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Regulating Online Higher Education in Europe: Common Principles, National Approaches and Tips for Developing a Legal Framework

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Context

- ✓ Regulation of online higher education programs is necessary to ensure that they offer the **same academic quality**, credibility and recognition as campus-based education
- ✓ Europe has developed a common framework for higher education, but regulation remains largely a national responsibility: There is **no single European law regulating online higher education**
- ✓ In the European Union, online studies are governed by decentralized **national laws** that align with common EU and Bologna Process standards. To ensure consistent quality across borders, online degrees and courses are tied to the European Standards and Guidelines (ESG)

ESG: Purposes and Principles

- ✓ **They set a common framework** for quality assurance systems for learning and teaching at European, national and institutional level
- ✓ **They enable the assurance and improvement of quality** of higher education in the European Higher Education Area (EHEA)
- ✓ **They support mutual trust**, thus facilitating recognition and mobility within and across national borders
- ✓ **They provide information on quality assurance** in the EHEA

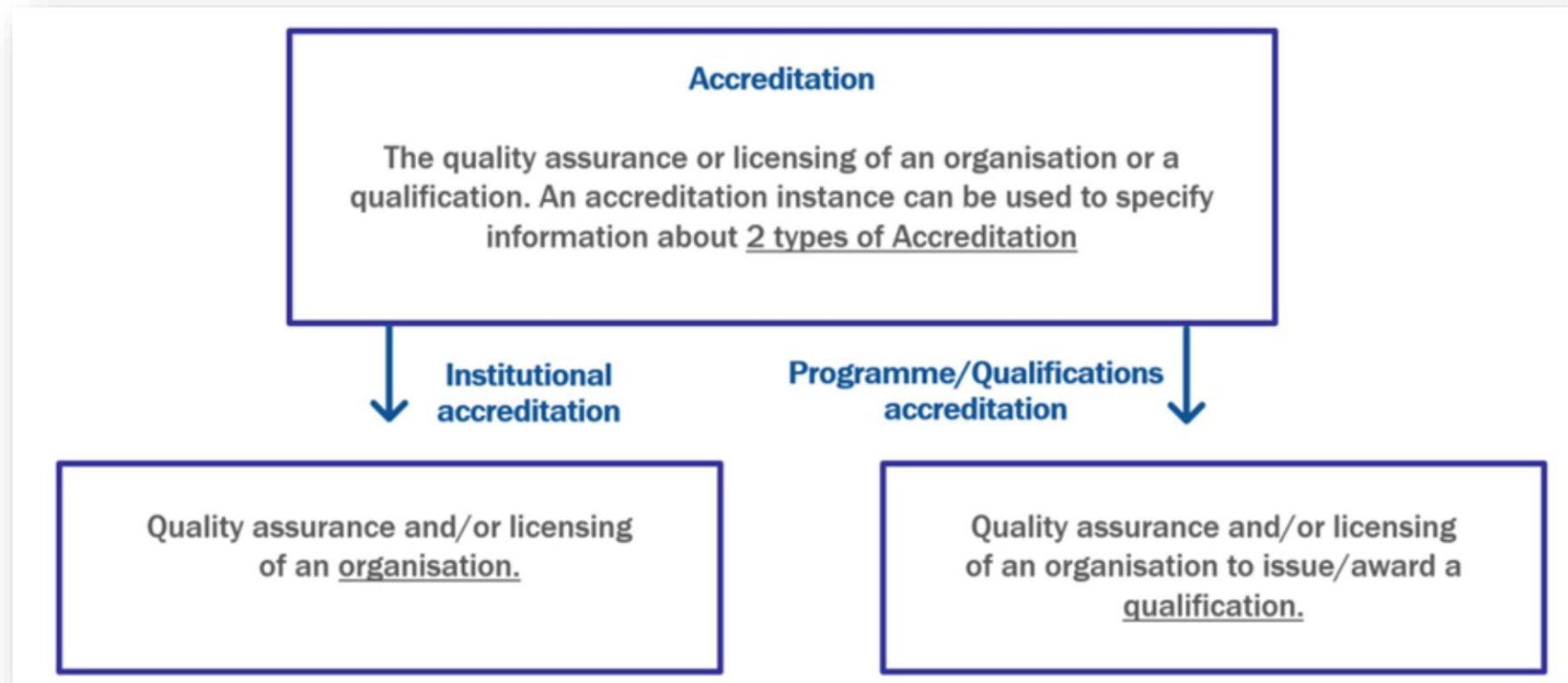
What is common across Europe?

