

# Terms of Reference (ToR) for the project

## Part 1

### Strengthening the Role of Croatian ENIC/NARIC Office

#### Colophon

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# 1 Introduction

On behalf of the Netherlands Ministry of Economic Affairs, the Ministry of Foreign Affairs and the Ministry of Housing, Spatial Planning and the Environment, the EVD implements respectively the PSO Pre-accession Programme (PPA), the Matra Pre-accession Projects Programme (MPAP) and the PPA-Environmental Facility (PPA/V).

These Netherlands pre-accession programmes aim to assist the four candidate member states, Bulgaria, Croatia, Romania and Turkey, in meeting the criteria for EU membership through projects dealing with the (consequences of) implementation of European legislation.

The main objective of these programmes is twofold:

- providing assistance to the public sector in the implementation of the *acquis communautaire* or accession related policy;
- establishing lasting relationships between government institutions in The Netherlands and in the recipient countries.

The difference between the three programmes is found in the sectors that are covered: the PPA concentrates on the economic sectors, the MPAP concentrates on the non-economic sectors, and the PPA/V is meant for environmental projects.

The way in which the programmes are arranged in each recipient country is laid down in a policy document, the 'Memorandum of Understanding', which forms the legal basis for any activity to be undertaken.

Within the framework of the MPAP for 2006 the EVD identified the following project in Croatia:

Title	Strengthening the Role of Croatian ENIC/NARIC Office
Budget	EUR 275.000
Counterpart	<ul style="list-style-type: none"><li>• Ministry of Science, Higher Education and Sports</li><li>• Ministry of Economy, Labour and Entrepreneurship</li></ul>
Beneficiary	ENIC/NARIC Office of the Agency for Science and Higher Education
Duration	24 Months

The EVD has formulated the Terms of Reference (ToR) for the project in accordance with the Logical Framework Methodology<sup>1</sup>. During the drafting process information and feedback was obtained from the various Croatian parties involved and agreement on the content of the ToR was reached with the Ministry of Science, Higher Education and Sports, the Ministry of Economy, Labour and Entrepreneurship and the Agency for Science and Higher Education.

These ToR were formulated in full co-operation with the project's counterparts and beneficiary and represents all agreements made between the counterparts and beneficiary and the EVD regarding the framework of the technical assistance foreseen by the project (purpose, results, input of counterpart and beneficiary and required expertise).

The following chapters detail the project design and context, as well as the project organisation, as it was agreed upon with the Croatian counterparts and beneficiary. As such, this document serves as a basis for the proposal to be delivered by the tenderer according to the Tender Instructions for the project (*part 2*).

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<sup>1</sup> In annex 1 of the Tender Instructions (*part 2*) the tenderer may find an information brochure on the Logical Framework Methodology.

## 2 Project context and design

### 2.1 Overall objective

The project aims to contribute to the accession of Croatia to the European Union.

In particular, the project aims to assist Croatia with the implementation of the European directive 2005/36/EG dealing with professional recognition.

#### *Accession relevance*

The relevance of this project is connected to chapter three of the *acquis communautaire* that deals amongst others with the issue of mutual recognition of academic and professional qualifications between the member states of the European Union. This mutual recognition is an important criterion for free movement of persons and delivery of services throughout the union.

More specifically, the project deals with implementation of a new directive (2005/36/EC) that was approved in June 2005. This new directive aims at (1) consolidating the fifteen existing directives regarding recognition of academic and professional recognition, (2) enhancing flexibility of the labour market by uniting the sectoral and general system of professional recognition within one directive, (3) simplifying the current regulations regarding the recognition of professional qualifications and (4) improve information and advice to the general public.

The new directive came into force in October 2005, member states have to harmonise their national legislation according to this directive until October 2007.

In its 2004 opinion on Croatia's Application for Membership of the European Union, the European Commission mentions that it is essential to define the authority and methodology for professional recognition (recognition for the purpose of access to employment in Republic of Croatia) with special accent on regulated professions.

