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Ministry of Education and Science (UA)

Serhii Shkarlet, Acting Minister

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1135 Kyiv

Ukraine

(sent by email)

Brussels, 1 October 2020

Changes to the Law on Higher Education

Honourable Minister,

Ukraine has always stood out as a very committed member of the European Higher Education Area (EHEA), which is underpinned by having been an active member of EQAR since 2008.

Recently we became aware of the ministry's proposal for a set of amendments to, amongst others, the Law on Higher Education of Ukraine, which lead to some concern.

Having considered the [public statement](#) by the National Agency for Higher Education Quality Assurance (NAQA) and [your reaction](#), including a comparative table, our understanding is that the proposal would rescind the status of NAQA as a separate and independent legal entity under public law, and that NAQA might instead become (or be replaced by) an executive body subordinate to the ministry.

In particular, it appeared that a host of specific provisions on NAQA's structure would be done away with, in particular its governance by an independent council composed following a clearly defined process involving national and European stakeholders bodies.

While NAQA has yet to be reviewed against the Standards and Guidelines for Quality Assurance in the EHEA (ESG), we acknowledge that the current provisions on NAQA have been designed with European good practice in mind. In the spirit of European standards, the provisions aimed to enable the agency to exercise its function independently of government, institutions and other stakeholders, while at the same time assuring its full accountability to stakeholders, government and parliament.

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EQAR Founding Members:

The ENQA logo features the letters "enqa" in a bold, lowercase, sans-serif font.

The EURASHE logo consists of three stylized human figures in a row, with the word "EURASHE" and a star to their right.

The EUA logo features the letters "eua" in a bold, lowercase, sans-serif font, with "EUROPEAN UNIVERSITY ASSOCIATION" in smaller text below.

The ESU logo features the letters "esu" in a lowercase, sans-serif font, with "EUROPEAN STUDENT UNION" in smaller text below, all enclosed within a circular graphic element.

ESG standard 3.3 sets out the requirement for quality assurance agencies to be independent. That requirements needs to be combined with democratic involvement and accountability in the governance of quality assurance agencies. This is commonly assured by clear and transparent regulations assuring that different representative bodies are involved in appointing individual experts to an agency's governing body, while preventing direct influence or a "controlling stake" of one actor alone.

While we are unable to analyse the proposals in full detail, we are concerned that the proposed changes may risk undermining the NAQA's (or its succeeding body's) ability to comply with the ESG, in particular standard 3.3, should such provisions disappear.

This might jeopardise the substantial efforts taken by you and your predecessors over the past years to align Ukraine's higher education quality assurance system with European standards and thus enhance the recognition of Ukrainian degrees across Europe and beyond.

We do appreciate that your proposals react to concerns raised by the National Agency for Prevention of Corruption. While we fully support installing strong safeguards against corruption or other misconduct, we would encourage you to take such steps in full compliance with the ESG.

We are always ready to assist such efforts and to facilitate the sharing of experience from other countries that faced similar challenges.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Karl Dittrich', with a stylized, overlapping loop structure.

Karl Dittrich

Cc: Verkhovna Rada of Ukraine, Chair and Members
of the Committee on Education, Science and Innovation
National Agency for Prevention of Corruption, Head