

# DECREE 26 April 2004 No. 214

## Regulations regarding recognition criteria and procedures for qualifications issued by foreign higher education institutions operating in Italy (implementation of Article 4 of Law 11 July 2002, No. 148)

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The Minister for Education, Universities and Research has adopted the following regulations:

### Article 1 – Subject

1. The regulation defines the recognition criteria and procedures for qualifications awarded by foreign higher education institutions operating in Italy under Article VI.5 of the Convention.
2. In the regulation it is understood that:
  - a) Minister refers to the Minister for Education, Universities and Research;
  - b) Ministry refers to the Ministry for Education, Universities and Research;
  - c) Department refers to the Department for universities, higher education in art, music and dance and for scientific and technological research;
  - d) Convention refers to the Convention for recognition of qualifications relative to higher education in the European Region, established in Lisbon on 11 April 1997;
  - e) Law refers to Law No. 148 of 11 July 2002;
  - f) foreign higher education institutions refers to foreign higher education institutions that are state owned recognized or accredited in the country of origin, authorized to award qualifications and whose scientific importance has been documented at international level;
  - g) Committee refers to the National Committee for Evaluation of the University System, as stated in Article 2 of the Law No. 370 of 19 October 1999;
  - h) CNAM refers to the National Council of Higher Education in Music and Art;
  - i) Regional Co-ordination Committee refers to the Committee as stated in Article 3 of the Presidential Decree No. 25 of 27 January 1998.

### Article 2 - Prerequisites

1. In accordance with Article VI.5 of the Convention, in order to gain recognition for the qualifications they award, foreign higher education institutions must submit an application to the Ministry, according to the procedures established by the Ministry. Additions to applications are permitted only when the recognition procedure has not been concluded.
2. The above-mentioned institutions must fulfil the following prerequisites:
  - a) be recognized institutions in the higher education system of their country of origin, according to Article VIII.2, Point B of the Convention;
  - b) be higher education institutions of particular scientific importance at an international level;
  - c) the location or locations in Italy where the educational activities are carried out must be equipped with the appropriate buildings, educational facilities and services for students;
  - d) the educational activities carried out must be part of the educational programmes at the foreign higher education institution, as referred to in a);
  - e) the criteria for course entry and for student assessment must be equivalent to those used by the institution, as referred to in a);
  - f) educational activities must be carried out by teaching staff with equivalent professional prerequisites required by the staff at the institutions, as referred to in a);

g) qualifications issued in Italy by the foreign higher education institution must have the same value in the original country, as referred to in a).

### **Article 3 - Procedure**

1. The higher education foreign institutions shall submit their application, complete with the required documentation as stated in Article 2, item 2, to the Ministry for Education, Universities and Research and send a copy of the application to the Ministry for Home Affairs and the Ministry for Foreign Affairs.
2. Within sixty days of receipt of the application, the officer responsible for the procedure shall send a copy of the application and related documentation for the verification of the prerequisites to the Committee and the relevant Regional Co-ordinating Committee, as stated in Article 2, item 2, letter c). In the same time period, a copy of the application and of the documentation shall be sent to the National University Council or to the National Council for Higher Education in Art and Music for verification of the prerequisites foreseen by Article 2, item 2 letters b), d), e) and f).
3. Within the following 120 days, the Committee and the National University Council or the National Council for Higher Education in Art and Music shall make their technical evaluations as to whether the parties submitting the application have fulfilled the prerequisites, as foreseen by Article 2, item 2.
4. Within the time period referred to in item 3, the Ministers for Home and Foreign Affairs shall communicate their observations to the Ministry for Education, Universities and Research.
5. Subject to agreement from the Committee, the Regional Co-ordinating Committee, the National University Council or the National Council for Higher Education in Art and Music and following a decree from the competent General Director, qualifications issued by the institutions indicated in Article 2, item 1 may be declared admissible to the recognition procedures outlined by Article 2 of the law with the requirement to bring the length of the courses in line with the course length foreseen by existing regulations for Italian universities.
6. Where special inquiries are necessary, the deadlines indicated in the present article can be extended, at the discretion of the officer responsible for the procedure, for a further sixty days and such measures shall be communicated to the institution concerned.
7. Measures to deny admissibility shall also be communicated giving grounds for the decision, according to the same procedures.
8. Measures indicated in items 5 and 7 are published in the Official Gazette of the Republic of Italy.

### **Article 4 – Adherence to Prerequisites**

- 1 . To ascertain adherence to the prerequisites foreseen in Article 2, item 2, the Ministry shall carry out inspections, at least once every four years, on the premises of the foreign higher education institutions, as referred to in Article 3, item 5.
- 2 . If changes have occurred regarding fulfilment of the prerequisites foreseen by Article 2, item 2, and following consultation with the parties concerned, a decree revoking the decision may be passed, according to the measure adopted under Article 3, item 5, giving grounds for the decision after agreement from the Committee, the Regional Co-ordinating Committee and the National University Council or the National Council for Higher Education in Art and Music. If educational activity ceases or is interrupted the decision will be revoked. The decree revoking the decision shall be published in the Official Gazette of the Italian Republic.

### **Article 5 – Access to Procedural Documents**

- 1 . In accordance with the regulations foreseen by Article 22 of Law No. 241 of 7 August 1990, in matters concerning administrative procedures, the parties indicated in Articles 7, 9, and 10 of the law in question have the right to access procedural documents in the Ministry's possession.