The National programme for the Integration of Croatia in the European Union: ....*accentuates the importance of strengthening legislative and administrative framework for recognition of qualifications, especially for regulated professions by setting it as a short term priority. As regards mutual recognition of professional qualifications, some limited progress has taken place through the setting-up of a centre for academic mobility (National ENIC/NARIC Office<sup>2</sup>) and recognition of higher education qualifications within the Agency for Science and Higher Education. However, this appears to cover mainly academic recognition, and has limited impact on the recognition of professional qualifications. In general, the Croatian framework only partly meets the *acquis* requirements, especially as regards the recognition procedures and in sectors where directives coordinate training and provide for automatic recognition. A number of clauses on nationality, residence or language should also be repealed or modified in line with the *acquis*.*

### 2.2 Problem definition

#### *Institutional setting*

The Ministry of Science, Education and Sports (MOSES) is amongst others responsible of for policy development and harmonising Croatian legislation with the *Acquis Communautaire* in the field of education and science. Regarding the subject of this project the ministry will be responsible for (1) proposing amendments to the Act on the Recognition of Foreign Educational Qualifications and (2) developing policy for academic and professional recognition and assist in its implementation and (3)

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<sup>2</sup> ENIC=European Network of Information Centres on Recognition and Mobility, NARIC=National Academic Recognition Centres.

information dissemination activities for professional recognition of HEC. Committees composed of the officials from the MOSES, legal experts and representatives of the Agency for Science and Higher Education are in charge of proposing the amendments to the law and development of policy for professional recognition (task 1 and 2 mentioned above). Information dissemination will be organised and implemented by the Agency for Science and Higher Education (task 3 mentioned above).

The Ministry of Economy, Labour and Entrepreneurship (MELE) is responsible for developing policy for labour market issues and employment. It is also responsible for the management of the so called Work Book system. According to this system each employee in Croatia needs to insert his/her educational background and work history in an official document called a work book. This information is used amongst others for determination of the salary and pension rights. The MELE is responsible for (1) developing policy for professional recognition of regulated professions and determine quotas for individual profession (2) adjusting existing regulations in order to bring them in line with the new European directive 2005/36/EC (3) investigate possibilities to abolish the work book system, since this system is not compatible with the principles of the new directive. Within MELE the Directorate for Labour and Labour Market is responsible for the workbook system and the Vocational Education Department of the Crafts Directorate is responsible for developing policy for professional recognition (4) under the Accession Negotiations process it is planned (decision was proposed by Chief Negotiator and the Negotiating Team in June 2006) that MELE become contact point for professional recognition of regulated professions according to directive 2005/36/EC

The Agency for Science and Higher Education is responsible for implementing Croatian policy for science and education. Within this agency the Croatian ENIC/NARIC Office was established in July 2004 and started its operations in December 2004. At the moment the office is responsible for supporting the administrative proceedings regarding recognition of academic and professional qualifications. The Agency appointed a Committee for evaluation of foreign higher qualification which consists of professors who convene once a month to decide on applications of foreigners for academic and professional recognition. It is foreseen that this project will support the office to develop its task as national information centre for recognition of foreign higher education qualifications (academic, professional (regulated and non-regulated professions)).

Other ministries and professional organisations (Chamber of Architects, Chamber of Medical Doctors, Chamber of Civil Engineers, Croatian Barr Association, etc.) are the competent authorities for regulated profession in Croatia within their field of competence. It is foreseen that professional organisations will become responsible for recognition of professional qualifications in line with the new European directive 2005/36/EC. The following ministries have been and will be involved in professional recognition: MELE, MOSES, Ministry of Agriculture, Forestry and Water Management, Ministry of Health and Social Welfare, Ministry of Environmental Protection, Physical Planning and Construction. Usually, the ministries regulate the profession by preparing and proposing laws, and the respective chambers determine regulations for granting licences (level of education, number of years of professional experience, etc. Regarding the new directive the division of responsibilities is not yet clear cut. The exact division has to be determined during the screening process of chapter 3 of the *Acquis*.

