

Translation of Order No. 602 of 25 June 2003 (Danish Ministry of Education Order in effect)

Assessment of Foreign Qualifications etc. Order

In pursuance of section 2 a(3), section 2 a(4) and (6), section 3(7), section 4, section 6(1), section 7(1), section 8(4) and section 9 of the Assessment of Foreign Qualifications etc. Act, cf. Consolidation Act no. 74 of 24 January 2003, the following shall apply:

Part 1

The assessment etc.

1. - (1) The basis for the assessment of an individual's foreign qualifications, cf. section 3 of the Act, shall, in addition to an assessment of the authenticity of the documents, include the following criteria:

- i) Recognition of the qualification or the study periods in the home country.
- ii) The date of completion of the educational programme or the study periods.
- iii) The admission requirements of the educational programme or the study periods.
- iv) The length of the educational programme or the study periods.
- v) The purpose of the educational programme or the study periods.
- vi) The structure and academic content of the educational programme or the study periods.
- vii) The relationship between theory and practice in the educational programme or the study periods.
- viii) Previous assessments made by the Centre or others.

(2) Any assessment of qualifications and preparation of an individual education plan with a view to basic adult education under the Vocationally Oriented Adult Education and Continuing Training Act (*lov om erhvervsrettet grunduddannelse og videregående uddannelse for voksne*) shall be made in accordance with the rules on this.

2. The Danish Centre for Assessment of Foreign Qualifications (the Centre) shall exercise the powers of the Minister of Education under the present Act except the powers to make regulations.

Part 2

Documentation of qualifications

The applicant's duty to provide information

3. - (1) As the basis for the Centre's assessment, the applicant shall fill in an application form that will be prepared by the Centre.

(2) The applicant shall give information about the name, address and civil registration number or date of birth of the individual whose qualifications have been requested assessed. Where the applicant is different from the individual whose qualifications have been requested assessed, the applicant must include documentation of the qualifications holder's consent to the requested assessment. However, this shall not apply where a municipality or other public authority responsible for the integration of foreigners requires an assessment for its decision-making.

(3) The applicant shall provide copies of the following documents, cf., however, subsection (7):

- (i) Diplomas or certificates from all completed educational programmes.
- (ii) Translations of diplomas or certificates from all completed educational programmes.
- (iii) Transcripts of marks.
- (iv) Internship or traineeship agreements.
- (v) Any previous assessments or decisions concerning the recognition of the qualifications of the individual in question submitted or made by others than the Centre.

(4) In those cases where, under consideration of the purpose of the assessment, the Centre finds that it is necessary in order for it to assess the qualifications of the individual in question, for instance where the Centre finds that there is a basis for making an equivalence assessment under section 3(2)(ii) of the Act, the Centre shall ask the applicant further to provide

- (i) curricula or study descriptions,
- (ii) subject or course descriptions (syllabus) or
- (iii) theses, dissertations or other equivalent written works (either in full or in summary).

(5) The Centre or the consultation party who might be contributing to the assessment, cf. section 11, can ask the applicant to submit documentation in addition to the documents mentioned in subsections (3) and (4) if the Centre or the consultation party considers it necessary in order to assess the qualifications in question.

(6) The authenticity of copies of documents shall be confirmed by the issuing educational institution, by the issuing public authority, by the embassy or consulate in Denmark of the country in which the original document was issued or by a Danish authority.

(7) Documents that have not been issued in Danish, Norwegian, Swedish, English, French or German shall have a translation into one of these languages enclosed, cf. section 5.

(8) The Centre may demand that the applicant provide original documents (subject to section 4).

Missing documents

4. - (1) If the documents mentioned in section 3 cannot be obtained or it would be unreasonably onerous to do so, the Centre may process the application on a different basis.

(2) For individuals covered by subsection (1), the Centre shall prepare a background paper or an electronic statement with a digital signature that, in accordance with the Council of Europe's/UNESCO's recommendation of 6 June 2001 on criteria and procedures for the assessment of foreign qualifications, accounts for the educational background claimed by the individuals in question.

Translation of diplomas etc.

5. - (1) Translations of documents, cf. section 3(7), must be made or certified by a Danish state-authorized translator and interpreter, by the embassy or consulate in Denmark of the country in which the original document was issued or the translation was done or by a Danish embassy or a Danish consulate. However, the Centre may accept other translations where this is found to be unobjectionable.

(2) Academic degrees and titles must appear in the original language in Latin letters.

6. Sections 3-5 shall only apply to the Centre's assessments in so far as these provisions are not contrary to special statutory provisions on decisions and the like in which the Centre's assessments are to be included. Regarding assessments under section 2 a of the Act, the Centre may also derogate from sections 3-5 following negotiation with the public authorities and trade committees in question.

