

Approval of the Application
by the National Evaluation and Accreditation Agency (NEAA)
for Inclusion on the Register

Register Committee
12/13 June 2018

Ref. RC21/A59

Ver. 1.0

Date 2018-06-18

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| Application of: | 28/08/2017 |
| Agency registered since: | 01/02/2018 |
| External review report of: | 22/02/2018 |
| Review coordinated by: | European Association for Quality Assurance of Higher Education (ENQA) |
| Review panel members: | Jean-Marc Rapp (chair), Maria E. Weber (secretary), Mieczysław Socha, Simona Dimovska |
| Decision of: | 13/06/2018 |
| Registration until: | 28/02/2023 |
| Absented themselves from decision-making: | Izabela K. Sujka |
| Attachments: | <ol style="list-style-type: none"> 1. Confirmation of eligibility, 06/09/2017 2. External Review Report, 22/02/2018 3. Applicant's statement on the report, 03/04/2018 4. Request to the Review Panel, 22/05/2018 5. Clarification by the Review Panel, 30/05/2018 |

1. The application of 28/08/2017 adhered to the requirements of the EQAR Procedures for Applications.
2. The Register Committee confirmed eligibility of the application on 06/09/2017.
3. The Register Committee considered the external review report of 22/02/2018 on the compliance of NEAA with the Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG, 2015 version).
4. The Register Committee further considered NEAA's comment on the external review report of 03/04/2018.
5. The Register Committee sought and received clarification from the chair of the review panel (see request of 22/05/2018 and response of 30/05/2018).

Analysis:

6. In considering NEAA's compliance with the ESG, the Register Committee took into account:
 - Institutional accreditation

- Programme accreditation, including accreditation of professional fields, majors from the regulated professions and doctoral programmes
- Evaluation of projects (for the establishment of new higher education institutions or the introduction of new study programmes)
- Assessment of distance learning offers
- Reviews for altering the capacity of a higher education institution
- Post-Accreditation Monitoring and Control (PAMC) procedure (in conjunction with institutional and programme accreditation)

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7. The Register Committee found that the report provides sufficient evidence and analysis on NEAA's level of compliance with the ESG.
8. With regard to the specific European Standards and Guidelines, the Register Committee considered the following:

ESG 2.2 – Designing methodologies fit for purpose

While concurring with the panel's conclusion that NEAA complies with the standard, the Register Committee underlined the suggestion by the panel that NEAA should explore ways to make the accreditation system more flexible.

ESG 2.4 – Peer-review experts

The Register Committee sought clarification from the panel as regards the criteria and procedure for nominating student experts, in particular the role of higher education institutions in that and the possible related implications.

In its response, the chair of the review panel explained the rationale for the requirement that students have a very good academic record to be selected as experts. The panel further reaffirmed that it found NEAA was independent in recruiting and selecting its experts.

Having considered the review panel's further clarification, the Register Committee was able to concur with the conclusion that NEAA complies with the standard.

The Register Committee, however, noted that there might remain a residual risk of influence as long as higher education institutions could de facto exercise a veto right in the nomination of students to the NEAA pool of experts. While not impeding the agency's compliance with the standard (nor with standard 3.3) the Register Committee consider that NEAA should be mindful of that issue (also in regard to operational independence under standard 3.3).

ESG 2.6 – Reporting

The publication of reports was flagged when NEAA was previously admitted to the Registered in 2009.

The review panel noted that the expert groups' (EG) reports were "reflected" in the standing committee (SC) reports, but were not published as such.

The Register Committee sought clarification from the review panel as to the exact differences between those reports and the rationale for not publishing the EG report.

The panel clarified that the practice reflected NEAA's "division of labour", that there was no substantial difference between the EG and SC reports, and that the SC was not able to include in its report "other findings than those of the EG".

Having considered the report and clarification, the Register Committee was unable to comprehend why the EG report is processed into the SC report rather than published itself.

