

法規名稱：AGREEMENT BETWEEN THE MINISTRY OF EDUCATION OF THE REPUBLIC OF CHINA AND THE CONGREGATION FOR CATHOLIC EDUCATION OF THE HOLY SEE ON COLLABORATION IN THE FIELD OF HIGHER EDUCATION AND ON THE RECOGNITION OF STUDIES, QUALIFICATIONS, DIPLOMAS AND DEGREES

簽訂日期：民國 100 年 12 月 02 日

生效日期：民國 101 年 12 月 17 日

PREAMBLE

The Ministry of Education of the Republic of China as the competent authority for Higher Education in the Republic of China

and

the Congregation for Catholic Education of the Holy See as the competent authority of the Holy See for Higher Education (hereinafter referred to as “ the Parties ”)

Guided by a common will to strengthen their cultural and educational collaboration for the good of students, the Higher Education community and society in the region;

Recalling that the purpose of this Agreement is to contribute to peace and human development;

Respectful of the principles of freedom of conscience and of religion as recognized and proclaimed by the international community;

Having regard to the moral and cultural contribution of Higher Education of the Catholic Church to the life of society;

Recognizing the common elements and the diversity which exist in the educational traditions, systems and values of both the Republic of China and the Holy See;

Convinced that these common elements and diversity of the cultures and Higher Education Systems, expressed in Higher Education Institutions with a clear profile and mission, constitute an exceptional resource;

Desirous to enable especially young people to take full advantage of the cultural resources by facilitating access for students and academics to the educational resources of each Party, with due regard to domestic regulations;

Willing to promote active international collaboration in an ever more globalised world of Higher Education and taking advantage of the role of the Catholic Church as transnational Higher Education Provider on a global scale, and of the Holy See as member of four continental/regional UNESCO Conventions on the Recognition of Qualifications in Higher Education (note 1);

Affirming the need of effective measures and trustful collaboration in between partners to assure and promote quality in Higher Education;

Conscious of the wide-ranging changes in Higher Education in the world resulting in considerably increased diversification within and between national education systems, and of the need to adapt the legal instruments and practice to reflect these developments;

Conscious of the need to find common solutions to practical challenges in regard to the recognition of studies, diplomas and degrees in Higher Education in the world;

Conscious of the need to improve current recognition practice and to make it more transparent and better adapted to the current situation of Higher Education in Asia and the world;

Considering that the recognition of studies, certificates, diplomas and degrees obtained in another Higher Education System represents an important measure for promoting academic mobility;

Respectful of each Party ' s right to create and maintain a system for qualification, and of the academic autonomy and freedom of its institutions;

Have agreed to observe the following principles for the recognition of Studies, Qualifications, Diplomas and Degrees in Higher Education (thereon quoting - partly literally - the text of the UNESCO Regional Convention on the Recognition of Studies, Diplomas and Degrees in Higher Education in Asia and the Pacific, adopted and signed by the competent Ministers on 26 November 2011 at the Ministerial Conference in Tokyo), as well as for other concerns, which are applicable to their mutual interests in educational and cultural fields:

SECTION I

DEFINITION OF TERMS

Article 1

The technical terms used in this Agreement shall have the same meaning as defined in Section I, Article 1 of the said UNESCO Convention.

SECTION II

HIGHER EDUCATION LEGISLATION AND THE COMPETENCIES OF AUTHORITIES

Article 2

(A) The Parties agree that both authorities, responsible for their own Higher Education System and for the Higher Education Institutions established or approved by the same authorities or otherwise considered as belonging to their systems, shall be independent and autonomous each within their field and adhering to the said principles shall

closely cooperate among them.

