

LAW No. 03/L-060

LAW ON NATIONAL QUALIFICATIONS

The Assembly of Republic of Kosovo,

Pursuant to article 65 (1) of the Constitution of the Republic of Kosovo,

With the aim of establishing the legal basis of system for national qualification in all levels of education and formal and non formal qualification,

Approves

LAW ON NATIONAL QUALIFICATIONS

CHAPTER 1

GENERAL PROVISIONS

Article 1

Purpose and objectives of the Law

1. The purpose of the law is to establish a National Qualifications System, based on a National Qualifications Framework (NQF) regulated by a National Qualifications Authority (NQA).

2. The objectives of the law are to:

- 2.1. improve the recognition of qualifications at all levels of formal and non-formal education and training;
- 2.2. ensure that qualifications meet the needs of the labor market, economy and society;
- 2.3. regulate qualifications, assessment and certification, based on quality and standards;
- 2.4. improve access to assessment, including the recognition of prior learning;
- 2.5. make the qualifications system flexible and transparent;
- 2.6. improve opportunities for improvement and transfer for all.

Article 2

Definitions

In this Law, the following terms shall have the meanings indicated:

“Accreditation” refers to the process by which the National Qualifications Authority (NQA) established under this Law defines the institutions which assess candidates and issues certificates and diplomas (assessment bodies) and any body which carries out other functions on behalf of the NQA. Accredited institutions and bodies shall be subject to monitoring and auditing by the NQA.

“Approval” refers to the process by which the National Qualifications Authority established under this Law recognizes qualifications. The approval shall be given for a defined period and at the end of this period, the qualification shall be subject to re-approval.

“National Qualifications Authority (NQA)” is the agency established to establish the National Qualifications Framework and regulate the National Qualifications System;

“Formal education” refers to approved education programmes provided in licensed educational institutions and using curricula issued by the Ministry of Education, Science and Technology (MEST);

“Non-formal learning” refers to learning other than that provided through programmes covered by the definition of “formal education” provided in this Law;

“Informal education” is learning resulting from daily life activities related to work, family or leisure.

“Pre-university education” refers to formal school-based programmes of MEST regulated by the Law on Primary and Secondary Education (2002/19) and the Law on Vocational Education and Training (02/L42, 2006);

“Higher education” refers to levels of education regulated by the Law on Higher Education (2003/14);

“Certificate” is an official document attesting to a person’s completion of a course, educational or training programme or the requirements for award of a qualification or recording partial completion of a qualification;

“Certification” is the process of recognizing the achievements of candidates for qualifications through the award of a certificate or diploma;

“Diploma” means a document given upon completion of an extensive education program;

“Candidate” (for a qualification) is any person seeking certification of learning achievements, whether acquired through formal, non-formal or informal learning;

“European Qualifications Framework” refers to the framework of the European Union that provides a common reference point of qualification levels and descriptors enabling different national qualifications frameworks to relate and communicate with each other;

“National Qualifications Framework (NQF)” is the national mechanism for classifying qualifications awarded within the National Qualification System according to a set of criteria defining levels and types of outcomes of learning – the law proposes National Qualifications framework for Kosovo which will be compatible with the European Qualifications Framework, referred to in the law as “the Framework”;

“Credit” “is a numerical value given to qualifications, or parts of qualifications, which represents the volume of learning required to achieve the qualification or a part of the qualification. Credit can be accumulated towards a qualification or transferred between qualifications or qualification systems.

“Competence” it is the ability to perform the activities based on the required standards, with the use of appropriate practical and theoretical knowledge, creative and practical skills.

“Qualification” is an official recognition of achievement that recognizes completion of education or training or satisfactory performance in a test or examination;

“Lifelong learning” encompasses all learning activities undertaken throughout life for the development of knowledge, competencies and qualifications;

“Levels” (of qualification) are levels defined within the hierarchy of the National Qualifications Framework – levels are differentiated by increases in the complexity, depth and independence of learning;

“Recognition of prior learning” means the process of evaluating the knowledge skills or wider competences which an individual has previously acquired through formal, non-formal or informal learning. This knowledge shall be used to give possibility of advancement to a person or exemptions from part of a course or qualification or credit towards a qualification.

