

Bonn, January 30, 2012

Professor Gyorgy Bazsa
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Dear Professor Bazsa

Thank you for the information sent on the new Hungarian Higher Education Law. As you know, ENQA's mission is "*to contribute significantly to the maintenance and enhancement of the quality of European higher education at a high level, and to act as a major driving force for the development of quality assurance across all the Bologna signatory countries.*" In accordance with this mission, ENQA pays special attention to higher education and quality assurance developments in the Bologna signatory countries. In the past years of the development of the European higher education Area (EHEA) the Hungarian higher education and quality assurance system had a good reputation in Europe; the quality assurance system earned very good marks in the latest Bologna Process Stocktaking Report.

In this light it is not very encouraging to see that recent changes in Hungarian legal regulations may endanger the reputation and results achieved and may not be in complete harmony with the *Standards and Guidelines for Quality Assurance in the European higher education Area (ESG)* as the ultimate reference point for quality assurance in European higher education, which was adopted by Hungary, too. As I see it, the most important points of concern are the following.

1. As opposed to the previous law, quality assurance of higher education institutions is not mentioned in the new law, whereas the first part of the ESG describes the standards and guidelines for internal quality processes of higher education institutions. With this omission, the institutions will not be encouraged to continuously develop their internal quality assurance mechanisms. I wonder whether the Hungarian Accreditation Commission (HAC) will still have the legal foundation by which to review internal quality assurance systems [ESG 1.1: *Institutions should have a policy and associated procedures for the assurance of the quality and standards of their programs and awards.*]
2. The HAC may cease to be an independent organization. The old law –as I know– declared it as such, but not the new one. [ESG 3.6: *Agencies should be independent to the extent both that they have autonomous responsibility for their operations and that the conclusions and recommendations made in their reports cannot be influenced by third parties such as higher education institutions, ministries or other stakeholders.*] I see a threat to the HAC's independence posed by the following stipulations:
 - 9 out of 18 HAC members will be delegated by the minister (as opposed to none according to the previous law);
 - the minister and the president of the Hungarian Academy of Sciences select the HAC president (as opposed to HAC members electing him or her by secret ballot according to the previous law);

- presumably complete financial dependency on ministry by not mentioning financing of HAC in the new law (as opposed to funding regulations in the state budget in the previous law);
 - accreditation decisions would no longer be made by the HAC but by the minister. This feature eliminates the division of tasks between *accreditation* based on professional evaluation on the one hand and *licensing* carried out by the authorities on the other since based on the new law the minister only considers the HAC's opinion.
3. What is surprising and worrying is the fact that the new law lacks to mention the institutional and programmatic HAC accreditation reviews. There is no mention of cyclical quality evaluation at all (as opposed to regular five-year cycles in the old law) which is a basic, stipulated in ESG 2.7: *External quality assurance of institutions and/or programmes should be undertaken on a cyclical basis.*
4. The new law does not mention any appeals procedure or a board of appeals. This eliminates an element of practical and ethical significance, which would allow for internal rectification within the accreditation system. This is stipulated in ESG 3.7 Guideline: *Agencies that make formal quality assurance decisions, or conclusions which have formal consequences should have an appeals procedure.]*

I would like to add that it is a pity that the law makes no reference whatsoever to the ESG, the basic document for European higher education quality assurance.

I regret that the changes introduced by the new law show a trend which seems to go against the EHEA and general European trends and developments.

In addition to above mentioned general deliberations let me, in the capacity of President of ENQA, also draw your attention to the fact that -as it is well-known- ENQA membership criteria are for the most part identical with the ESG and all members have to comply with them. Of course I cannot prejudice how the ENQA Board will decide upon HAC's compliance with the membership criteria; however, based on the above mentioned I do see HAC's membership at risk. It would be extremely regretful to lose such an active and well respected member of the Association as HAC.

Since you mentioned that additional legal regulations are yet to come I'd like to express my sincere hope that these regulations will bring an opportunity to remedy the points of concern listed above and that we can count on HAC membership and the substantial contributions by its representatives to ENQA activities and projects in particular, and to international co-operation in quality assurance of higher education in general in the future, too.

Yours sincerely,



Dr. Achim Hopbach
President