In its statement on the review report, NEAA noted that it was now publishing the full EG reports. This could, however, not be verified by the Register Committee as the reports are only available on the Bulgarian version of NEAA's website.

The Register Committee concluded that the flag has only been partially addressed.

As the standard clearly states that "full reports by the experts" (emphasis by EQAR) should be published the Register Committee was unable to concur with the panel's conclusion, but concluded that NEAA only partially complies with the standard.

ESG 2.7 – Complaints and appeals

The Register Committee noted that NEAA established an Appeals Committee that can make recommendations to the Accreditation Council (AC), but no binding decisions. The review panel, however, considered that the type of issues handled by that committee were complaints rather than appeals.

The review panel further referred to the judicial system and the higher education institutions' ability to appeal NEAA's decisions in a court. The chair of the review panel further raised a principle question in that regard within the clarification response of 30/05/2018.

The Register Committee concurs with the panel that the ESG should not be interpreted as requiring the establishment of more than one appeal systems.

The standard stipulates that "appeals processes should be clearly defined as part of the design of external quality assurance processes and communicated to the institutions" (emphasis by EQAR). The associated guidelines note that "the agencies, need to handle [issues of concern] in a professional way by means of a clearly defined process that is consistently applied" (emphasis by EQAR). The Register

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Committee considers that the wording of the standard suggests an internal system, set up and operated by the agency.

The Register Committee considers as the key requirement of the standard that the outcomes of external quality assurance are open to appeal. Furthermore, the possibility to appeal needs to be clearly defined and communicated to the institutions concerned, cover the possible grounds for appeal indicated in the guidelines and be effective and efficient in practice.

While normally expecting an internal system the Register Committee acknowledges that there might be well-founded exceptions where an external system might fulfil these requirements instead.

The review report does not include a detailed analysis of the possibility to appeal NEAA's decisions in court and its effectiveness in practice.

The review panel recommended that NEAA “clarify the role of the ‘Appeals Committee’ as a Complaint Committee” and “communicate in a transparent way to third parties the complaint and appeals procedures that are available”.

The Register Committee therefore concluded that it was not sufficiently clear whether the existing possibility of appeal was effective and clearly communicated to institutions. The Committee was therefore unable to concur with the panel's conclusion, but considered that NEAA only partially complies with the standard.

ESG 3.1 – Activities, policy and processes for quality assurance

The Register Committee noted that the review panel described NEAA's Accreditation Council (AC) as a heavily academia-driven body, due to the requirement for all members to hold a habilitation (postdoctoral qualification). As a result, the panel noted that there was a lack of stakeholder involvement, and that there were no students' or labour market/employment representatives involved in the core governance body of NEAA.

The Register Committee viewed positively that NEAA has put in place various ways of consulting stakeholders on a working level, which, according to the review panel, ensure a broader reflection and overcome the limits set by the current legal framework.

While the panel noted that a broader stakeholder involvement would require a change of the law on higher education and might have further implications for the overall functioning of the agency, the Register Committee underlined that the unbalanced composition of NEAA's governing bodies was already flagged as a matter requiring attention when NEAA was first admitted to the Register in 2009.

In the meantime, the ESG were revised and the requirement of stakeholder involvement is now more stringently formulated in standard 3.1. Moreover, substantial time has passed during which NEAA and the responsible ministry could have proposed the necessary provisions.

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As the facts and their analysis are clearly laid out in the report, the Register Committee did not request any clarification from the panel. Given the above, the Register Committee was, however, unable to concur with the panel's conclusion, but considered that NEAA only partially complies with the standard.

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9. For the remaining standards, the Register Committee was able to concur with the review panel's analysis and conclusion without further comments.