- (B) The Parties agree that their respective legislation regarding their own Higher Education System and the Higher Education Institutions shall be valid and respected each within their field.
- (i) Catholic Universities and other Catholic Higher Education Institutions, subject to the Apostolic Constitution *Ex corde Ecclesiae* (1990) and located in the Republic of China, shall be fully subject to the legislation of the Republic of China regarding the organization, academic degrees, quality and accreditation measurements and other principles and provisions inherent to its Higher Education System.
- (ii) Respecting a clear religiously based profile and identity as an added value and legitimate expression of the variety of Higher Education, Catholic Higher Education Institutions – in accordance to the Apostolic Constitution *Ex corde Ecclesiae* (1990) and any other norm of Canon law regarding Catholic Higher Education – shall be free to develop a clear Catholic profile and exercise their academic activities according to the principles of faith and moral teaching defined by the Magisterium of the Catholic Church. The same institutions – respecting the principles of freedom of conscience and of religion of every student in accordance with Article 13 of the Constitution of the Republic of China as well as with Article 7 of the Private School Law (2008) – shall be able to offer courses of introduction into Philosophy, Social Doctrine, Ethics, Anthropology and Catholic Religion/Theology as part of their programs.
- (iii) As regards the Ecclesiastical Universities and Faculties (i.e. those which are erected or approved by the Congregation for Catholic Education of the Holy See and which enjoy the right to award academic degrees in the name of the Holy See), which specifically pertain to the

sphere of Religion, the Republic of China is to recognize the unique character of this worldwide Educational System over which the Holy See has the sole competence when it comes to the content of religious doctrine, the approval of Programs of Study and Institutional Statutes, as well as the appointment, promotion and dismissal of governance and teachers.

- (iv) The competent authorities shall be enabled to agree - through legally binding contracts - with teachers and staff on a code of conduct, principles and values to assure full compliance with the Catholic profile and identity as well as procedures for addressing cases of grave violations of the same principles.
- (C) The Parties agree that in both Higher Education Systems adequate measures and instruments for Quality Assurance and/or Accreditation according to international standards should be in place and be enabled to operate and cooperate with each other within their own Higher Education Systems and regarding the Higher Education Institutions belonging to their systems, respecting their specific competence within their proper field and system.

Article 3

The Parties shall officially inform the other about changes in legislation regarding Higher Education affecting this Agreement.

SECTION III

BASIC PRINCIPLES RELATED TO THE ASSESSMENT OF QUALIFICATIONS

Article 4

- (A) Holders of qualifications issued in one of the Parties shall, upon request to the appropriate body, have adequate access to an assessment of these qualifications in a timely manner.
- (B) In order to assure this right for holders of qualifications,

the Parties undertake to make appropriate arrangements for the assessment of an application for recognition of qualifications with the main focus on the knowledge, understanding and skills achieved.

Article 5

The Parties shall ensure that the procedures and criteria used in the assessment and recognition of qualifications are transparent, coherent and reliable.

Article 6

- (A) Decisions on recognition shall be made on the basis of appropriate information on the qualifications for which recognition is sought.
- (B) In the first instance, the responsibility for providing adequate information rests with the Parties, who shall provide such information in good faith and in a timely manner.
- (C) Notwithstanding the responsibility of the Parties, the institutions having issued the qualifications in question shall have a duty to provide, upon request of the applicant and within a reasonable timeframe, relevant information to the holder of qualifications, to the institution, or to the competent authorities of the Party in which recognition is sought.
- (D) The Parties shall instruct or encourage, as appropriate, all education institutions belonging to their education systems to comply with any reasonable request for information for the purpose of assessing qualifications earned at the said institutions.
- (E) The responsibility to demonstrate that an application does not fulfill the relevant requirements lies with the body undertaking the assessment.

Article 7

The Parties shall ensure, in order to facilitate the recognition of qualifications, that adequate and clear information on its education system is provided.

Article 8

Decisions on recognition of qualifications shall be made within a reasonable time limit specified beforehand by the competent recognition authority and calculated from the time all necessary information and documents in the case have been provided. If recognition is withheld, the reasons for the refusal to grant recognition or to grant partial recognition shall be stated, and information shall be given concerning possible measures the applicant may take in order to obtain recognition at a later stage. If recognition is withheld, if partial recognition is granted or if no decision is taken, the applicant shall be entitled to make an appeal within a reasonable time limit and shall be informed about the modalities and time limits for making such an appeal.