Part 3

Obtaining information

7. - (1) The Centre is entitled to obtain information from public authorities, private institutions, professional organisations and unemployment funds for the assessment of foreign qualifications.

(2) The powers to require information under subsection (1) include:

- (i) information that can supplement the Centre's assessment, cf. section 1, as a basis for the overall assessment of an individual's foreign qualifications, including information from an educational institution or an unemployment fund as to whether the individual whose foreign qualifications have been requested assessed has applied to be accepted into the educational institution or the unemployment fund and the results of such application, if any, and
- (ii) information that can contribute to the further improvement of the Centre's general basis for making assessments of foreign qualifications.

8. The Centre is entitled to obtain information that the Centre finds necessary for the fulfilment of the Centre's function as a knowledge centre from individuals, authorities and others who are applying for assessment of foreign qualifications, including information about citizenship or residence status.

Part 4

Competent authorities' reporting of information about decisions

9. - (1) Any authority making decisions on the right to practise regulated professions shall, not later than 1 October each year, submit to the Centre an account of the decisions made by the authority in the period from 31 August of the previous year to 1 September in the reporting year.

(2) The authority's reporting of information under subsection (1) shall contribute to enabling the Centre to perform its function as a knowledge centre for assessment and recognition of foreign qualifications etc. The authority's reporting of information shall form part of the basis for a report on assessment and recognition of foreign qualifications etc. that the Minister of Education is to present to the Folketing (the Danish Parliament) at the end of the year.

(3) The Centre shall decide the procedure in pursuance of subsection (1) and lay down the contents of the authority's reporting of information in pursuance of subsection (2).

Part 5

Duty to have an assessment made

10. - (1) Any authority making decisions on the right to practise regulated professions may on application to the Centre be granted a full or partial exemption from the duty of consultation under section 2 a of the Act. The Centre shall make a decision on such exemption based on a report from the authority on procedures, criteria and practice in relation to the authority's assessment and recognition of foreign qualifications. As part of the exemption, the Centre may derogate from the provisions in sections 3-5, cf. section 6.

(2) The exemption of an authority under subsection (1) may be revoked if

- (i) the authority no longer lives up to the practice, etc. that the authority has described in its account under subsection (1),
- (ii) the practice, etc. that the authority is applying is no longer adequate with regard to securing holders of foreign qualifications recognition of these qualifications.

(3) Decisions on exemption, including a change to or revocation of an exemption that concerns an authority that comes under the jurisdiction of another Minister, shall be made following negotiations with the Minister in question.

(4) The Centre shall publish on the Internet the authorities that have been exempted from the statutory duty of consultation.

Part 6

Consultation

11. - (1) The assessments under section 3 of the Act can be made on the basis of the expert opinion of an educational institution or other consultation parties. Educational institutions are under an obligation to participate at the request of the Centre.

(2) In connection with consultation under subsection (1), the Centre may pass on information about the educational programmes etc. completed by the individual whose qualifications are being assessed when it is considered necessary for the assessment of the qualifications.

(3) The consultation party's expert opinion must be based on a comparison of the learning outcomes evidenced by the foreign and the Danish qualification respectively.

(4) In equivalence assessments, cf. section 3(2)(ii) of the Act, the expert opinion from the consultation party shall include an assessment of any supplementary subjects and practical training periods needed to equate an individual's foreign qualifications with a given Danish qualification.

(5) In connection with assessments under section 3 of the Act, the consultation party must submit its expert opinion not later than 6 weeks after receipt of all the information necessary for the submission of an expert opinion.

Part 7

Boards of experts

12. - (1) The Centre shall set up the following five boards of experts to perform the tasks laid down in section 6(1) of the Act:

- (i) The board of experts on qualifications in science and health.
- (ii) The board of experts on qualifications in technology and craftsmanship.

- (iii) The board of experts on qualifications in social sciences and business.
- (iv) The board of experts on qualifications in the humanities and education.
- (v) The board of experts on qualifications in the arts.

(2) The Centre shall decide what qualifications fall within the scope of each board. The decision shall be published on the Internet.

(3) Each board of experts shall consist of a chairman and up till seven other members. They shall all be appointed by the Centre in their capacity as special experts, that is as individuals who, based on their professional knowledge and international focus, have an insight into problems concerning the assessment and recognition of foreign qualifications. The appointment shall be made for a period of four years. Members of a board of experts may be reappointed.

(4) The boards may in particular cases call on other experts to assist them in the tasks under subsection (3).

Part 8

Commencement

13. - (1) This Order shall enter into force on 1 August 2003.

(2) Order no. 548 of 1 July 2002 on assessment of foreign qualifications etc. is hereby repealed.

Ministry of Education, 25 June 2003

For the Minister
Uffe Toudal Pedersen
Director-General, National Education Authority

/Thomas Roed Jakobsen