Conclusion:

10. Based on the external review report and the considerations above, the Register Committee concluded that NEAA demonstrated compliance with the ESG (Parts 2 and 3) as follows:

| Standard | Review panel conclusion | Register Committee conclusion |
|----------|-------------------------|------------------------------------|
| 2.1 | Full compliance | Compliance |
| 2.2 | Full compliance | Compliance |
| 2.3 | Full compliance | Compliance |
| 2.4 | Substantial compliance | Compliance |
| 2.5 | Full compliance | Compliance |
| 2.6 | Substantial compliance | Partial compliance |
| 2.7 | Substantial compliance | Partial compliance |
| 3.1 | Substantial compliance | Partial compliance |
| 3.2 | Full compliance | Compliance |
| 3.3 | Full compliance | Compliance |
| 3.4 | Full compliance | Compliance |
| 3.5 | Substantial compliance | Compliance |
| 3.6 | Full compliance | Compliance |
| 3.7 | (not expected) | Compliance (by virtue of applying) |

11. The Register Committee considered that NEAA only achieved partial compliance with some standards. In its holistic judgement, the Register Committee concluded that these are specific and limited issues, but that NEAA complies substantially with the ESG as a whole.
12. The Register Committee therefore approved the application for inclusion on the Register. NEAA's inclusion shall be valid until 28/02/2023¹.
13. The Register Committee further underlined that NEAA is expected to address the issues mentioned appropriately and to resolve them at the earliest opportunity.

¹ Inclusion is valid for five years from the date of the external review report, see §4.1 of the EQAR Procedures for Applications.

EQAR | Oudergemselaan/Av. d'Auderghem 36 | BE-1040 Brussels

National Evaluation and Accreditation Agency (NEAA)

Stoyanka Kireva

125 Tzarigradsko Chaussee Blvd

Block 5, fl. 4

1113 Sofia

Bulgaria

Brussels, 6 September 2017

Confirmation of Eligibility: Application for Inclusion on the Register

Application no. A59 of 28/08/2017

Dear Ms Kireva,

We hereby confirm that the application by NEAA for inclusion on the Register is eligible.

Based on the information and terms of reference provided, the external review coordinated by NEAA fulfils the requirements of the EQAR Procedures for Applications.

Please note that NEAA's previous registration on EQAR was from 7/10/2009 (not 2008, as written in the terms of reference) until 31/07/2013. We kindly ask NEAA to correct this in any documents concerned.

Since NEAA's description of activities in the application form was not comprehensive, EQAR contacted NEAA on 29/08/2017 to clarify its portfolio of activities. We confirm that the following activities of NEAA are within the scope of the ESG:

- Institutional accreditation
- Programme accreditation, including accreditation of professional fields, majors from the regulated professions and doctoral programmes
- Evaluation of projects (for the establishment of new higher education institutions or the introduction of new study programmes)
- Assessment of distance learning offers
- Reviews for altering the capacity of a higher education institution
- Post-Accreditation Monitoring and Control (PAMC) procedure (in conjunction with institutional and programme accreditation)

Please ensure that NEAA's self-evaluation report covers all the aforementioned activities.

According to the information obtained, the current legal framework in Bulgaria does not seem to be clear as to whether or not NEAA has a role in

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recognising/validating external quality assurance procedures carried out by foreign quality assurance agencies. We kindly ask you to elaborate on this issue in your self-evaluation report so as to provide more clarity about NEAA's (potential) role.

We further remind you that the following issue(s) were flagged when NEAA was admitted to the Register previously in 2009, and should be addressed in your self-evaluation report and the external review report:

ESG 2.6 – Reporting [ESG 2005: standard 2.5]

Future external reviews should consider whether possibilities for more extensive reporting (e.g. full reports in addition to summary reports) have been explored.

Furthermore, the robustness and transparency of report drafting procedures requires the necessary attention

ESG 3.3 – Independence in recruiting experts [ESG 2005: standard 3.6]

The next external review of NEAA should address whether the modified procedures for the recruitment of experts have enabled NEAA to exercise full control over its pool of experts and effectively strengthened its independence.

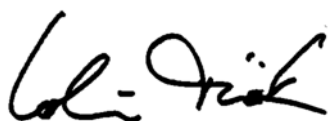
ESG 3.3 – Composition of governing bodies [ESG 2005: standard 3.6]

Future external reviews of NEAA should consider whether the external review panel's concerns regarding the unbalanced, exclusively academic profile of NEAA's bodies and possible independence-related risks have been followed up.