SECTION IV

RECOGNITION OF QUALIFICATIONS GIVING ACCESS TO HIGHER EDUCATION

Article 9

The Parties shall recognize, for the purpose of access to each Higher Education program, the qualifications issued by the other Party meeting the general requirements for access to their respective Higher Education programs, unless a substantial difference can be shown between the general requirements for access in the Party in which the qualification was obtained and those in the Party in which recognition of the qualification is sought.

Article 10

(A) This Agreement on the recognition of Studies, Qualifications, Diplomas and Degrees shall apply to:

- (i) All Higher Education Institutions approved and/or

accredited by the Ministry of Education of the Republic of China or by any other legitimate Higher Education authority, or those legitimately operating within the Republic of China.

- (ii) All ecclesiastical Higher Education Institutions of the Catholic Church - that is those which have been canonically erected or approved by the Holy See, which foster and teach sacred doctrine and the sciences connected therewith, and which have the right to confer academic degrees by the authority of the Holy See - located and legitimately operating in the Republic of China, within the territory of the Vatican City State, in Rome or in any other place of the world.

- (B) The competent authorities of the Parties to decide and officially communicate which institutions fall into these categories are the Ministry of Education of the Republic of China in the case of the Republic of China and the Congregation for Catholic Education of the Holy See in the case of the Holy See.

Article 11

Where admission to a particular Higher Education program is dependent on the fulfillment of specific requirements in addition to the general requirements for access, the competent authorities of the Party concerned may impose the additional requirements on holders of Higher Education qualifications obtained in the other Party or assess whether an applicant with Higher Education qualifications obtained in the other Party has fulfilled comparable requirements.

Article 12

Where, in a Party in which they have been obtained, school leaving certificates give access to Higher Education only in combination with additional qualifying examinations as a prerequisite for access, the other Party may make access

conditional on these requirements or offer an alternative for satisfying such additional requirements within its own educational systems.

Article 13

Without prejudice to the provisions of Articles 9 to 12, admission to a given Higher Education Institution, or to a given program within such an institution, may be restricted or selective. In such cases in which admission to a Higher Education Institution and/or program is selective, admission procedures should be designed with a view to ensuring that the assessment of foreign Higher Education qualifications is carried out transparently and according to the basic principles of fairness.

Article 14

Without prejudice to the provisions of Articles 9 to 12, admission to a given Higher Education Institution may be made conditional on demonstration by the applicant of sufficient competence in the language or languages of instruction of the institution concerned, or in other specified languages in order for the applicant to profitably undertake the studies in question.

SECTION V

RECOGNITION OF PERIODS OF STUDY

Article 15

Each Party shall appropriately recognize periods of study completed within the framework of a Higher Education program in the other Party. This recognition shall comprise such periods of study towards the completion of a Higher Education program in the Party in which recognition is sought, unless substantial differences can be demonstrated between the periods of study completed in the other Party and the part of the Higher Education program which they would replace in the Party in which

recognition is sought.

SECTION VI

RECOGNITION OF HIGHER EDUCATION QUALIFICATIONS

Article 16

To the extent that a recognition decision is based on the knowledge and skills certified by the Higher Education qualification, each Party shall recognize the Higher Education qualifications conferred within the system of the other Party, unless a substantial difference can be demonstrated between the qualification for which recognition is sought and the corresponding qualification in the Party in which recognition is sought.

Article 17

Recognition in a Party of a Higher Education qualification issued in the other Party shall have one or both of the following consequences:

- (i) Access to further Higher Education studies, including relevant examinations and/or to preparations for the doctorate, on the same conditions as those applicable to holders of qualifications of the Party in which recognition is sought;
- (ii) The use of an academic title, subject to the laws and regulations of the Party or a jurisdiction thereof, in which recognition is sought; such recognition may facilitate access to the labor market.

