

AGREEMENT ON ACCESS TO HIGHER EDUCATION AND ADMISSION TO STUDY IN THE WESTERN BALKANS

The representatives of Albania, Bosnia and Herzegovina, Kosovo*, Montenegro, North Macedonia and Serbia (hereinafter referred to as “Parties”)

TAKING INTO CONSIDERATION the Western Balkans Leaders “Declaration on Common Regional Market - A catalyst for deeper regional economic integration and a stepping stone towards EU Single Market” adopted at the Summit of the Western Balkans leaders under the framework of the Berlin Process;

CONSIDERING the importance of free movement of people, with the aim to facilitate access and admission for secondary education graduates and students of the Parties who wish to begin their studies at the public higher education institutions of each of the Parties;

TAKING INTO CONSIDERATION that the list of the Public Higher Education Institutions will be specified by the Joint Commission on Recognition of Higher Education Qualifications in Western Balkans;

DESIRING to promote and strengthen the close ties and to expand the foundations for co-operation and mutual understanding in the Western Balkans;

CONVINCED that this Agreement will enhance the quality of Higher Education, encourage establishment of joint study programmes and promote student and academic mobility as well as development of exchange programmes within the Parties;

COMMITTED to apply the provisions of this Agreement in a transparent and non-discriminatory manner, without prejudice based on race, ethnicity, nationality, gender, age, religion, sexual orientation, national minority, disability or any other basis;

Have agreed as follows:

CHAPTER I

GENERAL PROVISIONS

Article 1

1. This Agreement regulates the access to higher education and admission to study at accredited public higher education institutions of the Parties for purposes of acquiring rights to studies in each of the Parties. The rights to education free of charge, housing and scholarship are regulated according to each Party’s legislative framework.

*This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

2. The Parties agree to grant applicants from other Parties access and admission to their respective public Higher Education Institutions the same or equivalent access and admission criteria as to applicants from the host Party.

Article 2

1. This Agreement applies to all levels of higher education.
2. This Agreement is without prejudice to and shall not derogate any previous arrangement, practices, or agreement between two or more Parties that is more beneficial to holders of secondary education as applicable and higher education qualifications and does not provide an obstacle for the establishment of any such further arrangement, practice or agreement.

Article 3

For the purposes of this Agreement, the following terms shall have the following meaning:

- a) Access to higher education refers to the right of qualified candidates to apply and to be considered for admission to higher education;
- b) Admission to study refers to the act of, or system for allowing qualified applicants to pursue studies in higher education at a given public higher education institution and/or a given program;
- c) Higher education institutions (HEIs) refer to accredited public higher education institutions in the Western Balkans, the list of which will be specified by the Joint Commission on Recognition of Higher Education Qualifications in WB6;
- d) Home Party refers to the Party in which the student received the qualification;
- e) Host Party refers to the Party in which the student wants to be enrolled at HEI;
- f) Equivalent access to higher education and admission to study criteria refers to all criteria defined in legal frameworks of the host Party.

Article 4

The provisions of this Agreement do not imply any exemption or preferential treatment from the currently valid residence permit legislation in the respective Parties.

Article 5

If specific qualifications or attainments in a specific subject or subjects are required for admission to a certain study programme of higher education, applicants from other Parties signatories to this Agreement shall meet such requirements on terms corresponding to those required of applicants from the host Party.

Article 6

1. If admission to study programmes of higher education is limited, the selection of applicants from the other Parties signatories to this Agreement shall be conducted in accordance with the

same or equivalent rules as those applied to applicants from the host Party. The Parties shall thereby endeavour to apply admission rules, which, to the greatest extent possible, accord applicants from the other Parties signatories to this Agreement parity with applicants from the host Party.

2. The Parties shall provide information on the study programmes available at the various institutions of higher education in the entire Western Balkan region.

CHAPTER II

RECOGNITION OF SECONDARY EDUCATION QUALIFICATIONS FOR ACCESS TO HIGHER EDUCATION AND ADMISSION TO STUDY PURPOSES

Article 7

1. For the purposes of access and admission to higher education, a joint list of secondary education institutions shall be reviewed and agreed by Joint Commission on Access to Higher Education and Admission to Study in the Western Balkans, as defined in Article 8 of the Agreement.