We will forward this letter to ENQA in its capacity of the coordinator of the external review. At the same time we underline that it is NEAA's responsibility to ensure that the coordinator and review panel take account of the present confirmation, so as to ensure that all activities mentioned are analysed by the panel.

This confirmation is made according to the relevant provisions of the EQAR Procedures for Applications. NEAA has the right to appeal this decision in accordance with the Appeals Procedure; any appeal must reach EQAR within 90 days from receipt of this decision.

Yours sincerely,



Colin Tück
(Director)

Cc: ENQA (coordinator)



REPUBLIC OF BULGARIA – COUNCIL OF MINISTERS

NATIONAL EVALUATION AND ACCREDITATION AGENCY

Full member of the European Association for Quality Assurance in Higher Education – ENQA

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Karl Dittrich

President of EQAR

Sofia, 3 April 2018

Subject: Statement of opinion in connection with the application filed by NEAA for registration on EQAR

Dear Mr President and Members of the Register Committee,

With this statement, NEAA confirms its choice to apply for registration on EQAR. For NEAA, the membership in this prestigious European institution is an incentive and responsibility for fruitful participation in the process of enhancing the quality of Bulgarian higher education and its integration into the European Higher Educational Area. To this end, NEAA organizes its work to meet the requirements set out in EQAR document "Use and interpretation of ESG for Agencies on the European Quality Assurance Register for Higher Education". By adhering to EQAR's definitions of the key concepts such as "standard", "guidelines", "activities", "institutions", "stakeholders" given in the cited document, NEAA adopted them as a conceptual apparatus in its regulatory framework. In compliance with the ESG, NEAA adopted in October 2016 a new Criterion System, which has been in place since January 2017.

Recognizing the importance and conditions for registration on EQAR, NEAA has mobilized its efforts to confirm its full membership in ENQA. It was reconfirmed on 22 February 2018 for the next five years. For NEAA, the recommendations made by ENQA, as reflected in the external review panel's report, are the basis for future fruitful cooperation and effective dialogue.

Herein you will find in brief the intentions of NEAA's future work on the implementation of the recommendations regarding the standards assessed by ENQA with substantial compliance:

ESG 3.1 ACTIVITIES, POLICY, AND PROCESSES FOR QUALITY ASSURANCE

NEAA will incorporate its positive practice of implementing ESG, as well as actions regarding ENQA recommendations, in the new strategic plan. The Agency will initiate an action for legal amendments by the Ministry of Education and Science to give rights to students and professional experts to be represented as full members in the composition and work of the Accreditation Council.

ESG 3.5 RESOURCES

NEAA accepts the recommendation to further develop the professional competencies of the administrative staff by organizing relevant training courses.

ESG 2.4 PEER REVIEW EXPERTS

The Accreditation Council currently includes foreign experts in institutional accreditation procedures. NEAA will extend the participation of international experts in terms of programme accreditation, as well, however, the implementation of this recommendation requires also the

efforts of the MES and HEIs. In order to make the selection mode of foreign experts more flexible and accessible, NEAA has signed a number of bilateral memoranda of cooperation with similar agencies whereby the exchange of experts has become easier and is a question of trust between agencies.

ESG 2.6 REPORTING

In the name of transparency of the accreditation process, NEAA will continue to publish the expert groups' reports on the Agency's website, including all of them, as well as executive summaries of their content in English. The Agency will also take into account the recommendations of ENQA to highlight the good practices applied by higher education institutions in the reports.

ESG 2.7 COMPLAINTS AND APPEALS

NEAA accepts the recommendation of the review panel of ENQA to specify the name of the Appeals Committee for student complaints and challenge of accreditation procedures, to Complaints Committee.