ACCREDITATION

- ✓ **Equal academic standards:** Online programs are expected to achieve the same learning outcomes as face-to-face programs
- ✓ **External quality assurance:** All higher education institutions are subject to external quality assurance
- ✓ **Institutional responsibility:** Universities remain responsible for academic integrity; quality of teaching; assessment; student services; and data protection
- ✓ **Student-centred learning:** European standards require: accessibility; learner support; flexibility; active learning; transparent assessment
- ✓ **Recognition of qualifications:** Degrees obtained online should be recognised if they satisfy the same quality standards
- ✓ **Academic integrity:** Increasing attention to: identity verification; plagiarism prevention; secure online examinations; ethical use of AI

European Online University Accreditation

This is a formal recognition process that evaluates whether **an institution or program meets defined quality standards**. In a European context, that means the university operates within a recognized higher education framework, follows national regulations, and is subject to external quality assurance



European Accreditation Agencies

- ✓ European Association for Quality Assurance in Higher Education ([ENQA](#))
- ✓ **Spain**: National Agency for Quality Assessment and Accreditation ([ANECA](#))
- ✓ **United Kingdom**: Quality Assurance Agency for Higher Education ([QAA](#))
- ✓ **Germany**: The German Accreditation Council ([GAC](#))
- ✓ **France**: High Council for the Evaluation of Research and Higher Education ([Hcéres](#))
- ✓ **Italy**: National Agency for the Evaluation of Universities and Research Institutes ([ANVUR](#))
- ✓ **Netherlands and Flanders**: The Dutch-Flemish Accreditation Organization ([NVAO](#))
- ✓ **Sweden**: Swedish Higher Education Authority ([UKÄ](#))
- ✓ **Norway**: Norwegian Agency for Quality Assurance in Education ([NOKUT](#))
- ✓ **Ireland**: Quality and Qualifications Ireland ([QQI](#))
- ✓ **Romania**: Romanian Agency for Quality Assurance in Higher Education ([ARACIS](#))

What differs among European countries?

Area	Common European principle	National differences
Accreditation	Mandatory quality assurance (ESG)	Different agencies and procedures
Online delivery	Accepted	Some countries regulate explicitly, others treat online like face-to-face
Exams	Must be reliable	Different rules for online proctoring
Student support	Required	Different minimum requirements
Faculty qualifications	Qualified staff required	Different national criteria
Digital infrastructure	Expected / Digital Education Action Plan	Different technical standards
Data protection	General Data Protection Regulation (GDPR) (EU - 2016/679)	National implementation varies

Fundamental Regulatory Criteria in Europe



Common elements and national specificities



A legal framework for online higher education should:

1 Clearly define online higher education



Establish a clear definition of online higher education and distinguish it from face-to-face, blended, and distance learning.

2 Ensure equivalent quality standards



Guarantee that online programmes meet the same academic standards, rigor, and learning outcomes as traditional programmes.

3 Establish a robust accreditation system



Create transparent procedures for approval, accreditation, review, and monitoring of online programmes and institutions.

4 Define institutional responsibilities



Ensure institutions are fully responsible for academic quality, student support, assessment, integrity, and data protection.

5 Regulate online assessment



Ensure assessments are valid, reliable, secure, fair, and transparent, with appropriate identity verification and integrity measures.

6 Protect students



Guarantee student rights, access to support services, transparent information, privacy, and fair treatment in online learning.

7 Establish minimum technological requirements



Define minimum standards for digital infrastructure, LMS, cybersecurity, accessibility, data security, and technical support.

8 Ensure recognition of qualifications



Ensure that qualifications earned online have the same legal status and recognition as those earned face-to-face.

9 Encourage innovation while maintaining quality



Promote educational innovation and adoption of new technologies while ensuring quality, academic standards, and student protection.

Final Remarks

- ✓ Europe **doesn't have a single law** on online higher education
- ✓ European countries share **common quality principles** while maintaining national legislative autonomy
- ✓ **Quality assurance**, not delivery mode, is the cornerstone of regulation
- ✓ **South Sudan** has the opportunity to develop a legal framework that builds on international good practice while **responding to its own educational context**

Reference documents

- European Higher Education Area (EHEA): [Link](#)
- Standards and Guidelines for Quality Assurance in the European Higher Education Area (ESG): [Link](#)
- European Qualifications Framework (EQF): [Link](#)
- Digital Education Action Plan: [Link](#)
- European General Data Protection regulation (GDPR): [Link](#)
- Spanish Royal Decree 640/2021 (on the creation, recognition and authorization of universities and university centres), link to the consolidated text (*in Spanish*): [Link](#)
- *Links* to EU Higher Education Accreditation Agencies:

[ENQA](#) / [ANECA](#) / [QAA](#) / [GAC](#) / [Hcéres](#) / [ANVUR](#) / [NVAO](#) / [UKÄ](#) / [NOKUT](#) / [QQI](#) / [ARACIS](#)

THANK YOU FOR YOUR ATTENTION!

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