

Translation of Consolidation Act no. 371 of 13 April 2007 (Danish Act in effect)

## **Assessment of Foreign Qualifications etc. (Consolidation) Act**

The following is a consolidation of the Assessment of Foreign Qualifications Act, cf. Consolidation Act No. 74 of 24 January 2003, with the amendments following from Act No. 315 of 30 March 2007.

### Part 1

#### *Objective*

1. The objective of this Act is to secure the access to have foreign qualifications assessed with a view to easing the access to the Danish labour market and the Danish education system and to improve the possibility of obtaining credit for Danish and foreign qualifications within a Danish programme of education.

### Part 2

#### *Access to assessment of foreign qualifications etc.*

2. - (1) The right to obtain an assessment lies with

- (i) any holder of foreign qualifications (subject to subsections (2) and (3)),
- (ii) any authority that requires an assessment for its administrative procedures,
- iii) any employer who requires an assessment in order to decide whether or not to hire an individual with foreign qualifications,
- (iv) any educational institution and
- (iv) any unemployment insurance fund considering an application for admission from a holder of foreign qualifications.

(2) When considering applications for access to a regulated profession, the competent authority shall obtain an assessment, cf. subsection (1)(ii) and section 2 a.

(3) The holder of foreign qualifications having applied to an educational institution to have these qualifications replace parts of an educational programme at the institution cannot obtain an assessment under Part 3 concerning this decision.

(4) Assessment under Part 3 can only be requested in accordance with subsection 1(ii)-(v) when consent has been given by the holder of the qualifications submitted for assessment. However, this does not apply when a municipality or other authority responsible for the integration of foreigners requires an assessment for its decision-making.

**2 a.** - (1) It is the duty of the following to obtain an assessment:

- (i) authorities which are making decisions on access to a regulated profession,
- (ii) trade committees (faglige udvalg), respectively the Council for Agricultural Education (Landbrugsuddannelsesrådet), which are making decisions on a reduction in the length of study.

(2) Subsection (1) does not apply in cases

- (i) where an application has been made which on the basis presented can be fully granted with regard to recognition of the applicant's qualifications, or
- (ii) where, according to other legislation, access to a regulated profession cannot be granted on the basis of foreign qualifications, or
- (iii) where similarly indispensable requirements, particularly concerning the country of origin of the qualification in question or the applicant's nationality, are not fulfilled.

(3) The Minister of Education may by regulations provide for the complete or partial exemption of an authority making decisions on an applicant's right to pursue a regulated profession from the duty of obtaining an assessment under subsection (1). Regulations on such exemption shall be made on the basis of a report from the authority on procedures, criteria and practice in relation to the assessment and recognition of foreign qualifications.

(4) Any authority making decisions on the regulated professions shall, for the purposes of the report that the Minister presents once a year, cf. section 11, give an account of its decisions on access to regulated professions on the basis of foreign qualifications. The Minister of Education may make regulations with regard to the submission of this account.

(5) Regulations on exemption under subsection (3) may be revoked if the authority no longer lives up to the practice etc. which the authority has described in its account under subsection (3), or if the practice etc. that the authority is applying is no longer adequate with regard to securing holders of foreign qualifications recognition of these qualifications.

(6) The stipulation (cf. subsection (3)) and annulment (cf. subsection (5)) of regulations on exemption from the duty of consultation under subsection (1) shall take place, insofar as the authority concerned is responsible to another minister, after negotiation with the minister in question.

**2 b.** The Minister of Education or the institution which the Minister of Education has authorised for this purpose by virtue of section 7, shall advise municipalities and other authorities responsible for the

integration of foreigners of the relevant procedure for examining the individual foreigner's qualifications etc.

### Part 3

#### *Nature of the assessment*

3. - (1) The assessment shall focus on a comparison of the learning outcomes evidenced by the foreign and the Danish qualification respectively.

(2) An assessment under subsection (1) shall include

- (i) an assessment of the level of foreign qualifications compared to the levels of the Danish qualification system or
- (ii) an assessment of foreign qualifications and study periods in relation to particular Danish qualifications.

(3) The assessment under subsection (2)(ii) shall normally include an indication of which supplementary courses are required for an applicant's foreign qualifications to be equivalent to a particular Danish programme of education. Applicants holding foreign qualifications, cf. section 2(1)(i), may be referred for assessment under subsection (2)(i) instead of an assessment under subsection (2)(ii) if this is more relevant in light of the qualifications submitted by the applicant, or in relation to the purpose of the assessment.

(4) The assessment shall be binding on the following decisions:

- (i) The decision on admission by a publicly recognised educational institution.
- (ii) The decision on admission by an unemployment fund.
- (iii) The decision by an authority on an appointment.
- (iv) The decision by an authority on access to a regulated profession (subject to subsection (5)).
- (v) The decision by a trade committee (fagligt udvalg) or by the Council for Agricultural Education on a reduction in the length of study.

(5) An assessment shall only be binding on a decision on access to a regulated profession, cf. subsection (4)(iv), if it has been obtained for that purpose, cf. section 2(2).

(6) The assessment shall be advisory in relation to the decision by an educational institution as to how far an applicant's foreign qualifications can replace parts of a programme at the institution.

(7) The Minister of Education may make further regulations on assessments.

4. The Minister of Education may make regulations on the extent to which educational institutions can be directed to contribute to the assessment. If the educational institution in question falls within the area of responsibility of another minister, regulations shall be laid down following negotiation with the minister in question.