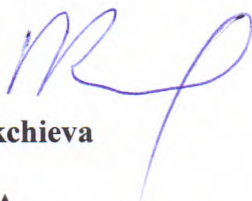
As for the recommendation to allow HEIs to appeal the decisions of NEAA's bodies before bringing the dispute to the court - this could only happen after an amendment in the HEA. In addition, HEIs have the right to give opinions on the reports of NEAA's bodies before a final decision on all procedures is taken. These opinions are the means of the HEIs to point out with evidence any factual inaccuracies or conclusions of NEAA experts. Our practice shows that, despite the possibility for HEIs to issue inconsistencies in the expert groups' reports, the few cases against NEAA in court are for the final assessment.

In conclusion:

NEAA will be honoured to be again part of the agencies registered on EQAR (as it was in the period 2008-2013).

We do believe that EQAR is the institution that gives guarantees to all participants in the EHEA on the quality of higher education in European countries and on the compliance with European norms and principles for QA.

Yours faithfully,



Prof. Petya Kabakchieva

President of NEAA

Brussels, 22 May 2018

Application by NEAA for inclusion/renewal of registration on EQAR

Dear Jean-Marc,

The National Evaluation and Accreditation Agency (NEAA) has made an application for re-inclusion on the European Quality Assurance Register for Higher Education (EQAR).

We are contacting you in your capacity as chair of the panel that prepared the external review report of 12/03/2018 on which NEAA's application is based.

The EQAR Register Committee's rapporteurs have been considering the application and the external review report. We would be obliged if you could clarify, in consultation with the panel members as necessary, some matters in order to contribute to the consideration of NEAA's application:

1. As regards **peer-review experts (ESG 2.4)**, you noted that NEAA "only selects students as experts, who are nominated by Bulgarian National Student Union (NRSU) and by the leadership of HEI" (p. 42, emphasis by EQAR), and that one requirement is to demonstrate "very good academic assessment to the moment" (p. 43).

When NEAA was previously admitted to EQAR, it was flagged for attention by future reviews "whether the modified procedures for the recruitment of experts have enabled NEAA to exercise full control over its pool of experts and effectively strengthened its independence" (see EQAR confirmation of eligibility, 6/9/2017).

- 1.1) Is our understanding correct that every student expert thus needs to be nominated by both the NRSU and the leadership of their HEI, i.e. the absence of one of the two prevents the person from being recruited as expert by NEAA?
- 1.2) If so, did the panel consider whether this requirement could limit NEAA's independence in recruiting experts?

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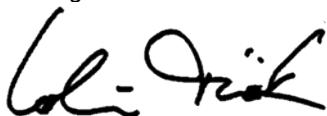
2. Regarding **ESG 2.6**, you noted that NEAA's current practice is that "the EG [expert group] report is reflected in the SC [standing committee] report and not being published as a single report" (p. 48). You further established that "there are no sufficient differences between both reports" (p. 49), but nevertheless recommended that NEAA reconsider this practice and underlined that "focus should be given to the panel's findings directly" (p. 49).
 - 2.1) Could you please elaborate on the kind of differences observed between the original EG reports and the SC reports, e.g. in terms of length, style or scope?
 - 2.2) What were the reasons cited by NEAA for not publishing the EG report as such, but only reflecting it in the SC report?
 - 2.3) What were the panel's considerations in arriving at the conclusion that the present approach is nevertheless in substantial compliance with ESG 2.6 despite the standard stating that "full reports by the experts should be published" (emphasis by EQAR)?

We be would grateful if it was possible for you to respond **by 1 June 2018**, and we would appreciate if you get in contact with us should that not be feasible.

Please note that EQAR will publish this request and your response together with the final decision on NEAA's application. We, however, kindly ask you to keep information related to the application confidential until the final decision has been published.

We acknowledge that it might not be possible to clarify all of the above. However, we appreciate your assistance and I shall be at your disposal if you have any questions in relation to this request.

