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Abstract

2010 sees the end of the process of establishing the European Higher Education Area (EHEA). Although not all countries may have achieved all the objectives, many are those countries and universities who have implemented many of the targets set. Within the Bologna Process, there have been many developments such as: European Credit Transfer and Accumulation System (ECTS) for the transfer of period of study abroad; joint degrees; and quality assurance aspects among others. Guidelines for Quality Assurance and the development of an overarching European Qualifications Framework have been developed. While the Bologna Process brings with it many advantages on an education level, the discussion has not really considered the legal aspects of such a system. Once the EHEA is implemented comprehensively across Europe, situations may arise which would require universities to consider the legal aspects of learning that students may have experienced within different tertiary institutions. This paper considers what problems may arise, for example with

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fraudulent behaviour by students in the acquisition of ECTS credits in another university; with weaknesses or failure to prove quality of learning following an external quality assurance audit in another university; with the failure to deliver learning by one of the partner universities running joint degrees etc., and explores the possible legal implications of such situations as well as identifying the legal lacunae which exist and which need to be taken into consideration if the EHEA is to maintain the reputation that it aims for. (HRK / Abstract übernommen)