“Compliance” means adhering to the requirements laid down in this Law and in related regulations issued by the National Qualifications Authority;

“Social Partners” are the organizations which collectively represent employers and employees;

“**Level descriptors**” are the sets of criteria, describing outcomes of learning, for determining the level of a qualification;

“**Progression and transfer**” refers to the actions of progressing from one level of qualification to another within a hierarchy of levels, or of transferring learning from one field to another at the same level;

“**Quality assurance**” refers to the process by which the quality and consistency of qualification standards, assessment and certification are maintained;

“**Qualifications system**” refers to the complete system within which qualifications are awarded and certificated, which includes the National Qualifications Framework and arrangements for regulating the award of qualifications;

“**Standards**” are measurable indicators of achievement, defined either in terms of qualitative or quantitative criteria, that are required to be achieved by candidates for the award of qualifications;

“**Assessment**” refers to the processes (including examinations and tests) used to gather, interpret and evaluate evidence of an individual’s learning achievements - assessment for qualifications can only be carried out by institutions or bodies approved by NQA for this purpose and known as assessment bodies.

Article 3 Scope of the law

1. This Law regulates the development and maintenance of the National Qualifications Framework and the awarding of qualifications
2. The National Qualifications Authority established under the provisions of this Law shall establish and maintain a comprehensive framework of qualifications.
3. The National Qualifications Authority established under the provisions of this Law shall also regulate the awarding of qualifications in the Framework with the exception of qualifications which are regulated under the provisions of the Law on Higher Education and qualifications explicitly regulated and under the provisions of other legislation.

CHAPTER II

THE NATIONAL QUALIFICATIONS FRAMEWORK (NQF)

Article 4 Coverage and structure of the NQF

1. The NQF established under the provisions of this law shall encompass all types and levels of qualifications and certification within a structure of levels.
2. Progression from level to level shall be defined in terms of increasingly complex and demanding outcomes of learning, defined in terms of knowledge, skills and wider competences.
3. Qualifications approved for inclusion in the framework shall have credit values and be designed to allow for the accumulation and transfer of credit.
4. The NQF shall include:
 - 4.1. Qualifications awarded at all levels of the education and training system, including pre-university university and training programmes, adult education and training and lifelong learning;
 - 4.2. Certification of the outcomes of non-formal and informal learning, including the recognition of the prior learning and achievements of candidates.

Article 5 Objectives of the NQF

1. The objectives of the NQF shall be to:

- 1.1. provide a basis for co-operation and mutual recognition between NQF and EQF
- 1.2. provide transparency by making clear the nature of qualifications and the relationship between qualifications and providing a basis for comparison of achievements across all parts of the and training system;
- 1.3. ensure that qualifications are relevant to employment and learning, and meet the needs of learners, the economy and education and training institutions;
- 1.4. stimulate development of lifelong learning, including continuing skills development for adults;
- 1.5. increasing access to assessment and certification, encouraging flexible and individualized learning processes;
- 1.6. establish a system for the accumulation and transfer of credit;
- 1.7. increase quality and relevance of education and training by stimulating the development of qualifications, based on internationally comparable standards of knowledge, skills and competences and supported by rigorous quality assurance;
- 1.8. improve employability and learning opportunities for individuals by providing a basis for recognition and certification of learning and achievements.
- 1.9. support the continuation and sustainability of demand-led education and training system reforms.

Article 6

Requirements for the approval of qualifications

1. Criteria and procedures for approving qualifications for inclusion within the Framework, including descriptors for each level of the NQF and general requirements for different types of qualification, shall be defined and published by the NQA, following consultation with stakeholders.
2. The requirements shall be in conformity with the levels of the European Qualifications Framework.

CHAPTER III

ESTABLISHMENT OF THE NQA

Article 7

Status of the NQA

1. The NQA shall be an independent public organ set up with the support of MEST acting with the agreement of the Office of the Prime Minister and other relevant ministries and social partners.
2. The NQA shall have the status of a legal entity responsible for its actions in accordance with the applicable laws.
3. NQA shall have an official seal, emblem and power to sue and be sued.

Article 8

Membership of the NQA

1. The NQA shall have a Governing Board of 13 members approved by the Assembly of Kosovo. They will represent ministries, Social Partner organizations and public universities.
2. The membership of the Governing Board shall be as follows:
 - 2.1. two (2) representatives of MEST;

- 2.2. one (1) representative of the Ministry of Labor and Social Welfare (MLSW);
- 2.3. one (1) representative of the Ministry of Trade and Industry (MTI);
- 2.4. one (1) representative of the Ministry of Economy and Finance (MEF);
- 2.5. one (1) representative of the other relevant ministries;
- 2.6. two (2) representatives of the universities;
- 2.7. two (2) representatives of Social Partner organizations;
- 2.8. one (1) representative of education and training NGOs;
- 2.9. one (1) representative of private sector education and training providers;
- 2.10. one (1) representative of learners with special needs.