Kind regards,



Colin Tück
(Director)

Cc: Maria E. Weber (secretary)
ENQA (coordinator)
NEAA

Von: **Petya Kabakchieva** kabakchieva@neaa.government.bg 
Betreff: Re: registration of Bg NEAA in EQAR
Datum: 28. Mai 2018 16:29
An: colin tueck colin.tueck@eqar.eu
Kopie: mpenelova mpenelova@neaa.government.bg

PK

Dear Colin,
Thank you for sending us this request!
Of course, the relevant answer will be that of prof. Rapp.
Anyway, I allow myself to forward the link, where the NEAA's selection procedure for experts is presented:

NEAA's selection procedure for experts could be seen on these links.

<https://www.neaa.government.bg/99-balgarski/about-us/osigurjavane-na-kachestvoto/225-procedura-za-podbor-na-eksperti>

https://www.neaa.government.bg/images/files/SUK0/Procedure_for_selection_of_experts.pdf

In short, there is written that:

"NEAA offers to the universities and colleges in the country, to the BAS, Union of Scientists, the Agricultural Academy, National Centre for Distance Learning, National Representation of Student Councils (NSSC), employers' organizations, Bulgarian Industrial Association, etc. to nominate specialists for participation in accreditation and evaluation procedures. Individuals who meet the requirements may also apply to NEAA. "

This possibility is a prerequisite for the complete independence of the students included in the expert groups and it is by strictly ensuring that they are not connected to the higher school or scientific organization being evaluated.

As for the reports of the expert groups for programme accreditation – they are published on a regular basis on the NEAA's website. We have also published the reports of the expert groups on institutional accreditation and accreditation of specialties from the regulated professions since 2017, together with the reports of the Standing committees by higher education areas in the relevant procedures, which we had published for years.

If you have additional questions, I am ready to answer.

With best regards!

Petya

Prof. Petya Kabakchieva

President of NEAA

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----- Original Message -----

From: "colin tueck" <colin.tueck@eqar.eu>

To: "Petya Kabakchieva" <kabakchieva@neaa.government.bg>

Cc: "mpenelova" <mpenelova@neaa.government.bg>

Sent: Tuesday, May 22, 2018 9:42:11 PM

Subject: Re: registration of Bg NEAA in EQAR

Dear Petya,

I send you attached for information a request for clarification we made to the chair of the review panel.

It is our usual practice to keep applicants informed of such requests, and there is no need for action on your side.

Best regards,
Colin

1) Clarification asked on review panel findings:

1.1 Is our understanding correct that every student expert thus needs to be nominated by both the NRSU and the leadership of their HEI, i.e. the absence of one the two prevents the person from being recruited as expert by NEAA?

1.2 If so, did the panel consider whether this requirement could limit NEAA's independence in recruiting experts?

Both requests will be addressed jointly:

The review panel wishes to stress that the current practice in place does not limit NEAA's independence in recruiting students as experts. As it has been explained in the review panel's report, NEAA is searching for experts both by asking its stakeholders, and by publishing a call on its website. Experts in NEAA's procedures are either Bulgarian nationals, including representatives of undergraduate and doctoral students, or international experts. NEAA has adopted specific rules for the selection/appointment of experts. With regard to students, *NEAA explains that the AC only selects students as experts*, who are nominated by Bulgarian National Student Union (NRSU) and by the leadership of HEI. The inclusion of undergraduates and doctoral students in each EG has become a consciously proven policy which has been applied also in the formation of SC.

Students are elected according to a decision of AC of July 2015; they are full members participating in evaluation, accreditation and PAMC of the activity of programmes/institutions.

In addition, the review panel has evidenced that NEAA has over the years developed specific *rules for students and doctoral students, members of the EG for evaluation and accreditation procedures*.

NEAA has developed a methodology to train and prepare experts for its procedures. Having in mind the complex structure to be followed in the various procedures, training and preparation are especially important. The review panel learned that members of the AC conduct periodical training sessions including also chairs from the SC and members from the CQ. During these meetings, participants discuss materials, documents related to the legal basis of NEAA, methodological guidelines, samples of reports.