2. Each Party shall recognise the qualifications issued by other Parties meeting the general requirements for access to higher education in those Parties for the purpose of access to programmes belonging to its higher education system, unless a substantial difference can be shown between the general requirements for access. This substantial difference has to be explained in detail in the decision.

3. Where a qualification gives access only to specific types of institutions or programmes of higher education in the Party in which the qualification was obtained, each other Party shall grant holders of such qualifications access to similar specific programmes in institutions belonging to its higher education system, unless a substantial difference can be shown between the requirements for access. This substantial difference has to be explained in detail in the decision.

4. Where admission to particular higher education programmes is dependent on the fulfilment of specific requirements in addition to the general requirements for access in the host Party, the public higher education institutions of the host Party may impose such specific requirements equally on holders of qualifications of other Parties or assess whether applicants with qualifications of other Parties already fulfil equivalent specific requirements.

5. Where, in the Party, secondary school leaving certificates give access to higher education only in combination with additional qualifying examinations as a prerequisite for access, the other Parties may make access conditional on these requirements or offer an alternative for satisfying such additional requirements within their own educational systems.

6. Where, in the Party, secondary school leaving certificates give access to higher education only in combination with additional qualifying examinations as a prerequisite for access, the other Parties may make access conditional on these requirements making it possible to attend

classes but not to pass exams or offer an alternative for satisfying such additional requirements within their own educational systems.

7. Admission to a given public higher education institution may be made conditional on demonstration by the applicant of sufficient competence in the language or languages of instruction of the higher education institution concerned, or in other specified languages.

8. The recognition procedure of secondary education qualifications in all Parties, including the final secondary education exam results, and/or Matura exam results, is carried out within a period of a maximum of 30 (thirty) days.

9. In case the recognition procedure could not be completed within 30 days, the student can apply for enrolment at HEI with a confirmation from the competent authority that the process of recognition of secondary education qualification is in progress. This proof should be valid for 30 days only. On the admission day, the student needs to provide a decision issued by the competent authority on recognition of secondary education qualification.

Article 8

1. A Joint Commission on Access to Higher Education and Admission to Study in the Western Balkans (the Joint Commission) shall be established based on this Agreement tasked with organising, coordinating, and monitoring the activities related to the implementation of this Agreement.

2. The Joint Commission shall be composed of up to 3 representatives from each Party of the Agreement.

3. All decisions of the Joint Commission shall be agreed by all Parties.

4. The Joint Commission shall adopt its rules of procedures.

5. The Joint Commission shall meet at least twice a year.

CHAPTER III

TRANSITIONAL AND FINAL PROVISIONS

Article 9

1. This Agreement is subject to ratification, acceptance, or approval in accordance with the requirements foreseen by the relevant legislation of the Parties. The formal notice of ratification, acceptance, or approval shall be deposited with the Depositary.

2. This Agreement shall enter into force on the thirtieth day upon the deposition of the third formal notice of ratification, acceptance, or approval for those Parties that have deposited their formal notice of ratification, acceptance, or approval.

3. For each Party depositing its formal notice of ratification, acceptance, or approval after the date of the deposit of the third formal notice of ratification, acceptance or approval, this Agreement shall enter into force on the thirtieth day after the day on which that Party deposits its formal notice of ratification, acceptance, or approval.

4. North Macedonia shall act as Depository and shall notify all Parties of any notification received in accordance with this Article and any other act or notification relating to this Agreement.

Article 10

The Parties agree that any dispute arising from the implementation of this Agreement shall be addressed by the Joint Commission.

This Agreement may be amended only with the written consent of all Parties subject to the same procedure necessary to conclude this Agreement.

Article 11

If one Party withdraws from this Agreement, it shall cease to be effective only for that Party within 30 days from the date of delivery of the notification thereof to the Depository.

The Agreement is drawn up in the English language in one original version, which will remain in the possession of the Depository. Each Party will receive one certified copy of the Agreement.

Done at _____ on _____ 2024

[Signatures]