Article 18

An assessment in a Party of a Higher Education qualification issued in the other Party may take the form of advice:

- (a) for general employment purposes;
- (b) to an educational institution for the purpose of admission into its programs;
- (c) to any other competent recognition authority;

- (d) to the holder of the qualification as a statement on the general value of the said qualification.

SECTION VII

INFORMATION ON THE ASSESSMENT/ACCREDITATION AND RECOGNITION MATTERS

Article 19

- (A) Each Party shall provide adequate information on any institution belonging to its Higher Education System, and about its quality assurance system, with a view to enabling the competent authorities of the other Party to ascertain whether the quality of the qualifications issued by these institutions justifies recognition in the Party in which recognition is sought.
- (B) The competent authorities of the Parties to provide adequate official information are the Ministry of Education of the Republic of China in the case of the Republic of China and the Congregation for Catholic Education of the Holy See in the case of the Holy See.
- (C) The same Higher Education authorities of the Republic of China and of the Holy See shall provide information, specifically on the following:
- (i) A description of its Higher Education System;
 - (ii) An overview of the different types of Higher Education Institutions belonging to its Higher Education System, with the typical characteristics of each type of institution;
 - (iii) A list of recognized and/or accredited Higher Education Institutions (public and private) belonging to its Higher Education System, indicating their powers to award different types of qualifications and the requirements for gaining access to each type of institution and program;
 - (iv) A list of educational institutions located outside its territory which the Party considers as belonging to its

education system;

- (v) National qualifications frameworks or other similar instruments;
- (vi) Provisions for accreditation and/or quality assurance.

Article 20

- (A) The Ministry of Education of the Republic of China in the case of the Republic of China and the Congregation for Catholic Education of the Holy See in the case of the Holy See shall provide relevant, accurate and up-to-date information in order to facilitate the recognition of qualifications concerning Higher Education, by
 - (i) facilitating access to authoritative and accurate information on the Higher Education System and qualifications of the country in which it is located or the system it belongs to;
 - (ii) facilitating access to information on the Higher Education Systems and qualifications of the other Party; and
 - (iii) giving advice or information on recognition matters and assessment of qualifications, in accordance with international and national laws and regulations.
- (B) The Congregation for Catholic Education of the Holy See or another organization, office or institution authorized by it for this purpose, shall provide information on the Higher Education System of the Republic of China and Higher Education Institutions legitimately belonging to or operating within the same system, in the framework of Recognition Conventions signed and ratified by the Holy See in order to:
 - (i) facilitate access to authoritative and accurate information on the Higher Education System and qualifications of the Republic of China;
 - (ii) promote academic collaboration and mobility among students and teachers;
 - (iii) give advice or information on recognition matters and

assessment of qualifications, in accordance with national laws and regulations.

SECTION VIII

IMPLEMENTATION AND FINAL CLAUSES

Article 21

The body to oversee, promote and facilitate the implementation of this Agreement shall be a Mixed Commission comprised of 3-5 representatives of each Party, to be appointed by the Ministry of Education of the Republic of China in the case of the Republic of China and the Congregation for Catholic Education of the Holy See in the case of the Holy See.

Article 22

Should any divergence arise in the future concerning the interpretation or implementation of this Agreement, the Parties – through the Mixed Commission – will proceed by common accord to an amicable solution.

Article 23

This Agreement, which is of cultural and administrative character, shall enter into force from the moment of reciprocal notification of the fulfillment by the Parties of the procedures necessary for its entrance into force.

In witness thereof, the undersigned representatives have signed this Agreement.

Done in Taipei, on 2 December 2011, in two originals, in the English language.

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| FOR THE MINISTRY OF | FOR | THE CONGREGATION FOR CATHOLIC |
| EDUCATION OF THE REPUBLIC OF | | EDUCATION OF THE HOLY SEE |
| CHINA | | |

Ging - ji-Wu

Zenon Cardinal Grocholewski

(note 1) Latin America and the Caribbean Region, Mexico City
1975; Africa, Arusha 1981; Asia and the Pacific Region,
Bangkok 1983/Tokyo 2011; UNESCO European Region, Lisbon
1997.