Concerning the issue, highlighted in the request, that student should have *very good academic assessment to the moment* or should have succeeded in implementing their individual plan as doctoral students, the review panel likes to highlight as well, that students should be familiar with the normative base of higher education in Bulgaria and with the rules followed by NEAA, as well as being informed on developments of education predominantly in the countries of the EU. These expectations are also expected from all other experts. As the review panel has pointed out in its report, NEAA's experts involved in its procedures are representing widely academia. As academic qualifications are thus of high importance, it is consequent to expect also from students to have very a good academic evaluation to the moment, and it is clear that HEI's are the best placed to check this. As the review panel saw it, given the philosophy adopted by NEAA, this condition appears to be rational and understandable.

With regard to the practice in place, the review panel is convinced that NEAA has put its attention on the issue previously flagged by EQAR, according to which "whether modified procedures for the recruitment of experts (ann. which does not refer solely to students) have enabled NEAA to exercise full control over its pool of experts and effectively strengthened its independence".

As it has been demonstrated by NEAA (see also *graphic Procedural Steps of NEAA (as of NEAA SAR, July 2017)* presented under ESG 2.4) the selection/nomination/decision of/on experts (students, experts from the academia, pertinent field of professional practice) - is in the competence of the SC and the AC. The review panel did not receive any evidence neither from the SAR nor during all the interviews conducted during the site-visit that the current practice in place limits or has limited in any way NEAA's independence.

2.1 Could you please elaborate on the kind of differences observed between the original EG reports and the SC reports, e.g. in terms of length, style or scope?

2.2 What were the reasons cited by NEAA for not publishing the EG report as such, but only reflecting it in the SC report?

2.3 What were the panel's consideration in arriving at the conclusion that the present approach is nevertheless in substantial compliance with ESG 2.6 despite the standard stating that "full reports by the experts should be published" (emphasis by EQAR)?

Here again, these questions will be addressed jointly:

The review panel has discussed with great care the assessment of ESG 2.6, taking into account all the findings and developments since the last two external reviews (2014/2015). As it has been stated in the review panel's report, the ENQA review 2014 assessed the particular criterion as a non-compliant.

NEAA was asked, jointly with institutional representative bodies and the MES, to review the policy of not publishing reports in full and take as a priority the necessary measures to resolve this major deviation from the ESG. The partial ENQA review 2015 provided sufficient evidence to assess the standard fully compliant. The 2015 review panel found that NEAA has responded actively and effectively to the stated recommendation. Previously, a major condition to publication had been to obtain the full agreement of institutions in Bulgaria. NEAA committed itself to full publication through an internal order of the President. The agency entered into correspondence with the national Conference of Rectors, and secured its agreement, together with that of other stakeholders, to publish reports in full. A formal decision to publish reports, confirming the President's order, was then taken by the NEAA AC in November 2014. The review panel back then was convinced that NEAA had improved their practice regarding publishing reports.

The review panel from the 2017 review learned that NEAA has developed and supports its EG, SCs including SCPAMC with report templates. By doing so, NEAA provides clear structures of its different kinds of reports resulting from its external accreditation procedures. The templates allow EG, SCs. to follow a common pattern, which aims to provide consistency. All reports have e.g. a common core introducing section.

The **EG report** is then further providing information on implementation of recommendations from previous accreditation; verification of fulfilment of criteria applicable for the procedure; attachments (compulsory/optional as defined in the specific rules). Each EG has to present and to discuss its report with SC; in case the SC sees an issue for clarification, the report is submitted back to the EG. The report is as well submitted to the HEI. If there is a need, factual corrections can be made.

The **SCs report** provides information regarding the time schedule/chronology of the procedure conducted; implementation of recommendations from previous procedures; findings and assessment of the implementation of criteria applicable for the procedure; conclusions/draft recommendations of the SC. The report of SC is written on the basis of EG report; the AC takes its final decision based on EG/SC report. As it was explained to the review panel over the years maybe 10% of reports have been returned from AC back to SC for clarification.