Higher Education Institutions (HEI) are responsible for developing curricula and providing education. They used to be the central point for nostrification<sup>3</sup> of foreign higher education credentials before Croatia ratified the Lisbon convention and introduced the Act on Recognition of Foreign Educational Qualifications. Since then the Croatian ENIC/NARIC Office has administered

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<sup>3</sup> Nostrification was the procedure undertaken in recognition of foreign diplomas throughout Europe prior to introduction of the current procedure of recognition. Nostrification refers to comparing the higher education diploma of the country of origin with that of the host country and searching for similarities in curriculum. Should there be discovered any differences, the candidate must undertake exams to obtain the same/similar qualification in the host country. Whereas in recognition there is no such comparison, only an identification of the level of diploma within the higher education system in the country of origin, and no further exams)

recognition of HEC first in cooperation with Rector's Conference Committee and now in cooperation with the Committee for evaluation. It is foreseen that higher education institutions will become responsible for recognition of academic qualifications. Each University is responsible for academic recognition with contacts established for each faculty. In July 2006 the Agency has launched a series of training sessions for academic recognition for professors in charge of recognition at respective universities.

The Croatian Employer's Association represents the interests of employers and reflects the situation on the Croatian labour market serving as a direct link for dissemination information towards employers. In this sense the Croatian Employer's Association will serve as partner during information dissemination activities and will raise awareness of employers about employment of foreigners, the procedure of professional recognition and direct them to Agency for Science and Higher Education for information about credential evaluation

Diploma holders are the most important target group of the project. They are the beneficiaries of mobility of qualified professionals and finally professional recognition.

#### *Current and desired situation*

In Croatia the Ministry of Science, Education and Sports (MOSES) and the Ministry of Economy, Labour and Entrepreneurship (MELE) are responsible for mutual recognition of academic and professional qualifications, respectively, from a policy making point of view. The MOSES is responsible for preparing amendments to the Act on Recognition of Foreign Educational Qualifications in order to bring this act in line with the new European Directive 2005/36/EG that deals with recognition of professional qualifications. The MELE is responsible for formulating labour market policy and employment policy. Furthermore the MELE is responsible for management of the so-called workbook system in which the educational and work history of people working in Croatia is registered. The MELE is also responsible for determining quota for the different professions. The Croatian ENIC/NARIC office has been established within the Agency for Science and Higher Education.

Currently the ENIC/NARIC office is, by law, responsible for the administrative process regarding both academic and professional recognition. Both processes are implemented according to the same procedure. The office prepares the decisions for the Committee for evaluation of foreign higher qualification that convenes every month to decide on applications from foreigners for recognition of their academic or professional qualifications.

The current role of the ENIC/NARIC office is regulated through the Act on Recognition of Foreign Educational Qualifications. This act has not yet been (totally) harmonised with the European Directive 2005/36/EC. In a number of areas the act needs to be amended, the most important amendments are in the following areas;

1. separation of the procedure for recognition of academic qualifications and professional qualifications. This will enable the establishment of individual networks for academic and professional recognition. In the near future Croatia wants to make universities responsible for academic recognition of higher education qualifications and professional (branch) organisations for the recognition of professional qualifications for regulated professions. In this sense they will become the future competent authorities as meant by the European directive. In this scenario the ENIC/NARIC office will concentrate on its new role as national information centre for recognition of foreign higher education qualifications (academic, professional – regulated and non-regulated professions).
2. At this moment the ENIC/NARIC office is obliged to prepare legally binding decisions, based on the advices from the Committee for evaluation. This means that a large part of the capacity of the office is needed for this administrative process, and the office is not capable of performing its task as contact point for recognition of professional qualifications and academic qualifications according to the European directive. For this reason, Croatia wants to amend the act to ensure that legally binding decisions are no longer necessary, and the task of recognising academic

and professional qualifications is transferred to universities and professional (branch) organisations.

Regarding the recognition of professional qualifications for regulated professions (such as for instance architects, civil engineers, medical doctors, public notaries, lawyers, psychologists and pharmacists), an additional step needs to be taken in case of an application for professional recognition. After a positive decision by the ENIC/NARIC office, the relevant professional (branch) organisations makes additional demands such as extra tests before the applicant gets a licence to work in his/her profession. The organisations can make these demands based on current national legislation. This legislation for the respective regulated professions needs to be harmonised with directive 2005/36/EC.

