions and programmes they consider as belonging to their higher education systems.
- All countries shall appoint a national information centre, one important task of which is to offer advice on the recognition of foreign qualifications to students, graduates, employers, higher education institutions and other interested parties or persons.
- All countries shall encourage their higher education institutions to issue the Diploma Supplement to their students in order to facilitate recognition.<sup>2</sup>

Taking all that into account, the University of Novi Sad through its procedure relies on and applies the basic principles of this Convention.

### *3.2 Convention Abolishing the Requirement of Legalization for Foreign Public Documents (HCCH 1961 Apostille Convention)*

The Convention Abolishing the Requirement of Legalization for Foreign Public Documents (HCCH 1961 Apostille Convention) facilitates the use of public documents abroad. The purpose of the Convention is to abolish the traditional requirement of legalization, replacing the often long and costly legalization process with the issuance of a single Apostille certificate by a Competent Authority in the place where the document originates.<sup>3</sup>

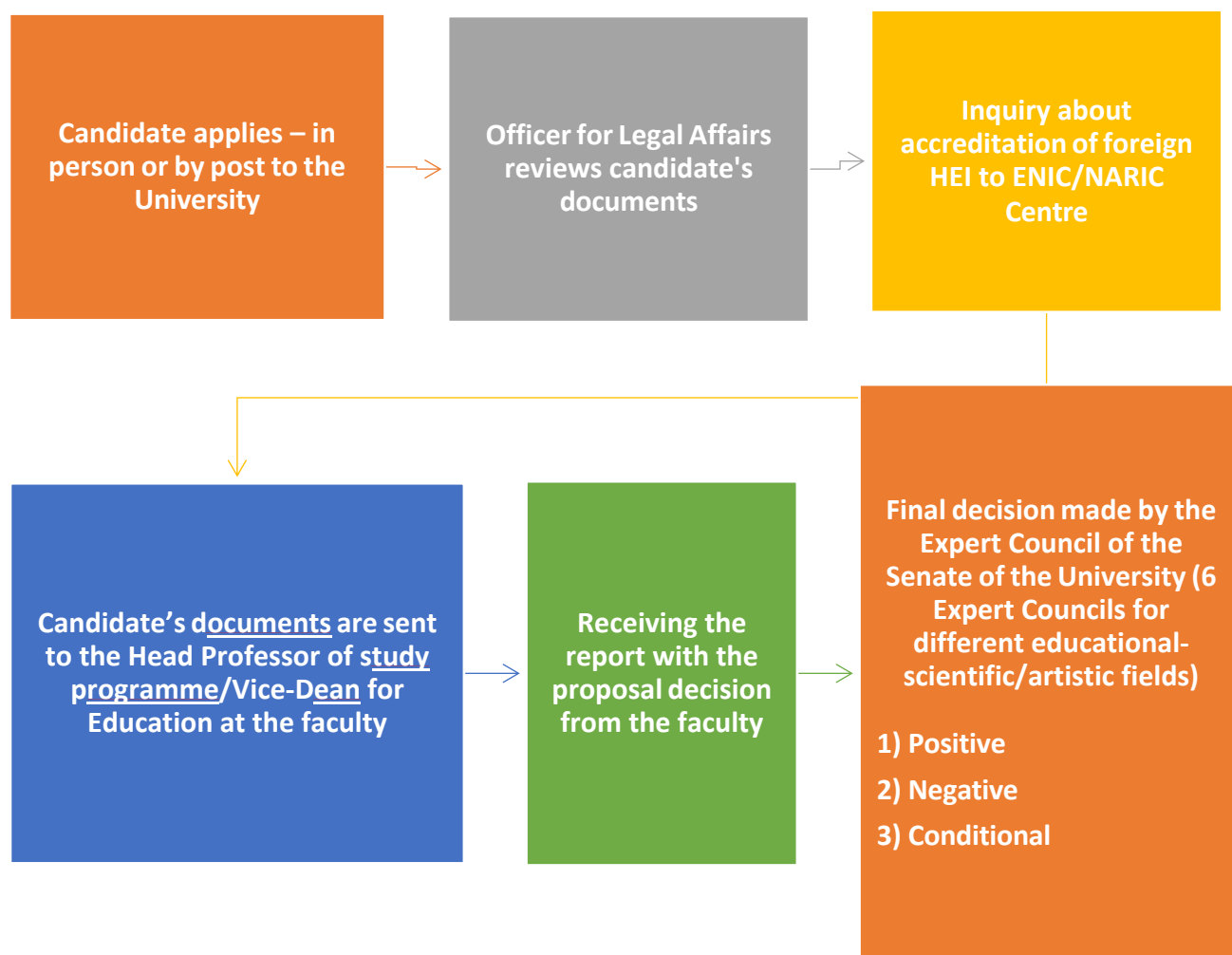
3.3 Mutual bilateral agreements between the Republic of Serbia and other countries that abolish the requirement of legalization for foreign public documents or facilitate the recognition procedure (Montenegro, the Republic of Croatia, Romania, Bosnia and Herzegovina, Hungary, the Republic of North Macedonia, the Russian Federation...)