3. The Governing Board shall elect a chairperson and deputy chairperson from among its own staff. The chairperson shall manage the meetings of the board and shall represent the board in an executive capacity.

4. The stakeholder organizations shall be invited by MEST to make nominations.

5. With the aim to compile the initial list of nominees, MEST will establish a special commission. The commission shall approve the subsequent method of selection of members and the rules for periods of service, attendance and dismissal that shall be defined by a sub-legal act issued by NQA.

Article 9 Meetings of the NQA

1 The Governing Board of the NQA shall meet at least six (6) times a year.

2 Decisions shall be made by majority vote of the total number of members.

Article 10 Involvement of experts

1 The NQA shall establish committees and working groups as necessary to advise and carry out expert activities to support the exercise of its functions as defined in this Law.

2 The activities of the NQA shall utilize as necessary the human resources of other ministries and institutions in furtherance of its functions as defined in this Law.

Article 11 Office and staffing

1. The Committee for higher appointments shall appoint the director of NQA.

2. The director shall appoint the full time permanent staff according to the regulation for civil servants, in consultation with the Governing Board of NQA.

3. The director of the NQA shall be responsible for managing the provision of professional services, shall report to the Governing Board, and shall act as secretary to the Governing Board without voting rights.

4. The director of the NQA shall be appointed on the civil service grade equivalent to the permanent secretary of a ministry.

Article 12 Reporting and regulation of the NQA

The NQA shall submit progress reports on its activities to MEST, the Office of the Prime Minister and other relevant ministries on a six-monthly basis and report annually to the Assembly of Kosovo. The reports shall be published on the website of the NQA.

CHAPTER IV

FUNCTIONS OF THE NQA

Article 13 Policy making

The NQA shall develop policies and strategies for the establishment and implementation of the National Qualifications System.

Article 14 The Regulation of the NQF

1. The NQA's functions in relation to the NQF shall be to:

- 1.1. design the NQF, by defining the levels of the Framework and the types and levels of, certificates and diplomas to be included, with the aims of facilitating progression and transfer between different learning pathways, and ensuring compatibility with the European Qualifications Framework;
- 1.2. establish criteria and processes for the approval of qualifications proposed for inclusion in the NQF;
- 1.3. approve qualifications for inclusion at defined levels of the framework and re-approve them as necessary;
- 1.4. exercise such additional functions complementary to those at i) and ii) above as may be required.

2. In exercising this function, the NQA shall cooperate with the higher education sector, including the Kosovo Accreditation Agency and the public universities.

Article 15 Regulation of the award of qualifications

1. In addition to the responsibilities relating to the NQF, the NQA functions in relation to regulating the award of qualifications shall be to:

- 1.1. approve (and, as necessary, re-approve) standards, assessment and certification arrangements for each qualification in the NQF;
- 1.2. accredit, regulate and monitor assessment bodies, and bodies which carry out other functions on behalf of the NQA to ensure compliance with the requirements for each approved qualification;
- 1.3. carry out external quality assurance of assessments leading to the award of qualifications in the NQF;
- 1.4. maintain databases and verifiable documentary records of qualifications, in the NQF and of certificates or diplomas awarded;
- 1.5. consider appeals from candidates in respect of disputed assessment decisions by and assessment bodies and bodies which carry out other functions on behalf of the NQA;
- 1.6. carry out periodic evaluative reviews and international comparisons of qualifications provision;
- 1.7. advise institutions responsible for recognizing foreign qualifications either for academic or for employment purposes on issues of comparability and/or equivalence;
- 1.8. exercise such additional functions complementary to those listed on the above subparagraphs of this paragraph.

2. Certificates and diplomas issued for all qualifications in the Framework shall be endorsed with the seal of the NQA and shall include the approved title of the qualification; its level in the NQF and such other information as may be required by the NQA.

3. The NQA's regulatory functions listed above shall not apply to qualifications awarded by institutions that are regulated by the Law on Higher Education (2003/14) or by other legislation.