Currently Croatia uses the Workbook System, which is under the responsibility of the MELE. This system dates back to the socialist era and in this system the educational and professional history of citizens in Croatia is being kept. These data are important since they are being used to determine the salary and the pension rights. Croatia wants to abolish this system, since it is not in line with European developments in the area of recognition of academic and professional qualifications. However, for many employees and employers, it is the only system they know. Very often they are not aware of the European regulations dealing with mutual recognition. This project will strengthen the capacity of the ENIC/NARIC office to inform the general public, but also employers and educational institutions regarding the new methodology, that is in line with European requirements.

#### *Project intervention*

The project will focus on strengthening the Croatian ENIC/NARIC office to perform its tasks as national information centre for recognition of foreign higher education qualifications (academic, professional (regulated and non-regulated professions)).

This will be accomplished by exchange of experiences, transfer of knowledge and technical assistance. In this respect it will be necessary to train ENIC/NARIC staff in this field and to enable them to become trainers in the area of mutual recognition.

The project will also support the beneficiary and counterparts in formulating necessary amendments to bring Croatian legislation in line with European legislation. In this respect the project will look at Act on Recognition of Foreign Educational Qualifications will have to be investigated to what extent the project can also assist with the harmonisation of sectoral legislation.

For the ENIC/NARIC office to be able to perform its task as contact point for Croatia in the field of professional and academic recognition, it is necessary that other relevant parties such as universities, professional (branch) organisations, but also other ministries and (maybe most importantly) the general public are aware of European requirements. This Matra project will determine amongst others which mechanisms for communication should be established between the relevant parties.

In this respect it is important to co-ordinate with a CARDS 2003<sup>4</sup> project in order to ensure that the planned database under this MPAP project will be compatible with the database that will be established under the CARDS project. The 'MPAP' database will deal with recognition issues whereas the 'CARDS' database will interconnect universities and deals with quality assurance and will be centrally located in the Agency.

Through strengthening the ENIC/NARIC office as the national information centre for recognition of professional and academic qualifications, the project will contribute to the establishment of the networks of universities and professional (branch) organisations, that are foreseen to become the

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<sup>4</sup> This CARDS 2003 project titled: Quality assurance and management information system for the Agency for Science and Higher Education, will start during the last quarter of 2006. Purpose of this project is to support the development of Quality Assurance Processes, procedures, systems and structures in Croatian Higher Education and to support the development and implementation of an Information system.

future competent authorities regarding recognition of respectively academic and professional qualifications.

*Related initiatives (of other donors)*

- **CARDS 2002 Higher Education Mobility: Diploma Recognition Policy and Legislation**

Budget: 600,000

Timeframe: September 2004 – March 2006

The project goal was to raise awareness of university staff, students and general public about the problems and solutions concerning harmonisation of higher education, student mobility and recognition of diplomas. Training was conducted for university staff, students and employees of the Agency for Science and Higher education on mobility, the Bologna declaration and the Lisbon convention, focusing on learning outcomes and European Credit Transfer System (ECTS). The project offered technical assistance for amending legislation regarding higher education in general and recognition of both academic and professional higher education qualifications and intermediary organizations. All institutions that were involved in Bologna reform and eventually recognition of qualifications have been informed about the upcoming changes during series of seminars organized by the project.

The ENIC/NARIC Office benefited from the project in the following areas:

1. The project offered technical assistance for establishment of the ENIC/NARIC Office by providing hands-on training and by organising study visits in the field of credential evaluation and the existing legislative framework for recognition in EU countries for ENIC/NARIC staff.
2. Feasibility study on technical specifications and pricing for the database for recognition of Higher Education.

- **CARDS 2003 Quality Assurance and Management Information System for Agency for Science and Higher Education**

Budget: 600.000

Timeframe: September 2006 – March 2008

The project will provide technical assistance for strengthening the capacity of the Agency for Science and Higher Education to develop Quality Assurance procedures and by establishing a supporting Information System. The objectives of the project are to support the development of Quality Assurance Processes, procedures, systems and structures in Croatian Higher Education and support the development and implementation of an Information system that can be used for reliable inputs of data for Quality Assurance and Quality Management processes.