5. Repealed

## Part 3 a

### *Appeals*

**5 a.** - (1) The Minister of Education shall set up an appeals committee, the Qualifications Board (Kvalifikationsnævnet).

(2) Holders of foreign qualifications who have applied for admission to, have been admitted to or are enrolled on a programme provided under regulations made by the Minister for Education, the Minister for Science, Technology and Innovation or the Minister for Culture may appeal to Qualifications Board against a decision by an institution on whether the qualifications can replace parts of the programme in question.

(3) Holders of Danish qualifications who have applied for admission to, have been admitted to or are enrolled on a programme provided under regulations made by the Minister for Education, the Minister for Science, Technology and Innovation or the Minister for Culture may appeal to the Qualifications Board against a decision by an institution on whether the qualifications can replace parts of the programme in question.

(4) Persons who have been admitted to or are enrolled on a programme provided under regulations made by the Minister for Education, the Minister for Science, Technology and Innovation or the Minister for Culture may appeal to the Qualifications Board against a decision by an institution on whether a future study period abroad or at another Danish educational institution can replace parts of the programme in question.

(5) An appeal under subsections (2), (3) or (4) against an educational institution's decision may be lodged with the Qualifications Board by the person concerned within 4 weeks of receiving that decision. The appeal must be written and reasoned.

(6) The Qualifications Board may, under special circumstances, waive the time limit set out in subsection (5).

(7) Appeals shall be made to the Qualifications Board and shall be sent to the educational institution that has made the decision. If the institution maintains the decision, the institution shall forward the appeal to the Qualifications Board with a statement. The Qualifications Board shall make the final administrative decision.

(8) The Minister of Education shall make regulations on the Board's composition, operation, consideration of appeals and rules of procedure.

## Part 4

### *Boards of experts*

**6.** - (1) In accordance with regulations laid down by the Minister of Education boards of experts may be set up which on request

- (i) assist in the drawing up of frameworks and standards for assessment and recognition of foreign qualifications and competencies, including qualifications and competencies achieved by other means than formal education, and
  - (ii) express an opinion on the assessment of individual persons' foreign qualifications.
- (2) The chairman and members of the boards shall be appointed among special experts.
- (3) The boards may in particular cases call on other experts to assist them in the tasks under subsection (1).

## Part 5

### *Administration etc.*

7. - (1) The Minister of Education may authorise a public institution to exercise the powers under this Act, except the powers to make regulations.
- (2) Complaints cannot be filed with the Minister of Education concerning the exercise of powers under subsection (1).
8. - (1) The Minister of Education or the institution to which the Minister of Education has given authority may request information from public authorities, private institutions, professional organisations and unemployment funds for the assessment of foreign qualifications.
- (2) The Minister of Education or the institution to which the Minister of Education has given authority may request information that is necessary for the discharge of functions under section 10 from individuals, authorities and others who are applying for an assessment of foreign qualifications.
- (3) The Minister of Education or the institution to which the Minister of Education has given authority may pass information on to the educational institutions that cooperate in the assessment, cf. section 4, about the educational programme etc. of the individual whose qualifications are being assessed, when it is considered necessary for the assessment of the qualifications.
- (4) The Minister of Education may make regulations for
- (i) the access to request information under subsections (1) and (2),
  - (ii) the content and format of the applications, including applications in electronic format,
  - (iii) the submission of name, address and civil registration number or date of birth of the individual whose qualifications have been requested assessed,
  - (iv) the documentation of previous educational programmes etc., including documentation in electronic format,
  - (v) requirements with regard to the translation of diplomas etc.,
  - (vi) time limits for expert opinions, and
  - (vii) the cooperation of educational institutions in assessments.

**9.** The Minister of Education may issue regulations for

- (i) electronic communication between, on the one hand, individuals, authorities and others who have access to assessments, cf. sections 2 and 2 b, educational institutions that contribute to assessments, cf. section 4, authorities, institutions and others from whom information may be requested by virtue of section 8(1), and on the other hand, the Minister of Education or the institution authorised by virtue of section 7(1) to exercise the powers under this Act, except the powers to make regulations, and
- (ii) the use of digital signatures in communication by virtue of paragraph (1), in cases such as the application for assessment and the documentation of qualifications etc., cf. section 8(4)(ii) and (iv).

**10.** The Minister of Education or the institution to which the Minister of Education has given authority

- (i) shall provide information about the Danish education system and the foreign education systems with a view to promoting mutual recognition of foreign qualifications,
- (ii) shall provide information about and advice on assessment and recognition of foreign qualifications and competencies, including qualifications and competencies achieved by other means than formal education, and
- (iii) shall contribute to targeted initiatives for assessment of qualifications and competencies.

**11.** Once a year, the Minister of Education shall present a report to the Danish Parliament (*Folketinget*) on the assessment and recognition of foreign qualifications etc. The report shall include among other things an account of activities under sections 2 a and the activities of the Qualifications Board.

Part 6

*Commencement etc.*

**12.** This Act shall come into force on 1 July 2001.

**13.** Repealed

**14.** This Act shall not apply to the Faeroe Islands and Greenland.

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Act No. 315 of 30 March 2007, section 2, contains the following commencement provision:  
This Act shall come into force on 1 April 2007.

*Ministry of Education, 13 April 2007*

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/Anne Stærk