Each **final report**, which is to be understood as the SC report based on EG report, including the AC decision, is published on NEAA website with a summary in Bulgarian and in English.

Since the EG report is reflected in the SC report it is not published as a single report, the review panel concluded from the evidence gained that there is no sufficient difference between both reports.

In brief, it is possible to conclude that final reports might be considered at a sort of overall *result reports* - including SC report based on EG report and the AC decision.

However, as the review panel stated in its report, NEAA should strive in the future for a revision of its current practice according to which the EG report is reflected in the SC report and *not published as a single report*. Even if there are no relevant differences between both reports, the review panel is of the opinion that focus should be given to the panel's findings directly.

The review panel observed that NEAA's practice reflects its division of labour currently in place (EG - SC - AC), but that it does not cause limitations to the independent findings of an EG. As stated above, each EG report is subject to discussions with SC; in case the SC sees an issue for clarification, the report is submitted back to the EG. The EG report is as well submitted to the HEI - and not the SC report. The HEI can, if there is a need, request factual corrections. The review panel's recommendation to NEAA to reconsider its current practice would probably lead to a wider reflection on the processes in place.

Nevertheless, as far as the EG report is concerned, the review panel did not receive any evidence neither from the SAR nor during all the interviews conducted that the SC would be in the position to include in its report other findings than those of the EG. It is possible that the term "reflecting" might have led to wrong assumptions, which were not intended. At any event, even if not ideal, the system put in place justifies in the panel's opinion a "substantial compliance" assessment, not a "partial", and certainly not a "not compliant".

2) Clarification needed on ESG 2.7

In its assessment of NEAA's compliance with ESG 2.7 (p. 49/50), the review panel considered that this standard requires *"no less than one complaint process and one appeals process, leaving to the national systems the option – but not the obligation – to set up more possibilities if it is thought proper."*¹ Thus, having noted that Bulgarian Law offers possibilities of appeals in front of judicial courts, it concluded that, as a whole, the system in place for NEAA, offering both an (internal) complaint process and an (external) appeals process, did satisfy ESG 2.7 as interpreted by the panel.

In its decision letter of March 12, 2018, the ENQA Board, while endorsing the panel's recommendation regarding ESG 2.7 (i.e. better informing the stakeholders and the public about the appeal and complaint processes available), decided to add the following recommendation:

¹ Here is the rationale of this interpretation (p. 50) : « *This seems sufficient with respect to the ESG, whose function cannot be to impose to national legal systems, in addition to access to judicial courts, the setting up of a supplemental internal "appeal" system. Such an internal system is certainly required by the ESG when the legislation does not allow access to courts, as is the case in some countries, e.g. Switzerland. But where judicial access is granted, this additional requirement would clearly delay the process to a large extent by imposing **two** appeals procedures, which cannot be the meaning of the ESG. This burden would be all the more unjustified when the internal "appeals" body would not be authorized to issue binding decisions, but only recommendations to the agency, thus forcing an institution to a first "appeal" without a real guaranty of redress. One should not forget, in addition, that a first court decision is normally itself subject to another review by a superior court.* »

“The Board would also like to express its view on ESG 2.7 (Complaints and appeals). While higher education institutions in Bulgaria have an access to the judicial system to contest the agency’s decisions, the Board yet encourages NEAA to consider whether it could introduce an internal step allowing institutions to question the formal outcomes with the agency first before taking legal action. »

Thus, the EQAR should seize this opportunity to precise the exact requirements of ESG 2.7 : is this standard satisfied if a national system offers (only) one complaint process and one appeal process, be they internal (inside the agency) or external (within the judicial system) ? Or does ESG 2.7 mean that a national system has at any event to put in place an internal « appeal » process, even if it offers access to its judicial system, as the ENQA Board seems to admit ?

Whatever the answer, this issue is sufficiently important to justify a clear and motivated EQAR position, so as to bring clarity in the interest of agencies, governments of EQAR participating countries, stakeholders, and review panels.