The development of this MIS will be used as a basis for the creation of the database planned as an outcome of the MPAP-project. The MPAP project will benefit from the established contacts during QA, shared information about study programs and other information from the database, and MPAP will integrate the recognition database into the already established system of shared information.

## **2.3 Project purpose**

The ENIC/NARIC office is able to perform its tasks as information centre for professional recognition according to EU directive 2005/36/EC.

## **2.4 Project results**

The following project results are anticipated to be achieved:

1. ENIC/NARIC staff are capable to act as trainers in the area of professional recognition of professional of qualifications towards relevant Croatian parties;

2. Communication mechanisms established to inform relevant Croatian parties (ministries, universities, future competent authorities and the general public) on the implications of implementation of directive 2005/36/EC.\*
3. Recommendations for amendments of Croatian legislation published and (partly) implemented regarding (1) implementation of directive 2005/36/EC, (2) legislation regarding regulated professions and (3) the workbook system

\* Regarding the second project result, the project will assist with the establishment of a database for recognition issues.

## 2.5 Types of project activities and methodologies

The choice of types of project activities and methodologies is left to the tendering parties. Project results in projects carried out under the framework of the MPAP are generally achieved by the following type of activities (the list is non-exhaustive):

- analyses, such as SWOT-analysis, GAP-analysis, Force Field analysis, Training Needs Assessment, et cetera;
- plans, procedures and strategies, including documents detailing recommendations for the necessary changes;
- documents detailing the implementation of change processes, such as handbooks, manuals, communication plans, management plans, et cetera;
- study visit(s) to relevant institutions in The Netherlands;
- workshops, seminars and conferences;
- training etc.

In order to realise maximum sustainability and impact of the project results, it is advisable to use one or more of the following methodologies: task forces, working groups, counselling, hands on assistance, train-the-trainers and on-the-job training (non-exhaustive list).

Considering that most of the project activities are in support of activities to be implemented by the respective beneficiaries, the project's main contribution is to provide them with technical assistance, specifically in terms of project management and technical expertise.

## 2.6 Assumptions and preconditions

It is assumed that during project implementation there is a continued political commitment in both the EU and Croatia to European integration. As regards the transposition, implementation and enforcement of relevant *acquis communautaire*, it is assumed that possible changes at political level will not interfere with capacities built and organisational improvements achieved under the project.

It is assumed that all Croatian parties involved (ministerial bodies, politicians, NGO's, others) are willing to co-operate in the framework of the project, and will make available (human) resources in order to fully support the project's activities.

It is assumed that the government of Croatia will make available sufficient national resources in order to ensure the sustainability of the project's results.

Please indicate what other assumptions have to be made, for instance regarding the change of the workbook system?

Pre-conditions for project implementation are an established ENIC/NARIC office, established initial contacts with all stakeholders in the field of recognition, initiated education for academic recognition at universities. Furthermore, it is a pre-condition for effective and efficient project implementation that incoming and outgoing missions and other activities are timely planned. This means that both the Dutch and the Croatian experts have to take into account the regular tasks of the Croatian parties involved and the project activities in which they are engaged.

## 3 Project organisation

### 3.1 Input provided by the counterpart, beneficiary and contractor

Most activities formulated in these ToR are in support of activities to be implemented by the respective beneficiaries. The institution building nature of this project requires that the counterpart, in co-operation with the respective beneficiaries, assume full responsibility for the implementation of the activities to be supported by the project.

The detailing and/or fine tuning of the input mentioned below by the counterpart and the beneficiary (and if desired other stakeholders) will take place after the start of the project in close consultation between the contractor, the counterpart and the beneficiary. Detailing should be done according to actual circumstances.

#### *Counterpart*

The counterparts (MOSES and MELE) will secure the availability of sufficient manpower and expert inputs at counterpart level so as to ensure the successful execution of project *implementation activities* as well as the project *monitoring activities*. Furthermore, the counterparts will support the process of amending legislation.