4. The NQA shall be empowered to delegate functions of the National Qualifications System to bodies which meet the requirements which it will establish.

CHAPTER V

ACCREDITATION AND REGULATION OF ASSESSMENT BODIES

Article 16

Accreditation of assessment bodies

1. The assessment of candidates for qualifications and the issuing of approved certificates and diplomas shall be carried out by institutions or bodies accredited for this purpose by the NQA and recognized as assessment bodies.

2. Requirements to be met by these institutions shall be set out in regulations to be issued by the NQA in accordance with this Law.

Article 17

Responsibilities of assessment bodies

1 The responsibilities of assessment bodies shall be to:

1.1. enroll and register candidates for qualifications;

1.2. assess candidates' formal, non-formal and informal learning and maintain records of candidate assessments;

1.3. recognize credits achieved by candidates and enable their transfer;

1.4. implement internal quality assurance of assessments leading to approved qualifications, to ensure consistency in the application of standards;

1.5. issue qualification certificates or diplomas endorsed by the NQA;

1.6. report to the NQA on certificates or diplomas awarded to individual candidates;

1.7. such other responsibilities as may be defined in regulations issued by the NQA.

2. Assessment bodies shall be required to ensure access to assessment and certification for candidates other than those following specified education and training programmes, including candidates providing evidence of prior achievements acquired through non-formal or informal learning.

CHAPTER VI

ENFORCEMENT

Article 18

Compliance checks

1. Assessment bodies and bodies which NQA has accredited to carry out functions in the national qualifications system shall be monitored by the NQA to ensure compliance with the requirements to be set out in the regulations referred to at paragraph 2 of Article 16 and paragraph 1 of Article 17 of this law.

2. In cases where a failure to comply with the stated requirements is identified, the assessment centre or other accredited body shall be required to implement changes. In such cases the NQA shall issue a written statement explaining the grounds for the finding of non-compliance, specifying the actions to be taken by the assessment centre or other accredited body concerned and the date by which the actions shall be taken.

Article 19 Sanctions

In cases where continued non-compliance with requirements is found, the NQA may withdraw accreditation.

Article 20 Use of approved qualifications in public programmes

MEST or, where appropriate, other responsible ministries may require public education and training programmes to lead only to specified qualifications approved by the NQA. This may be regulated by regulations issued by the responsible ministry.

CHAPTER VII

Article 21 Financing

1. The finance necessary to fulfill the responsibilities set out in the provisions of this Law shall be provided from the Kosovo Budget.

2. From the section 1 of NQA, in compliance with the provisions of this law, has the right to obtain funding from other resources including other ministries and donors according to this law.

3. Levies and payments from education and training institutions, including fees for education services, registration fees, charges for the award of certificates and diplomas, and donations, which shall be approved to be used to cover the cost of activities additional to the core functions. This shall be regulated with sub legal act, issued by MEST.

Article 22 Budget procedures

The NQA shall elaborate and submit to MEST for approval an annual financial plan setting out its budget for the year. The plan shall include preliminary estimates of income and a breakdown of estimated expenditure.

CHAPTER VIII

TRANSITIONAL AND FINAL PROVISIONS

Article 23 Transitional arrangements

1. The transitional period in relation to the NQA shall be a period of 24 months following the coming into force of this law. During this period, MEST, in agreement with the Office of the Prime Minister, relevant ministries, social partners and other stakeholders of the NQA, will establish interim arrangements for the work of the NQA. Working arrangements of NQA will be issued not later than six months after this law becomes effective.

2. The terms of the interim arrangements will be set out in regulations which will be issued no later than six months after the day that the working regulation is issued.

3. The Governing Body of the NQA will be established at the latest one year after the day that this Law enters into force.

4. The office of the NQA shall be established and the permanent director and staff appointed at the latest within twenty-four months of the day that this Law enters into force.
5. All the sub legal acts which implement this law will be issued within a period of 12 months when this law becomes effective.
6. When this law becomes effective all the legal provisions which regulated this qualification field will become invalid, excepting the higher education provisions.

Article 24
Entering into force

This law enters into force fifteen (15) days after publication in the Official Gazette of the Republic of Kosovo.

Law no. 03/L-060
7 November 2008

Promulgated by the Decree No. DL- 062 - 2008, dated 27.11.2008, of the President of Republic of Kosovo, Dr. Fatmir Sejdiu.