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<sup>2</sup> <https://www.enic-naric.net/page-lisbon-recognition-convention>

<sup>3</sup> <https://www.hcch.net/en/instruments/conventions/specialised-sections/apostille>

## ACADEMIC RECOGNITION PROCEDURE AT THE UNIVERSITY OF NOVI SAD



### 1. Submission of the application

- Candidate starts the procedure by applying for academic recognition of a foreign higher education document in person or by post to the University of Novi Sad
- Required documents for the recognition procedure depend on the purpose of application, i.e. the level of studies in which the candidate would like to continue his/her education and they typically include a certified photocopy of the Diploma and the Diploma Supplement or the Transcript of Records, translation of the aforementioned documents into Serbian by a court interpreter\*, official study programme, photocopy of the ID card or passport, proof of payment of the recognition procedure

\*Candidates are not obligated to translate higher education documents acquired in: Bosnia and Herzegovina, Republic of North Macedonia, Republic of Slovenia, Republic of Croatia and Montenegro, under the condition that these documents were issued in the official language of the respective countries, unless it is not specifically requested by a competent authority during the evaluation and recognition procedure

- Legalization of foreign higher education public documents (the Diploma, the Diploma Supplement, and the Transcript of Records):
  - diplomatic/consular legalization (“full legalization”) is required if a foreign higher education document is issued in a country with which the Republic of Serbia does not have a bilateral agreement on mutual exemption of public documents from legalization and which is not signatory of the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (“Apostille Convention”),
  - certification with the Apostille Certificate is required if a foreign higher education document is issued in a country that is a signatory of the “Apostille Convention”, and the Republic of Serbia does not have, with that country, a bilateral agreement on mutual exemption of public documents from legalization,
  - diplomatic/consular legalization is not required nor certification with the Apostille Certificate if a foreign higher education document is issued in a country with which the Republic of Serbia has a bilateral agreement on mutual exemption of public documents from legalization.
  
- 2. Review of the submitted application and documentation and the inquiry about the accreditation of the foreign HEI to ENIC/NARIC Centre
  - Officer for Legal Affairs in charge of the recognition procedure reviews the submitted application and documentation
  - If the application is filled properly and the documentation is complete:
    - the officer sends a request to the ENIC/NARIC Centre asking for information about the accreditation of the foreign higher education institution at which the candidate started/finished his/her previous education (information on system of education in the country where the higher education document was acquired, the admission conditions, the rights stemming from the foreign higher education document in the country in which it was acquired and other relevant facts can also be required) and
    - the confirmation of the initiated recognition procedure is being issued, which enables candidates to apply for admission to the faculty within the University of Novi Sad or the University of Novi Sad itself, depending on where the candidate would like to continue studies
  - If the application is not filled properly or the documentation is not complete the candidate receives a decision on the need to submit a properly filled application and documents required for the procedure
  
- 3. Sending candidate’s documentation to the Head Professor of Study program/Vice-Dean for Education at the faculty
  - When the accreditation of the foreign higher education institution is confirmed by the ENIC/NARIC Centre candidate’s application and documentation altogether with the received information from the ENIC/NARIC Centre are sent to the Head Professor of study programme/Vice-Dean for Education at the faculty where the candidate would

like to continue his/her education for the purpose of making the report with a proposal decision on evaluation of foreign study programme and the possibility for the candidate to continue education in the desired study programme

4. Receiving the report with the proposal decision from the faculty
  - The report with the whole candidate's documentation and the proposal decision based on the received report are sent to the Expert Council of the Senate of the University with the aim of making a decision
5. Making the decision
  - The Expert Council of the Senate of the University (6 councils for different educational-scientific/artistic fields) makes the decision regarding the candidate's application
  - Types of the decision:
    - positive decision
    - negative decision - if determined that there is an essential difference between the type and level of the acquired knowledge and skills and the conditions for the enrolment in a specific study programme and
    - conditional decision - when additional learning outcomes are needed (according to the University's internal act maximum of three additional exams can be required)
  - Once complete, the evaluation of a certain foreign study programme shall be valid for all further cases of recognition of the foreign higher education document when the foreign higher education document was acquired upon completion of the subject study programme
  - The candidate is notified that the decision was made and that the decision have to be taken at the University

## **SWOT ANALYSIS OF THE LEGAL FRAMEWORK FOR RECOGNITION OF FOREIGN HIGHER EDUCATION DOCUMENTS IN THE REPUBLIC OF SERBIA AND AT THE UNIVERSITY OF NOVI SAD**

### **Strengths**

1. The recognition process is clearly defined through internal regulations
2. Serbian regulation is aligned with the international conventions (the Lisbon Recognition Convention)
3. ENIC/NARIC Centre ensures expertise and support in the recognition process

### **Weakness**

1. Absence of a uniform law at the national level governing the academic recognition procedure at the national level with all its complexity taken into consideration – the existence of differences in the procedures and required documentation at different independent higher education institutions
2. The academic recognition process is not digitalized, candidates do not have the possibility to initiate and conduct the procedure electronically, at a distance. The candidates have to come in person to submit documentation or to send it via post, which increases the total cost of the procedure.
3. The process often takes several months, which negatively affects the academic plans of the candidates.
4. Many documents are required for the procedure, which increases costs, usage of paper, and is time-consuming

### **Opportunities**

1. Digitalized system for submitting and processing applications can speed up and make the procedure low in cost and more environmentally friendly
2. Increasing the number of recognitions will directly increase the number of foreign students at the university and student mobility
3. Uniform and unambiguous legal framework at a national level governing the academic recognition procedure

### **Threats**

1. National regulations that do not fully recognize the digitalized procedure
2. The digitalized academic recognition procedure functions with difficulty in an environment that is not digitized (office, archive, student services etc.)



3. Differences in educational systems can lead to hardships in the evaluation of foreign study programmes
4. Overloaded system and lack of administrative employees due to an increase in the number of applications

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