The input of the MOSES and MELE was agreed upon by means of a Letter of Approval. This letter is attached to these ToR in annex I.

#### *Beneficiary*

The Agency for Science and Higher Education will secure:

- the availability of sufficient manpower and expert inputs at beneficiary level so as to ensure the successful execution of project *implementation activities* as well as the project *monitoring activities*;
- adequate working space for the Netherlands experts carrying out the different activities under the project;

support to the work of project experts otherwise (such as networking, involving beneficiary organisation, organising arrangements).

The counterpart/beneficiaries will ensure that participants of working visits to The Netherlands have a good written and spoken command of the English language.

The input of the Agency for Science and Higher Education was agreed upon by means of a Letter of Approval. This letter is attached to these ToR in annex II.

#### *Monitoring of the project*

A Project Advisory Committee (PAC) will be established to guide and monitor the project.

The PAC should consist of officials who have the responsibility or the mandate to present the views of the Croatian counterparts and beneficiary and who can decide on issues which might influence the project.

#### *Contractor*

A (consortium of) Netherlands organisation(s) will be selected through a tendering procedure by the EVD and the responsible Netherlands ministry.

The contractor will be responsible for the implementation of the project. All Dutch institutional, legal and technical experts will in principle be deployed on a short-term basis. The short-term experts should have substantial experience in the relevant subject matter fields.

### 3.2 Nominated partner

Participation of the International Policy Department of the Netherlands Ministry of Education, Culture and Science is desirable from the point of view of realising the project purpose. This Department is the National Coordinator for mutual recognition issues and responsible for monitoring the implementation of European directives in this area. During the tender phase the tenderer can contact the ministry in order to specify the possible input from the ministry. The exact role of the ministry will be determined during the inception phase.

Regarding regulated professions, the medical professions are probably the most important group with respect to mutual professional recognition. With regard to realising the second project result (communication mechanisms), it might be of interest to use the experience of Netherlands Central Information Point for Medical Professions (CIBG). The tenderer can contact the ministry and the CIBG during the tender phase to specify the possible input from the ministry. The exact role of the CIBG will be determined during the inception phase.

The input from the nominated partners will have to be financed from the project budget.

The tenderer may contact the nominated partners during the tender phase.

### 3.3 Phasing and time schedule

The anticipated duration of the project is 24 months. Provided that the contract for the project will be signed before the end of 2006, the following timeframe will apply:

Project phase	Period
Start project	January 2007 (week 2)
Project inception period	January - March 2007
Project implementation period	April 2007 – November 2007
Project completion	December 2008

### 3.4 Budget

The maximum budget available for this project is EUR 275.000. The definite project sum will be determined by the EVD based on the outcome of the tender phase.

The maximum Daily Subsistence Allowance (DSA) for Croatia is:

Zagreb	€	179
Dubrovnik	€	236
Split	€	156
Elsewhere	€	107

The exchange rate is 1 USD = EUR 0.80

The following *indicative* budget breakdown in percentages can be used as a *reference*:

Inception phase	10% of budget
Project result 1	40% of budget
Project result 2	30% of budget
Project result 3	15% of budget
Completion phase	5% of budget

The project budget will account for:

- costs related to the reproduction of documentation for dissemination purposes;
- costs related to interpretation at official meetings in land (i.e. not on working level);
- costs related to interpretation necessary for (training) activities;
- transportation costs for the Dutch experts travelling from Zagreb to county or district locations for the planning and implementation of project activities.
- Costs related to the organisation of seminars, study visits

In the framework of the Matra Pre-accession Projects Programme material support may be part of project implementation under the condition that (1) the material assistance is an absolute pre-condition for realising one or more project results and, as such, achieving the project purpose; (2) the material assistance stays within an indicative maximum of 10% of the project budget. Material assistance is foreseen with regard to the establishment of a database and a web site. (Result 2)

The participation of the nominated Netherlands project has to be financed from the project budget. The tenderer can make a proposal based on the discussions with the nominated partners during the tender phase. The definitive reservation will be determined during the inception phase. See also paragraph 3.2 above.